



Metro Inner-South Joint Development Assessment Panel Minutes

Meeting Date and Time: Friday, 22 September 2023; 9:30am
Meeting Number: MISJDAP/159
Meeting Venue: Town of Victoria Park
99 Shepparton Road, Victoria Park

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Clayton Higham
Presiding Member, Metro Inner-South JDAP



Attendance

DAP Members

Clayton Higham (Presiding Member)
Lee O'Donohue (A/Deputy Presiding Member)
Diana Goldswain (A/Third Specialist Member)

Items 8.1 & 8.2

Cr Claire Anderson (Local Government Member, Town of Victoria Park)

Item 9.1

Mayor Phil Marks (Local Government Member, City of Belmont)
Cr Robert Rossi (Local Government Member, City of Belmont)

Officers in attendance

Items 8.1 & 8.2

Robert Cruickshank (Town of Victoria Park)
Jonathan van Butzelaar (Town of Victoria Park)
Darren Leicester (Western Australian Planning Commission)
Nina Lytton (Western Australian Planning Commission)

Item 9.1

Nicholas Reddy (City of Belmont)
Brandon Pang (City of Belmont)

Minute Secretary

Janine Martin (Town of Victoria Park)

Applicants and Submitters

Items 8.1 & 8.2

Renee Young (element Advisory Pty Ltd)
Andrew Bouhlas (Golden Group)
Felipe Soto (Space Collective Architects)
Denis Chew (DKO Architects)

Item 9.1

Joseph Tilli (Property Development (WA) Pty Ltd)

Members of the Public / Media

Nil.

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1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.36am on 22 September 2023 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

Rachel Chapman (Deputy Presiding Member)
Karen Hyde (A/Deputy Presiding Member)
Peter Lee (Third Specialist Member)
John Syme (A/Third Specialist Member)
Shelley Shepherd (A/Third Specialist Member)
Jason Hick (A/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.

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6. Disclosure of Interests

DAP Member, Peter Lee, declared an indirect pecuniary interest in items 8.1 & 8.2. Mr Lee's employer (Hassell) is currently working for the owner of this application (Golden Sedayu Pty Ltd).

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 an indirect pecuniary interest, was not permitted to participate in the discussion and voting on the item.

PROCEDURAL MOTION

Moved by: Lee O'Donohue

Seconded by: Diana Goldswain

That the application at Item 9.1 be heard prior to the application at Item 8.1a & b and 8.2 a & b.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: To enable consideration of the Form 2 application first and to accommodate visiting City of Belmont members.

7. Deputations and Presentations

7.1 Joseph Tilli (Property Development WA Pty Ltd) addressed the DAP against the recommendation for the application at Item 9.1

7.2 City of Belmont Officers addressed the DAP in relation to the application at Item 9.1 and responded to questions from the panel.

The presentations at Items 7.1 and 7.2 were heard prior to the application at 9.1.

7.3 Renee Young (Element Advisory) addressed the DAP in support of the recommendation for the application at Item 8.1a&b and 8.2a&b.

7.4 Town of Victoria Park Officers addressed the DAP in relation to the application at Item 8.1a & 8.2a.

7.5 Western Australian Planning Commission Officers addressed the DAP in relation to the application at Item 8.1b & 8.2b.

The presentations at Items 7.3 – 7.5 were heard prior to the application at Item 8.1a & b and 8.2a & b.

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8. Form 1 – Responsible Authority Reports – DAP Applications

8.1a No. 3 (Lot 3001) Graham Farmer Freeway, Burswood

Development Description: 41 Grouped Dwellings
Applicant: Renee Young (element Advisory Pty Ltd)
Owner: Golden Sedayu Pty Ltd
Responsible Authority: Town of Victoria Park
DAP File No: DAP/23/02490

REPORT RECOMMENDATION

Moved by: Cr Claire Anderson

Seconded by: Ms Lee O'Donohue

The following amendment was made administratively to Condition 3 and 4.

- Prior to lodging an application for a building permit for Lot ~~316~~ 361, a detailed amended site plan for Lot ~~316~~ 361 with accompanying detailed floorplans and elevations are to be submitted to, and approved to, the satisfaction of the Town of Victoria Park, which provide for the eastern boundary of Lot-~~316~~ 361 to be amended to accommodate a waste truck turnaround facility to the immediate east of Lot ~~316~~ 361. This is to be generally consistent with the plan provided to the Town of Victoria Park titled: "Racecourse Homes Townhouse Type N Schematic Phase" Drawing No. SK2-222 Revision J. The plans are also to demonstrate appropriate arrangements have been made, to the Town's satisfaction, with respect to the land tenure of the turnaround facility area.*
- Prior to lodging an application for a building permit for Lot ~~316~~ 361, a Waste Management Plan must be submitted to and approved by the Town. The plan shall show the collection points for all bins being from the road reserve adjoining each dwelling, as agreed by the Town, to the satisfaction of the Town. Thereafter, the approved Waste Management Plan must be implemented at all times, to the satisfaction of the Town unless otherwise approved by the Town.*

REASON: To correctly reflect the Lot number being referenced in the conditions

That the Metropolitan Inner South JDAP resolves to:

Approve DAP Application reference DAP/23/02490 and accompanying plans at **Attachment 3** 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:

- Prior to occupancy of the dwellings, the land is to be subdivided as per WAPC subdivision approval reference 162656 (or any subsequent amendments to this approval), including the issuing of new titles for each of the proposed green title lots upon which the approved dwellings are located.

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2. Prior to occupancy of the dwellings, the owner is to provide verification from a suitably qualified professional to the satisfaction of the Town that each of the dwellings 'as constructed' has achieved a minimum NatHERS rating of 7.5 stars.
3. Prior to lodging an application for a building permit for Lot 361, a detailed amended site plan for Lot 361 with accompanying detailed floorplans and elevations are to be submitted to, and approved to, the satisfaction of the Town of Victoria Park, which provide for the eastern boundary of Lot 361 to be amended to accommodate a waste truck turnaround facility to the immediate east of Lot 361. This is to be generally consistent with the plan provided to the Town of Victoria Park titled: "Racecourse Homes Townhouse Type N Schematic Phase" Drawing No. SK2-222 Revision J. The plans are also to demonstrate appropriate arrangements have been made, to the Town's satisfaction, with respect to the land tenure of the turnaround facility area.
4. Prior to lodging an application for a building permit for Lot 361, a Waste Management Plan must be submitted to and approved by the Town. The plan shall show the collection points for all bins being from the road reserve adjoining each dwelling, as agreed by the Town, to the satisfaction of the Town. Thereafter, the approved Waste Management Plan must be implemented at all times, to the satisfaction of the Town unless otherwise approved by the Town.
5. Prior to the issuing of a building permit, final details being provided and approved by the Town relating to the finished floor levels for all dwellings and finished ground levels to all lots having regard to the levels of the adjoining land within the foreshore, racecourse, areas of public open space and roads.
6. A notification in the following terms shall be registered on the Certificate of Title for the residential lots under section 165 of the *Planning and Development Act 2005* at the expense of the developer.

Notice – The lot is located in close proximity to the Swan River and may be impacted by river traffic noise.
7. Prior to the occupation of any dwelling, the applicant is to submit a Mosquito Management Plan for the Town's approval.
8. Prior to lodging an application for a building permit, a landscaping plan detailing size, location and type of planting to be provided to the satisfaction of the Town.
9. Prior to the occupation of the development, all landscaping is to be completed and thereafter maintained to the satisfaction of the Town.

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10. A tree shall be planted on the site of each dwelling, with the proposed tree being a species of tree that has the potential at maturity to be a minimum height of 5m and a minimum canopy width of 4m and is a minimum size of at least 35 litres when planted. The proposed tree shall be maintained via an automated irrigation system or other similar method by the landowner or developer for the first two summers after the occupation of the dwelling. If the proposed tree is of poor health and is removed, it is to be replaced with a suitable replacement tree by the owner or developer.
11. A Tree Growth Zone, as shown on the approved plans shall be maintained to the satisfaction of the Town. No structure, unless water permeable, is to encroach within the Tree Growth Zone.
12. To address the conditions of this 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 applicant and be cleared by the Town.
13. Prior to lodging an application for a building permit, all plant equipment, air conditioning units, hot water systems, water storage tanks, service metres, bin storage areas and clothes drying facilities must be located to minimise any visual and noise impact on the occupants of nearby properties and screened from view from the street. Design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the Town.
14. External colours, finishes and materials of the building(s) are to be in accordance with the colours and material schedule at Attachment 2, unless otherwise approved in writing by the Town. Prior to the occupation of the development, the building(s) must be finished, and thereafter maintained, in accordance with the schedule provided and approved by the Town.
15. External clothes drying facilities shall be screened from view from the street or any other public place.
16. 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.
17. All driveways and car parking bays to be constructed of brick paving, liquid limestone, exposed aggregate or any alternative material approved by the Town.
18. Prior to the occupation or the strata-titling of the building(s), whichever occurs first, unless otherwise approved in writing by the Town, the external surface finish of the boundary wall(s) must be finished to the same standard as the rest of the development to the satisfaction of the Town.

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19. 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 (refer to related Advice Note)
20. An acid sulfate soils self-assessment form and, if required as a result of the self-assessment, an acid sulfate soils report and an acid sulfate soils management plan shall be submitted to and approved by the Town in consultation with the Department of Water and Environmental Regulation before the development is commenced. Where an acid sulfate soils management plan is required to be submitted, all development shall be carried out in accordance with the approved management plan.
21. Prior to lodging an application for a building permit, the applicant must submit, have approved, and thereafter implement, a management plan detailing how risk of wind and/or water borne erosion and sedimentation will be minimised during the works, to the satisfaction of the Town.
22. The development, once commenced, is to be carried out in accordance with the approved plans at all times, unless otherwise authorised by the Town.
23. If the development, the subject of this approval, is not substantially commenced within a period of four (4) years from the date of the approval, the approval will lapse and be of no further effect.

Department of Biodiversity, Conservation and Attractions conditions

24. Prior to the commencement of works, an amended Urban Water Management Plan is to be prepared and approved by the Town, in consultation with the Department of Biodiversity, Conservation and Attractions. Development and works are thereafter to be undertaken in accordance with the approved urban water management plan.
25. Measures consistent with an approved Urban Water Management Plan are to be taken to ensure the coastal saltmarsh threatened ecological community are protected to the specification of the Department of Biodiversity, Conservation and Attractions and to the satisfaction of the Town.
26. The approved Urban Water Management Plan is to include the location and details of any bioretention basins to the specification of the Department of Biodiversity, Conservation and Attractions and to the satisfaction of the Town.
27. All works are to be undertaken in accordance with a Construction Environmental Management Plan approved by the Town in consultation with the Department of Biodiversity, Conservation and Attractions (see Advice Note).

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28. The applicant shall ensure that no damage to the embankment, foreshore, riverbank or waterway (including vegetation) occurs beyond the scope of the approved works. If any inadvertent damage occurs, the applicant is required to notify the Department of Biodiversity, Conservation and Attractions within 48 hours of the damage occurring and rectify at its expense any such damage.
29. No wastewater/backwash from the swimming pools is to be discharged onto the land, into the river or the local government drainage system (see Advice Note).
30. Stormwater run-off from constructed impervious surfaces generated by small rainfall events (that is, the first 15 mm of rainfall) must be retained and/or detained and treated (if required) at-source as much as practical and will not be permitted to enter the river untreated to the satisfaction of the Town of Victoria Park and WAPC on the advice of the Department of Biodiversity, Conservation and Attractions
31. Development and works are to be undertaken in accordance with an approved Landscaping Management Plan to the satisfaction of the Town of Victoria Park on the advice of the Department of Biodiversity, Conservation and Attractions (see 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. A building permit is required to be obtained from the Town prior to commencement of any work in relation to this development approval.
- AN3. 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.
- AN4. 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.
- AN5. In relation to condition 12, a building permit cannot be issued until the conditions of the development approval have been given a 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 the building permit application. Should a building permit application be submitted without a planning clearance, then the building permit application will be put hold until a planning clearance is obtained or the application may be refused.

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- AN6. A Work Zone Permit application is to be submitted to and approval issued the Town, prior to any works or temporary storage on a public thoroughfare (including roads, parking bays, footpaths or verges). To download an application form and for further information, please refer to the Town's website or contact the Town's Street Improvement business unit on (08) 9311 8111.
- AN7. This approval does not relate to the proposed landscaping public realm works external to the site. Separate approval is to be obtained from the Town for these works.
- AN8. 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.
- AN9. The owner or occupier is required to display the street number allocated to the property in a prominent location clearly visible from the street and/or right-of-way that the building faces.
- AN10. Where works and/or building permits are to be staged, only those conditions relevant to the proposed stage of works need to be satisfied prior to the issuing of a building permit.
- AN11. Noting the location of bin collection points relative to proposed street trees, it is recommended that the applicant liaise further with the Town regarding the proposed street tree planting selection and bin collection location to ensure there is no conflict.

Department of Biodiversity, Conservation and Attractions Advice Notes

- DB1 Notifications and documents can be emailed to rivers.planning@dbca.wa.gov.au
- DB2 To allow sufficient time for the Department of Biodiversity, Conservation and Attractions to consider and approve the Construction and Environmental Management Plan, the document should be submitted at least 42 days before the expected works commencement date. The Construction Environmental Management Plan is to describe how the authorised works will be managed and implemented to minimise potential environmental impacts and should address the matters set out below:
- a detailed work method statement that describes how the contractor will undertake the works (with photographic evidence to be provided to the Department during the works);
 - timeframes and responsibilities for tasks identified;
 - contact details of essential site personnel, construction period and operating hours;
 - management of any potential acid sulphate soils (PASS) that may be exposed during the works;

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- e. ongoing management of controls used to reduce turbidity risk and prevent sediment plumes (such as silt curtain installation, monitoring and removal) – photographic evidence required;
 - f. proposed contingency actions if environmental controls are inadequate;
 - g. identification and protection of established vegetation (photographic evidence required);
 - h. detail of machinery and associated refuelling (refuelling should take place outside of the Swan Canning Development Control Area if possible, or within an appropriate impervious bund);
 - i. waste management;
 - j. protection of the river from inputs of debris, run-off, soil, fill, or other deleterious material;
 - k. public safety and amenity;
 - l. traffic, machinery and pedestrian access and parking management for contractors and the public;
 - m. complaints and environmental incident management plan;
 - n. containment of stockpiles of materials – photographic evidence required;
 - o. location of emergency spill kits that are to be on-site at all times – photographic evidence required;
 - p. a detailed site map showing the location of:
 - i. signage, including the contact details of essential site personnel;
 - ii. perimeter fencing and hoarding to protect the Parks and Recreation Reserve;
 - iii. the laydown area and vehicle entry/exit points;
 - iv. protected vegetation;
 - v. areas of excavation and stockpiling of soil;
 - vi. cofferdams and measures proposed to reduce turbidity risk and prevent sediment plumes;
 - vii. on-site storage and bunding of materials and equipment;
 - viii. traffic access and parking; and
 - ix. proposed redirection of pedestrian traffic (with on-site photographic evidence provided);
 - q. Incident response procedures such as measures to document and respond to incidents of damage, sediment plumes, pollution or spills within the Swan Canning Development Control Area noting also that incidents are to be reported immediately to the Department of Biodiversity, Conservation and Attractions' Duty Officer (Riverpark) on 9278 0981 (24 hrs) or Pollution Response Officer (Marine) on 9480 9924 (24 hrs); and
 - r. any other matters considered relevant to the proposal not identified above.
- DB3 The applicant is advised that it is an offence under the Swan and Canning Rivers Management Regulations 2007 to do or cause the doing of anything that is likely to bring about the collapse or movement of any part of the banks of waters in the Riverpark or development control area.

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- DB4 The applicant will need to make arrangements with the Water Corporation for the provision of the necessary wastewater services. On receipt of a request from the applicant, a Land Development Agreement under Section 83 of the *Water Services Act 2012* will be prepared by the Water Corporation to document the specific requirements for the proposed development.
- DB5 The applicant is advised that the Department of Biodiversity, Conservation and Attractions does not permit the discharge of swimming pool water or backwash water into wetlands, waterways or drains that lead to waters within the Swan Canning Development Control Area. The use of limestone-lined soakwells may be appropriate to carry out this function. More information on the safe storage and application of pool chemicals can be found at *Water Quality Protection Note 55 Swimming Pools* <https://www.wa.gov.au/government/publications/wqpn-55-swimming-pools>, Department of Water and Environmental Regulation.
- DB6 The applicant is advised that it is an offence under the Swan and Canning Rivers Management Regulations 2007 to destroy, pull up, cut back or injure any tree, shrub or perennial plant that is on land within the Swan Canning Development Control Area, except with the prior approval of the Department of Biodiversity, Conservation and Attractions.
- DB7 The applicant should be advised that the proposed works are located in a high to moderate risk Acid Sulphate Soils risk area and that the Acid Sulphate Soils Guideline Series for guidance on the identification, assessment and management of acid sulphate soils in Western Australia is available from the Department of Water and Environmental Regulation at: www.dwer.wa.gov.au. If Acid Sulphate Soils are exposed during the works, the Department of Water and Environmental Regulation should be contacted for further advice.
- DB8 It is recommended that the applicant plants locally native species, due to their low maintenance and fertilizer requirements, and increased habitat values for native fauna.
- DB9 The DBCA advises that the subject land immediately adjoins land within the Swan Canning Development Control Area which is subject to rehabilitation to the vegetation classification of Class A – Forest. Views have the potential to be affected by future vegetation growth associated with the rehabilitation of the Parks and Recreation reserve.
- DB10 The applicant shall submit a Landscaping Management Plan to the Department of Biodiversity, Conservation and Attractions for approval at least 30 days prior to commencement of works.
- DB11 The applicant shall submit evidence, including photographs and/or videos, on a monthly basis to the Department of Biodiversity, Conservation and Attractions to demonstrate that the approved Landscaping Management Plan is being appropriately implemented.

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- DB12 The Landscaping Management Plan should reflect but not be limited to the following points:
- s. deciduous species should not be planted unless required as part of solar passive design. If non-local species are to be used, they should be species with low fertiliser and pesticide requirements;
 - t. plant species proposed for planting in or abutting the Parks and Recreation Reserve/Swan and Canning Development Control Area are to be known locally native species; and
 - u. the sustainable use of water.

AMENDING MOTION

Moved by: Clayton Higham

Seconded by: Lee O'Donohue

The following amendments were made en bloc;

- i) That Condition No. 10 be amended to read as follows:

*A tree shall be planted on the site of each dwelling, with the proposed tree being a species of tree that has the potential at maturity to be a minimum height of 5m and a minimum canopy width of 4m and is a minimum size of at least 35 litres when planted, **unless an alternative arrangement is agreed in writing by the Town.** The proposed tree shall be maintained via an automated irrigation system or other similar method by the landowner or developer for the first two summers after the occupation of the dwelling. If the proposed tree is of poor health and is removed, it is to be replaced with a suitable replacement tree by the owner or developer.*

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

*A Tree Growth Zone, ~~as shown on the approved plans~~ **with a minimum size of 2m x 2m and a minimum depth of 1m is to be provided for each dwelling, unless an alternative arrangement is agreed in writing by the Town. The Tree Growth Zone is to shall be maintained to the satisfaction of the Town. No structure, unless water permeable, is to encroach within the Tree Growth Zone***

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

REASON: The panel members felt it necessary to provide greater clarity in the requirements for the tree growth zone while at the same time giving the applicant some flexibility to come up with an alternative arrangement.

REPORT RECOMMENDATION (AS AMENDED)

That the Metropolitan Inner South JDAP resolves to:

Approve DAP Application reference DAP/23/02490 and accompanying plans at **Attachment 3** in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the

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provisions of the Town of Victoria Park Town Planning Scheme No. 1, subject to the following conditions:

1. Prior to occupancy of the dwellings, the land is to be subdivided as per WAPC subdivision approval reference 162656 (or any subsequent amendments to this approval), including the issuing of new titles for each of the proposed green title lots upon which the approved dwellings are located.
2. Prior to occupancy of the dwellings, the owner is to provide verification from a suitably qualified professional to the satisfaction of the Town that each of the dwellings 'as constructed' has achieved a minimum NatHERS rating of 7.5 stars.
3. Prior to lodging an application for a building permit for Lot 361, a detailed amended site plan for Lot 361 with accompanying detailed floorplans and elevations are to be submitted to, and approved to, the satisfaction of the Town of Victoria Park, which provide for the eastern boundary of Lot 361 to be amended to accommodate a waste truck turnaround facility to the immediate east of Lot 361. This is to be generally consistent with the plan provided to the Town of Victoria Park titled: "Racecourse Homes Townhouse Type N Schematic Phase" Drawing No. SK2-222 Revision J. The plans are also to demonstrate appropriate arrangements have been made, to the Town's satisfaction, with respect to the land tenure of the turnaround facility area.
4. Prior to lodging an application for a building permit for Lot 361, a Waste Management Plan must be submitted to and approved by the Town. The plan shall show the collection points for all bins being from the road reserve adjoining each dwelling, as agreed by the Town, to the satisfaction of the Town. Thereafter, the approved Waste Management Plan must be implemented at all times, to the satisfaction of the Town unless otherwise approved by the Town.
5. Prior to the issuing of a building permit, final details being provided and approved by the Town relating to the finished floor levels for all dwellings and finished ground levels to all lots having regard to the levels of the adjoining land within the foreshore, racecourse, areas of public open space and roads.
6. A notification in the following terms shall be registered on the Certificate of Title for the residential lots under section 165 of the *Planning and Development Act 2005* at the expense of the developer.

Notice – The lot is located in close proximity to the Swan River and may be impacted by river traffic noise.

7. Prior to the occupation of any dwelling, the applicant is to submit a Mosquito Management Plan for the Town's approval.
8. Prior to lodging an application for a building permit, a landscaping plan detailing size, location and type of planting to be provided to the satisfaction of the Town.

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9. Prior to the occupation of the development, all landscaping is to be completed and thereafter maintained to the satisfaction of the Town.
10. A tree shall be planted on the site of each dwelling, with the proposed tree being a species of tree that has the potential at maturity to be a minimum height of 5m and a minimum canopy width of 4m and is a minimum size of at least 35 litres when planted, unless an alternative arrangement is agreed in writing by the Town. The proposed tree shall be maintained via an automated irrigation system or other similar method by the landowner or developer for the first two summers after the occupation of the dwelling. If the proposed tree is of poor health and is removed, it is to be replaced with a suitable replacement tree by the owner or developer.
11. A Tree Growth Zone, with a minimum size of 2m x 2m and a minimum depth of 1m is to be provided for each dwelling, unless an alternative arrangement is agreed in writing by the Town. The Tree Growth Zone is to be maintained to the satisfaction of the Town. No structure, unless water permeable, is to encroach within the Tree Growth Zone.
12. To address the conditions of this 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 applicant and be cleared by the Town.
13. Prior to lodging an application for a building permit, all plant equipment, air conditioning units, hot water systems, water storage tanks, service metres, bin storage areas and clothes drying facilities must be located to minimise any visual and noise impact on the occupants of nearby properties and screened from view from the street. Design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the Town.
14. External colours, finishes and materials of the building(s) are to be in accordance with the colours and material schedule at Attachment 2, unless otherwise approved in writing by the Town. Prior to the occupation of the development, the building(s) must be finished, and thereafter maintained, in accordance with the schedule provided and approved by the Town.
15. External clothes drying facilities shall be screened from view from the street or any other public place.
16. 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.
17. All driveways and car parking bays to be constructed of brick paving, liquid limestone, exposed aggregate or any alternative material approved by the Town.

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18. Prior to the occupation or the strata-titling of the building(s), whichever occurs first, unless otherwise approved in writing by the Town, the external surface finish of the boundary wall(s) must be finished to the same standard as the rest of the development to the satisfaction of the Town.
19. 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 (refer to related Advice Note)
20. An acid sulfate soils self-assessment form and, if required as a result of the self-assessment, an acid sulfate soils report and an acid sulfate soils management plan shall be submitted to and approved by the Town in consultation with the Department of Water and Environmental Regulation before the development is commenced. Where an acid sulfate soils management plan is required to be submitted, all development shall be carried out in accordance with the approved management plan.
21. Prior to lodging an application for a building permit, the applicant must submit, have approved, and thereafter implement, a management plan detailing how risk of wind and/or water borne erosion and sedimentation will be minimised during the works, to the satisfaction of the Town.
22. The development, once commenced, is to be carried out in accordance with the approved plans at all times, unless otherwise authorised by the Town.
23. If the development, the subject of this approval, is not substantially commenced within a period of four (4) years from the date of the approval, the approval will lapse and be of no further effect.

Department of Biodiversity, Conservation and Attractions conditions

24. Prior to the commencement of works, an amended Urban Water Management Plan is to be prepared and approved by the Town, in consultation with the Department of Biodiversity, Conservation and Attractions. Development and works are thereafter to be undertaken in accordance with the approved urban water management plan.
25. Measures consistent with an approved Urban Water Management Plan are to be taken to ensure the coastal saltmarsh threatened ecological community are protected to the specification of the Department of Biodiversity, Conservation and Attractions and to the satisfaction of the Town.
26. The approved Urban Water Management Plan is to include the location and details of any bioretention basins to the specification of the Department of Biodiversity, Conservation and Attractions and to the satisfaction of the Town.

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27. All works are to be undertaken in accordance with a Construction Environmental Management Plan approved by the Town in consultation with the Department of Biodiversity, Conservation and Attractions (see Advice Note).
28. The applicant shall ensure that no damage to the embankment, foreshore, riverbank or waterway (including vegetation) occurs beyond the scope of the approved works. If any inadvertent damage occurs, the applicant is required to notify the Department of Biodiversity, Conservation and Attractions within 48 hours of the damage occurring and rectify at its expense any such damage.
29. No wastewater/backwash from the swimming pools is to be discharged onto the land, into the river or the local government drainage system (see Advice Note).
30. Stormwater run-off from constructed impervious surfaces generated by small rainfall events (that is, the first 15 mm of rainfall) must be retained and/or detained and treated (if required) at-source as much as practical and will not be permitted to enter the river untreated to the satisfaction of the Town of Victoria Park and WAPC on the advice of the Department of Biodiversity, Conservation and Attractions
31. Development and works are to be undertaken in accordance with an approved Landscaping Management Plan to the satisfaction of the Town of Victoria Park on the advice of the Department of Biodiversity, Conservation and Attractions (see 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. A building permit is required to be obtained from the Town prior to commencement of any work in relation to this development approval.
- AN3. 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.
- AN4. 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.
- AN5. In relation to condition 12, a building permit cannot be issued until the conditions of the development approval have been given a 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 the building permit application. Should a building permit application be submitted without a planning clearance, then the building permit application will be put hold until a planning clearance is obtained or the application may be refused.

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- AN6. A Work Zone Permit application is to be submitted to and approval issued the Town, prior to any works or temporary storage on a public thoroughfare (including roads, parking bays, footpaths or verges). To download an application form and for further information, please refer to the Town's website or contact the Town's Street Improvement business unit on (08) 9311 8111.
- AN7. This approval does not relate to the proposed landscaping public realm works external to the site. Separate approval is to be obtained from the Town for these works.
- AN8. 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.
- AN9. The owner or occupier is required to display the street number allocated to the property in a prominent location clearly visible from the street and/or right-of-way that the building faces.
- AN10. Where works and/or building permits are to be staged, only those conditions relevant to the proposed stage of works need to be satisfied prior to the issuing of a building permit.
- AN11. Noting the location of bin collection points relative to proposed street trees, it is recommended that the applicant liaise further with the Town regarding the proposed street tree planting selection and bin collection location to ensure there is no conflict.

Department of Biodiversity, Conservation and Attractions Advice Notes

- DB1 Notifications and documents can be emailed to rivers.planning@dbca.wa.gov.au
- DB2 To allow sufficient time for the Department of Biodiversity, Conservation and Attractions to consider and approve the Construction and Environmental Management Plan, the document should be submitted at least 42 days before the expected works commencement date. The Construction Environmental Management Plan is to describe how the authorised works will be managed and implemented to minimise potential environmental impacts and should address the matters set out below:
- a. a detailed work method statement that describes how the contractor will undertake the works (with photographic evidence to be provided to the Department during the works);
 - b. timeframes and responsibilities for tasks identified;
 - c. contact details of essential site personnel, construction period and operating hours;
 - d. management of any potential acid sulphate soils (PASS) that may be exposed during the works;

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- e. ongoing management of controls used to reduce turbidity risk and prevent sediment plumes (such as silt curtain installation, monitoring and removal) – photographic evidence required;
 - f. proposed contingency actions if environmental controls are inadequate;
 - g. identification and protection of established vegetation (photographic evidence required);
 - h. detail of machinery and associated refuelling (refuelling should take place outside of the Swan Canning Development Control Area if possible, or within an appropriate impervious bund);
 - i. waste management;
 - j. protection of the river from inputs of debris, run-off, soil, fill, or other deleterious material;
 - k. public safety and amenity;
 - l. traffic, machinery and pedestrian access and parking management for contractors and the public;
 - m. complaints and environmental incident management plan;
 - n. containment of stockpiles of materials – photographic evidence required;
 - o. location of emergency spill kits that are to be on-site at all times – photographic evidence required;
 - p. a detailed site map showing the location of:
 - i. signage, including the contact details of essential site personnel;
 - ii. perimeter fencing and hoarding to protect the Parks and Recreation Reserve;
 - iii. the laydown area and vehicle entry/exit points;
 - iv. protected vegetation;
 - v. areas of excavation and stockpiling of soil;
 - vi. cofferdams and measures proposed to reduce turbidity risk and prevent sediment plumes;
 - vii. on-site storage and bunding of materials and equipment;
 - viii. traffic access and parking; and
 - ix. proposed redirection of pedestrian traffic (with on-site photographic evidence provided);
 - q. Incident response procedures such as measures to document and respond to incidents of damage, sediment plumes, pollution or spills within the Swan Canning Development Control Area noting also that incidents are to be reported immediately to the Department of Biodiversity, Conservation and Attractions' Duty Officer (Riverpark) on 9278 0981 (24 hrs) or Pollution Response Officer (Marine) on 9480 9924 (24 hrs); and
 - r. any other matters considered relevant to the proposal not identified above.
- DB3 The applicant is advised that it is an offence under the Swan and Canning Rivers Management Regulations 2007 to do or cause the doing of anything that is likely to bring about the collapse or movement of any part of the banks of waters in the Riverpark or development control area.

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- DB4 The applicant will need to make arrangements with the Water Corporation for the provision of the necessary wastewater services. On receipt of a request from the applicant, a Land Development Agreement under Section 83 of the *Water Services Act 2012* will be prepared by the Water Corporation to document the specific requirements for the proposed development.
- DB5 The applicant is advised that the Department of Biodiversity, Conservation and Attractions does not permit the discharge of swimming pool water or backwash water into wetlands, waterways or drains that lead to waters within the Swan Canning Development Control Area. The use of limestone-lined soakwells may be appropriate to carry out this function. More information on the safe storage and application of pool chemicals can be found at *Water Quality Protection Note 55 Swimming Pools* <https://www.wa.gov.au/government/publications/wqpn-55-swimming-pools>, Department of Water and Environmental Regulation.
- DB6 The applicant is advised that it is an offence under the Swan and Canning Rivers Management Regulations 2007 to destroy, pull up, cut back or injure any tree, shrub or perennial plant that is on land within the Swan Canning Development Control Area, except with the prior approval of the Department of Biodiversity, Conservation and Attractions.
- DB7 The applicant should be advised that the proposed works are located in a high to moderate risk Acid Sulphate Soils risk area and that the Acid Sulphate Soils Guideline Series for guidance on the identification, assessment and management of acid sulphate soils in Western Australia is available from the Department of Water and Environmental Regulation at: www.dwer.wa.gov.au. If Acid Sulphate Soils are exposed during the works, the Department of Water and Environmental Regulation should be contacted for further advice.
- DB8 It is recommended that the applicant plants locally native species, due to their low maintenance and fertilizer requirements, and increased habitat values for native fauna.
- DB9 The DBCA advises that the subject land immediately adjoins land within the Swan Canning Development Control Area which is subject to rehabilitation to the vegetation classification of Class A – Forest. Views have the potential to be affected by future vegetation growth associated with the rehabilitation of the Parks and Recreation reserve.
- DB10 The applicant shall submit a Landscaping Management Plan to the Department of Biodiversity, Conservation and Attractions for approval at least 30 days prior to commencement of works.
- DB11 The applicant shall submit evidence, including photographs and/or videos, on a monthly basis to the Department of Biodiversity, Conservation and Attractions to demonstrate that the approved Landscaping Management Plan is being appropriately implemented.

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- DB12 The Landscaping Management Plan should reflect but not be limited to the following points:
- deciduous species should not be planted unless required as part of solar passive design. If non-local species are to be used, they should be species with low fertiliser and pesticide requirements;
 - plant species proposed for planting in or abutting the Parks and Recreation Reserve/Swan and Canning Development Control Area are to be known locally native species; and
 - the sustainable use of water.

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

REASON: The panel members noted that the proposed developments met the vision and objectives of the structure plan and the LDP. The panel was impressed with the design of the proposed development and agreed that it could be approved.

8.1b No. 3 (Lot 3001) Graham Farmer Freeway, Burswood

Development Description:	41 Grouped Dwellings
Applicant:	Renee Young (element Advisory Pty Ltd)
Owner:	Golden Sedayu Pty Ltd
Responsible Authority:	Western Australian Planning Commission
DAP File No:	DAP/23/02490

REPORT RECOMMENDATION

Moved by: Lee O'Donohue

Seconded by: Diana Goldswain

That the Metro Inner-South Joint Development Assessment Panel resolves to:

- Approve DAP Application reference DAP/23/02490 and accompanying plans date stamped **25 May** and **30 May 2023** in accordance with Clause 29, 30 and 30A of the *Metropolitan Region Scheme*, subject to the following conditions:

Conditions

- 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.
- Prior to the commencement of construction, an updated Urban Water Management Plan is to be lodged and approved to the specification of the Department of Biodiversity, Conservation and Attractions, to the satisfaction of the Western Australian Planning Commission.

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Development and works are thereafter to be undertaken in accordance with the approved Urban Water Management Plan to the specification of the Department of Biodiversity, Conservation and Attractions and to the satisfaction of the Western Australian Planning Commission.

3. Measures consistent with an approved Urban Water Management Plan are to be taken to ensure the coastal saltmarsh threatened ecological community are protected to the specification of the Department of Biodiversity, Conservation and Attractions and to the satisfaction of Western Australian Planning Commission.
4. The location and details of any bioretention basins to be provided is to be to the specification of the Department of Biodiversity, Conservation and Attractions and to the satisfaction of Western Australian Planning Commission.
5. All works are to be undertaken in accordance with a Construction Environmental Management Plan to the specification of the Department of Biodiversity, Conservation and Attractions and to the satisfaction of Western Australian Planning Commission.
6. No damage is to occur to the embankment, foreshore, riverbank or waterway (including vegetation) beyond the scope of the approved works to the specification of the Department of Biodiversity, Conservation and Attractions and to the satisfaction of Western Australian Planning Commission.
7. Stormwater run-off from constructed impervious surfaces generated by small rainfall events (that is, the first 15 mm of rainfall) must be retained and/or detained and treated (if required) at-source as much as practical and will not be permitted to enter the river untreated to the specification of the Department of Biodiversity, Conservation and Attractions and on advice from the Town of Victoria Park, to the satisfaction of Western Australian Planning Commission.
8. Prior to occupancy, the subject lots are to be created in accordance with the subdivision approval (WAPC Ref: 162656) for the site to the satisfaction of Western Australian Planning Commission.

Advice Notes

1. In regard to Condition 2, the Department of Biodiversity, Conservation and Attractions advises that the Urban Water Management Plan must include details about how runoff from minor and major rainfall events would flow to the Swan River. Runoff is not to cause erosion, sedimentation or negatively alter the hydrology of the subtropical and temperate Coastal Saltmarsh Threatened Ecological Communities. It should be via overland flow across vegetation and in locations that will not directly discharge or infiltrate into the Coastal Saltmarsh Coastal Saltmarsh Threatened Ecological Communities.

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2. In regard to Condition 5, the Department of Biodiversity, Conservation and Attractions advises that, to allow sufficient time for the Department of Biodiversity, Conservation and Attractions to consider and approve the Construction and Environmental Management Plan, the document should be submitted at least 42 days before the expected works commencement date to allow sufficient time to be considered and approved. The Construction Environmental Management Plan is to describe how the authorised works will be managed and implemented to minimise potential environmental impacts and should address the matters set out below:
- a. a detailed work method statement that describes how the contractor will undertake the works (with photographic evidence to be provided to the Department during the works);
 - b. timeframes and responsibilities for tasks identified;
 - c. contact details of essential site personnel, construction period and operating hours;
 - d. management of any potential acid sulphate soils (PASS) that may be exposed during the works;
 - e. ongoing management of controls used to reduce turbidity risk and prevent sediment plumes (such as silt curtain installation, monitoring and removal) – photographic evidence required;
 - f. proposed contingency actions if environmental controls are inadequate;
 - g. identification and protection of established vegetation (photographic evidence required);
 - h. detail of machinery and associated refuelling (refuelling should take place outside of the Swan Canning Development Control Area if possible, or within an appropriate impervious bund);
 - i. waste management;
 - j. protection of the river from inputs of debris, run-off, soil, fill, or other deleterious material;
 - k. public safety and amenity;
 - l. traffic, machinery and pedestrian access and parking management for contractors and the public;
 - m. complaints and environmental incident management plan;
 - n. containment of stockpiles of materials – photographic evidence required;
 - o. location of emergency spill kits that are to be on-site at all times – photographic evidence required;
 - p. a detailed site map showing the location of:
 - i. signage, including the contact details of essential site personnel;
 - ii. perimeter fencing and hoarding to protect the Parks and Recreation Reserve;
 - iii. the laydown area and vehicle entry/exit points;
 - iv. protected vegetation;
 - v. areas of excavation and stockpiling of soil;
 - vi. cofferdams and measures proposed to reduce turbidity risk and prevent sediment plumes;
 - vii. on-site storage and bunding of materials and equipment;
 - viii. traffic access and parking; and
 - ix. proposed redirection of pedestrian traffic (with on-site photographic evidence provided);

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- q. Incident response procedures such as measures to document and respond to incidents of damage, sediment plumes, pollution or spills within the Swan Canning Development Control Area noting also that incidents are to be reported immediately to the Department of Biodiversity, Conservation and Attractions' Duty Officer (Riverpark) on 9278 0981 (24 hrs) or Pollution Response Officer (Marine) on 9480 9924 (24 hrs); and
 - r. any other matters considered relevant to the proposal not identified above.
3. In regard to Condition 6, if any inadvertent damage occurs, the applicant is required to notify the Department of Biodiversity, Conservation and Attractions within 48 hours of the damage occurring and rectify at its expense any such damage.
4. The Department of Biodiversity, Conservation and Attractions further advises that:
 - a. all relevant notifications and documents can be emailed to: rivers.planning@dbca.wa.gov.au.
 - b. it is an offence under the *Swan and Canning Rivers Management Regulations 2007* to do or cause the doing of anything that is likely to bring about the collapse or movement of any part of the banks of waters in the Riverpark or development control area.
 - c. it is an offence under the *Swan and Canning Rivers Management Regulations 2007* to destroy, pull up, cut back or injure any tree, shrub or perennial plant that is on land within the Swan Canning Development Control Area, except with the prior approval of the Department of Biodiversity, Conservation and Attractions.
 - d. the applicant plants locally native species, due to their low maintenance and fertilizer requirements, and increased habitat values for native fauna.
5. The applicant is advised the proposed works are located in a high to moderate risk Acid Sulphate Soils risk area and that the Acid Sulphate Soils Guideline Series for guidance on the identification, assessment and management of acid sulphate soils in Western Australia is available from the Department of Water and Environmental Regulation at: www.dwer.wa.gov.au. If Acid Sulphate Soils are exposed during the works, the Department of Water and Environmental Regulation should be contacted for further advice.
6. ATCO Gas Australia advises that anyone proposing to carry out construction or excavation works must contact 'Before You Dig Australia' (www.byda.com.au) to determine the location of buried gas infrastructure. Proposed construction and excavation works need to be managed in accordance with the ATCO document *Additional Information for Working Around Gas Infrastructure - AGA-O&M-PR24*: <https://www.atco.com/en-au/for-home/natural-gas/wa-gas-network/working-around-gas.html>.

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7. Western Power advises:
- a. All work must comply with Work safe Regulations 3.64 – Guidelines for work in the vicinity of overhead powerline:
<https://www.commerce.wa.gov.au/publications/guidelines-work-vicinity-overhead-power-lines>

If any work is to breach the minimum safe working distances, a 'Request to Work in Vicinity of Powerlines' form must be submitted:
<https://www.westernpower.com.au/safety/360-aware/request-installation-of-aerial-visual-covers-tiger-tails/>
 - b. It is important the level of energy being dealt with to be sure the right application form is chosen:
 - Low Voltage – 240V to 415V
 - High Voltage – 1kV to 33kV
 - Transmission - >33kV.
For more information on the type and locations of assets please submit an enquiry with Before You Dig Australia (www.byda.com.au) and visit the below links:
 - <https://www.westernpower.com.au/safety/360-aware/>
 - <https://www.westernpower.com.au/safety/360-aware/working-near-transmission-and-communication-assets/>
 - c. Western Power advises to submit an application via its website if its infrastructure needs to be removed or relocated :
<https://www.westernpower.com.au/products-and-services/> Western Power is also obligated to point out that any change to the existing (power) system, if required, is the responsibility of the individual developer.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The panel members noted that the proposed developments met the vision and objectives of the structure plan and the LDP. The panel was impressed with the design of the proposed development and agreed that it could be approved.

8.2a No. 3 (Lot 3001) Graham Farmer Freeway, Burswood

Development Description:	33 Grouped Dwellings
Applicant:	Renee Young (element Advisory Pty Ltd)
Owner:	Golden Sedayu Pty Ltd
Responsible Authority:	Town of Victoria Park
DAP File No:	DAP/23/02503

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Presiding Member, Metro Inner-South JDAP



REPORT RECOMMENDATION

Moved by: Cr Claire Anderson

Seconded by: Diana Goldswain

Approve DAP Application reference DAP/23/02503 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:

1. Prior to occupancy of the dwellings, the land is to be subdivided as per WAPC subdivision approval reference 162656 (or any subsequent amendments to this approval), including the issuing of new titles for each of the proposed green title lots upon which the approved dwellings are located.
2. Prior to occupancy of the dwellings, the owner is to provide verification from a suitably qualified professional to the satisfaction of the Town that each of the dwellings 'as constructed' has achieved a minimum NatHERS rating of 7.5 stars.
3. Prior to lodging an application for a building permit for Lots 27 to 33, a Waste Management Plan is to be submitted to and approved by the Town. The plan shall show the collection points for all bins appurtenant to Lots 27 to 33 being from the Foreshore Road, as agreed by the Town, to the satisfaction of the Town. Thereafter, the approved Waste Management Plan must be implemented at all times, to the satisfaction of the Town unless otherwise approved by the Town.
4. Prior to the issuing of a building permit, drawings are to be submitted to and approved by the Town which demonstrate that the screens to the side of each balcony are no more than 25% visually permeable, with the exception of those portions of balcony screens adjacent to the public open space links.
5. Prior to the issuing of a building permit, final details being provided and approved by the Town relating to the finished floor levels for all dwellings and finished ground levels to all lots having regard to the levels of the adjoining land within the foreshore, areas of public open space and roads.
6. A notification in the following terms shall be registered on the Certificate of Title for the residential lots under section 165 of the *Planning and Development Act 2005* at the expense of the developer.

Notice – The lot is located in close proximity to the Swan River and may be impacted by river traffic noise.

7. Prior to the occupation of any dwelling, the applicant is to submit a Mosquito Management Plan for the Town's approval.
8. Prior to lodging an application for a building permit, a landscaping plan detailing size, location and type of planting to be provided to the satisfaction of the Town.

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9. Prior to the occupation of the development, all landscaping is to be completed and thereafter maintained to the satisfaction of the Town.
10. A tree shall be planted on the site of each dwelling, with the proposed tree being a species of tree that has the potential at maturity to be a minimum height of 5m and a minimum canopy width of 4m and is a minimum size of at least 35 litres when planted. The proposed tree shall be maintained via an automated irrigation system or other similar method by the landowner or developer for the first two summers after the occupation of the dwelling. If the proposed tree is of poor health and is removed, it is to be replaced with a suitable replacement tree by the owner or developer.
11. A Tree Growth Zone, as shown on the approved plans shall be maintained to the satisfaction of the Town. No structure, unless water permeable, is to encroach within the Tree Growth Zone.
12. To address the conditions of this 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 applicant and be cleared by the Town.
13. Prior to lodging an application for a building permit, all plant equipment, air conditioning units, hot water systems, water storage tanks, service metres, bin storage areas and clothes drying facilities must be located to minimise any visual and noise impact on the occupants of nearby properties and screened from view from the street. Design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the Town.
14. External colours, finishes and materials of the building(s) are to be in accordance with the approved plans, unless otherwise approved in writing by the Town. Prior to the occupation of the development, the building(s) must be finished, and thereafter maintained, in accordance with the schedule provided and approved by the Town.
15. External clothes drying facilities shall be screened from view from the street or any other public place.
16. 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.
17. All driveways and car parking bays to be constructed of brick paving, liquid limestone, exposed aggregate or any alternative material approved by the Town.

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18. Prior to the occupation or the strata-titling of the building(s), whichever occurs first, unless otherwise approved in writing by the Town, the external surface finish of the boundary wall(s) must be finished to the same standard as the rest of the development to the satisfaction of the Town.
19. 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.
20. This approval does not relate to the proposed landscaping public realm works external to the site. Separate approval is to be obtained from the Town for these works.
21. An acid sulfate soils self-assessment form and, if required as a result of the self-assessment, an acid sulfate soils report and an acid sulfate soils management plan shall be submitted to and approved by the Town in consultation with the Department of Water and Environmental Regulation before the development is commenced. Where an acid sulfate soils management plan is required to be submitted, all development shall be carried out in accordance with the approved management plan.
22. Prior to lodging an application for a building permit, the applicant must submit, have approved, and thereafter implement, a management plan detailing how risk of wind and/or water borne erosion and sedimentation will be minimised during the works, to the satisfaction of the Town.
23. The development, once commenced, is to be carried out in accordance with the approved plans at all times, unless otherwise authorised by the Town.
24. If the development, the subject of this approval, is not substantially commenced within a period of four (4) years from the date of the approval, the approval will lapse and be of no further effect.

DBCA conditions

25. Prior to the commencement of works, an amended Urban Water Management Plan is to be prepared and approved by the Town, in consultation with the Department of Biodiversity, Conservation and Attractions. Development and works are thereafter to be undertaken in accordance with the approved urban water management plan.
26. Measures consistent with an approved Urban Water Management Plan are to be taken to ensure the coastal saltmarsh threatened ecological community are protected to the specification of the Department of Biodiversity, Conservation and Attractions and to the satisfaction of the Town.
27. The approved Urban Water Management Plan is to include the location and details of any bioretention basins to the specification of the Department of Biodiversity, Conservation and Attractions and to the satisfaction of the Town.

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28. All works are to be undertaken in accordance with a Construction Environmental Management Plan approved by the Town in consultation with the Department of Biodiversity, Conservation and Attractions (see Advice Note).
29. The applicant shall ensure that no damage to the embankment, foreshore, riverbank or waterway (including vegetation) occurs beyond the scope of the approved works. If any inadvertent damage occurs, the applicant is required to notify the Department of Biodiversity, Conservation and Attractions within 48 hours of the damage occurring and rectify at its expense any such damage.
30. No wastewater/backwash from the swimming pools is to be discharged onto the land, into the river or the local government drainage system (see Advice Note).
31. The applicant is to install an appropriate fence along the boundary of the Parks and Recreation Reserve, that should be :
 - a. 'open-view' style above one metre in height;
 - b. no more than 1.8m height in total; and
 - c. styles, colours and materials should complement the riverine environment.
32. A notification is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows: *"This lot is located adjacent to the Swan Canning Development Control Area and views have the potential to be affected by vegetation growth associated with the future rehabilitation of the Parks and Recreation reserve"* (see Advice Note).
33. Stormwater run-off from constructed impervious surfaces generated by small rainfall events (that is, the first 15 mm of rainfall) must be retained and/or detained and treated (if required) at-source as much as practical and will not be permitted to enter the river untreated to the satisfaction of the Town of Victoria Park and WAPC on the advice of the Department of Biodiversity, Conservation and Attractions.
34. Development and works are to be undertaken in accordance with an approved Landscaping Management Plan to the satisfaction of the Town of Victoria Park on the advice of the Department of Biodiversity, Conservation and Attractions (see Advice Notes).
35. Where a schedule of colours, building materials and finishes have been approved the proponent will be required to demonstrate that the works are carried out in accordance with the approved schedule including through photographic evidence submitted to the Department of Biodiversity, Conservation and Attractions (see Advice Note).

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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 Council.
- AN2 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.
- AN3 In relation to condition 12, a building permit cannot be issued until the conditions of the development approval have been given a 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 the building permit application. Should a building permit application be submitted without a planning clearance, then the building permit application will be put hold until a planning clearance is obtained or the application may be refused.
- AN4 There is an anomaly between the subdivision approval plan and development application plans regarding the width of the road providing access to Lots 32 and 33. This is to be resolved to the satisfaction of the Town and WAPC.
- AN5 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.
- AN6 The owner or occupier is required to display the street number allocated to the property in a prominent location clearly visible from the street and/or right-of-way that the building faces.
- AN7 Where works and/or building permits are to be staged, only those conditions relevant to the proposed stage of works need to be satisfied prior to the issuing of a building permit.
- AN8 Noting the location of bin collection points relative to proposed street trees, it is recommended that the applicant liaise further with the Town regarding the proposed street tree planting selection and bin collection location to ensure there is no conflict.
- AN9 This approval does not relate to the proposed landscaping public realm works external to the site. Separate approval is to be obtained from the Town for these works.

DBCA Advice Notes

- DB1 Notifications and documents can be emailed to rivers.planning@dbca.wa.gov.au.

Clayton Higham
Presiding Member, Metro Inner-South JDAP



- DB2 To allow sufficient time for the Department of Biodiversity, Conservation and Attractions to consider and approve the Construction and Environmental Management Plan, the document should be submitted at least 42 days before the expected works commencement date. The Construction Environmental Management Plan is to describe how the authorised works will be managed and implemented to minimise potential environmental impacts and should address the matters set out below:
- a. a detailed work method statement that describes how the contractor will undertake the works (with photographic evidence to be provided to the Department during the works);
 - b. timeframes and responsibilities for tasks identified;
 - c. contact details of essential site personnel, construction period and operating hours;
 - d. management of any potential acid sulphate soils (PASS) that may be exposed during the works;
 - e. ongoing management of controls used to reduce turbidity risk and prevent sediment plumes (such as silt curtain installation, monitoring and removal) – photographic evidence required;
 - f. proposed contingency actions if environmental controls are inadequate;
 - g. identification and protection of established vegetation (photographic evidence required);
 - h. detail of machinery and associated refuelling (refuelling should take place outside of the Swan Canning Development Control Area if possible, or within an appropriate impervious bund);
 - i. waste management;
 - j. protection of the river from inputs of debris, run-off, soil, fill, or other deleterious material;
 - k. public safety and amenity;
 - l. traffic, machinery and pedestrian access and parking management for contractors and the public;
 - m. complaints and environmental incident management plan;
 - n. containment of stockpiles of materials – photographic evidence required;
 - o. location of emergency spill kits that are to be on-site at all times – photographic evidence required;
 - p. a detailed site map showing the location of:
 - i. signage, including the contact details of essential site personnel;
 - ii. perimeter fencing and hoarding to protect the Parks and Recreation Reserve;
 - iii. the laydown area and vehicle entry/exit points;
 - iv. protected vegetation;
 - v. areas of excavation and stockpiling of soil;
 - vi. cofferdams and measures proposed to reduce turbidity risk and prevent sediment plumes;
 - vii. on-site storage and bunding of materials and equipment;
 - viii. traffic access and parking; and
 - ix. proposed redirection of pedestrian traffic (with on-site photographic evidence provided);

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- q. Incident response procedures such as measures to document and respond to incidents of damage, sediment plumes, pollution or spills within the Swan Canning Development Control Area noting also that incidents are to be reported immediately to the Department of Biodiversity, Conservation and Attractions' Duty Officer (Riverpark) on 9278 0981 (24 hrs) or Pollution Response Officer (Marine) on 9480 9924 (24 hrs); and
- r. any other matters considered relevant to the proposal not identified above.
- DB3 The applicant is advised that it is an offence under the Swan and Canning Rivers Management Regulations 2007 to do or cause the doing of anything that is likely to bring about the collapse or movement of any part of the banks of waters in the Riverpark or development control area.
- DB4 The applicant will need to make arrangements with the Water Corporation for the provision of the necessary wastewater services. On receipt of a request from the applicant, a Land Development Agreement under Section 83 of the *Water Services Act 2012* will be prepared by the Water Corporation to document the specific requirements for the proposed development.
- DB5 The applicant is advised that the Department of Biodiversity, Conservation and Attractions does not permit the discharge of swimming pool water or backwash water into wetlands, waterways or drains that lead to waters within the Swan Canning Development Control Area. The use of limestone-lined soakwells may be appropriate to carry out this function. More information on the safe storage and application of pool chemicals can be found at [Water Quality Protection Note 55 Swimming Pools](https://www.wa.gov.au/government/publications/wqpn-55-swimming-pools), Department of Water and Environmental Regulation.
- DB6 The applicant is advised that it is an offence under the Swan and Canning Rivers Management Regulations 2007 to destroy, pull up, cut back or injure any tree, shrub or perennial plant that is on land within the Swan Canning Development Control Area, except with the prior approval of the Department of Biodiversity, Conservation and Attractions.
- DB7 The applicant should be advised that the proposed works are located in a high to moderate risk Acid Sulphate Soils risk area and that the Acid Sulphate Soils Guideline Series for guidance on the identification, assessment and management of acid sulphate soils in Western Australia is available from the Department of Water and Environmental Regulation at: www.dwer.wa.gov.au. If Acid Sulphate Soils are exposed during the works, the Department of Water and Environmental Regulation should be contacted for further advice.
- DB8 It is recommended that the applicant plants locally native species, due to their low maintenance and fertilizer requirements, and increased habitat values for native fauna.

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- DB9 The DBCA advises that the subject land immediately adjoins land within the Swan Canning Development Control Area which is subject to rehabilitation to the vegetation classification of Class A – Forest. Views have the potential to be affected by future vegetation growth associated with the rehabilitation of the Parks and Recreation reserve.
- DB10 The applicant shall submit a Landscaping Management Plan to the Department of Biodiversity, Conservation and Attractions for approval at least 30 days prior to commencement of works.
- DB11 The applicant shall submit evidence, including photographs and/or videos, on a monthly basis to the Department of Biodiversity, Conservation and Attractions to demonstrate that the approved Landscaping Management Plan is being appropriately implemented.
- DB12 The Landscaping Management Plan should reflect but not be limited to the following points:
- deciduous species should not be planted unless required as part of solar passive design. If non-local species are to be used, they should be species with low fertiliser and pesticide requirements;
 - plant species proposed for planting in or abutting the Parks and Recreation Reserve/Swan and Canning Development Control Area are to be known locally native species; and
 - the sustainable use of water.
- DB13 The applicant is advised that the selected colour scheme and finishes for the development should be consistent with the character and landscape setting of the river and surrounding foreshore. In addition, glazing is to be of a low reflective standard to avoid glare to the river reserve.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The panel members noted that the proposed developments met the vision and objectives of the structure plan and the LDP. The panel was impressed with the design of the proposed dwellings and agreed that it could be approved.

8.2b No. 3 (Lot 3001) Graham Farmer Freeway, Burswood

Development Description:	33 Grouped Dwellings
Applicant:	Renee Young (element Advisory Pty Ltd)
Owner:	Golden Sedayu Pty Ltd
Responsible Authority:	Western Australian Planning Commission
DAP File No:	DAP/23/02503

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REPORT RECOMMENDATION

Moved by: Lee O'Donohue

Seconded by: Diana Goldswain

That the Metro Inner-South Joint Development Assessment Panel resolves to:

1. Approve DAP Application reference DAP/23/02503 and accompanying plans date stamped **25 August** and **5 September 2023** in accordance with Clause 29, 30 and 30A of the *Metropolitan Region Scheme*, subject to the following conditions:

Conditions

1. 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.
2. Prior to the commencement of construction, an updated Urban Water Management Plan is to be lodged and approved to the specification of the Department of Biodiversity, Conservation and Attractions, to the satisfaction of the Western Australian Planning Commission.

Development and works are thereafter to be undertaken in accordance with the approved urban water management plan to the specification of the Department of Biodiversity, Conservation and Attractions and to the satisfaction of the Western Australian Planning Commission.

3. Measures consistent with an approved Urban Water Management Plan are to be taken to ensure the coastal saltmarsh threatened ecological community are protected to the specification of the Department of Biodiversity, Conservation and Attractions and to the satisfaction of Western Australian Planning Commission.
4. The location and details of any bioretention basins to be provided is to be to the specification of the Department of Biodiversity, Conservation and Attractions and to the satisfaction of Western Australian Planning Commission.
5. Development and works are to be undertaken in accordance with an approved Landscaping Management Plan to the specification of the Department of Biodiversity, Conservation and Attractions and the satisfaction of the Western Australian Planning Commission on the advice of the Town of Victoria Park.
6. All works are to be undertaken in accordance with a Construction Environmental Management Plan to the specification of the Department of Biodiversity, Conservation and Attractions and to the satisfaction of Western Australian Planning Commission.

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7. No damage is to occur to the embankment, foreshore, riverbank or waterway (including vegetation) beyond the scope of the approved works to the specification of the Department of Biodiversity, Conservation and Attractions and to the satisfaction of Western Australian Planning Commission.
8. No wastewater/backwash from the swimming pools is to be discharged onto the land, into the river or the local government drainage system, to the specification of the Department of Biodiversity, Conservation and Attractions and to the satisfaction of Western Australian Planning Commission.
9. Appropriate fencing being installed along the boundary of the Parks and Recreation reserve which:
 - a. is no more than 1.8 metres high in total;
 - b. has an 'open-view' style above the one metre height; and
 - c. comprises styles, colours and materials that complement the riverine environment,to the specification of the Department of Biodiversity, Conservation and Attractions and to the satisfaction of Western Australian Planning Commission.
10. Stormwater run-off from constructed impervious surfaces generated by small rainfall events (that is, the first 15 mm of rainfall) must be retained and/or detained and treated (if required) at-source as much as practical and will not be permitted to enter the river untreated to the specification of the Department of Biodiversity, Conservation and Attractions and on advice from the Town of Victoria Park, to the satisfaction of Western Australian Planning Commission.
11. Detail design plans that include a schedule of colours, building materials and finishes to be submitted and approved, and thereafter implemented, to the specification of the Department of Biodiversity, Conservation and Attractions and to the satisfaction of the Western Australian Planning Commission.
12. A notification is to be placed on the certificate(s) of title of the subject lot(s). Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

"This lot is located adjacent to the Swan Canning Development Control Area and views have the potential to be affected by vegetation growth associated with the future rehabilitation of the Parks and Recreation reserve"

to the satisfaction of Western Australian Planning Commission.
13. Prior to occupancy, the subject lots are to be created in accordance with the subdivision approval (WAPC Ref: 162656) for the site to the satisfaction of Western Australian Planning Commission.

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Advice Notes

1. In regard to Condition 2, the Department of Biodiversity, Conservation and Attractions advises that the Urban Water Management Plan must include details about how runoff from minor and major rainfall events would flow to the Swan River. Runoff is not to cause erosion, sedimentation or negatively alter the hydrology of the subtropical and temperate Coastal Saltmarsh Threatened Ecological Communities. It should be via overland flow across vegetation and in locations that will not directly discharge or infiltrate into the Coastal Saltmarsh Coastal Saltmarsh Threatened Ecological Communities.
2. In regard to Condition 5:
 - i. the applicant shall submit a Landscaping Management Plan to the Department of Biodiversity, Conservation and Attractions for approval at least 30 days prior to commencement of works.
 - ii. the applicant shall submit evidence, including photographs and/or videos, on a monthly basis to the Department of Biodiversity, Conservation and Attractions to demonstrate that the approved Landscaping Management Plan is being appropriately implemented.
 - iii. the Landscaping Management Plan should reflect but not be limited to the following points:
 1. deciduous species should not be planted unless required as part of solar passive design. If non-local species are to be used, they should be species with low fertiliser and pesticide requirements;
 2. plant species proposed for planting in or abutting the Parks and Recreation Reserve/Swan and Canning Development Control Area are to be known locally native species; due to their low maintenance and fertilizer requirements, and increased habitat values for native fauna, and
 3. the sustainable use of water.
3. In regard to Condition 6, the Department of Biodiversity, Conservation and Attractions advises that the Construction and Environmental Management Plan should be submitted at least 42 days before the expected works commencement date to allow sufficient time to be considered and approved . The Construction Environmental Management Plan is to describe how the authorised works will be managed and implemented to minimise potential environmental impacts and should address the matters set out below:
 - a. a detailed work method statement that describes how the contractor will undertake the works (with photographic evidence to be provided to the Department during the works);
 - b. timeframes and responsibilities for tasks identified;
 - c. contact details of essential site personnel, construction period and operating hours;
 - d. management of any potential acid sulphate soils (PASS) that may be exposed during the works;
 - e. ongoing management of controls used to reduce turbidity risk and prevent sediment plumes (such as silt curtain installation, monitoring and removal) – photographic evidence required;

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- f. proposed contingency actions if environmental controls are inadequate;
 - g. identification and protection of established vegetation (photographic evidence required);
 - h. detail of machinery and associated refuelling (refuelling should take place outside of the Swan Canning Development Control Area if possible, or within an appropriate impervious bund);
 - i. waste management;
 - j. protection of the river from inputs of debris, run-off, soil, fill, or other deleterious material;
 - k. public safety and amenity;
 - l. traffic, machinery and pedestrian access and parking management for contractors and the public;
 - m. complaints and environmental incident management plan;
 - n. containment of stockpiles of materials – photographic evidence required;
 - o. location of emergency spill kits that are to be on-site at all times – photographic evidence required;
 - p. a detailed site map showing the location of:
 - i. signage, including the contact details of essential site personnel;
 - ii. perimeter fencing and hoarding to protect the Parks and Recreation Reserve;
 - iii. the laydown area and vehicle entry/exit points;
 - iv. protected vegetation;
 - v. areas of excavation and stockpiling of soil;
 - vi. cofferdams and measures proposed to reduce turbidity risk and prevent sediment plumes;
 - vii. on-site storage and bunding of materials and equipment;
 - viii. traffic access and parking; and
 - ix. proposed redirection of pedestrian traffic (with on-site photographic evidence provided);
 - q. Incident response procedures such as measures to document and respond to incidents of damage, sediment plumes, pollution or spills within the Swan Canning Development Control Area noting also that incidents are to be reported immediately to the Department of Biodiversity, Conservation and Attractions' Duty Officer (Riverpark) on 9278 0981 (24 hrs) or Pollution Response Officer (Marine) on 9480 9924 (24 hrs); and
 - r. any other matters considered relevant to the proposal not identified above.
4. In regard to Condition 7, if any inadvertent damage occurs, the applicant is required to notify the Department of Biodiversity, Conservation and Attractions within 48 hours of the damage occurring and rectify at its expense any such damage.
5. In regard to Condition 8, the Department of Biodiversity, Conservation and Attractions does not permit the discharge of swimming pool water or backwash water into wetlands, waterways or drains that lead to waters within the Swan Canning Development Control Area. The use of limestone-lined soakwells may be appropriate to carry out this function. More information on the safe storage and application of pool chemicals can be found at Water Quality Protection Note 55 Swimming Pools: <https://www.wa.gov.au/government/publications/wqpn-55-swimming-pools>, Department of Water and Environmental Regulation

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6. In regard to Condition 11, the selected colour scheme and finishes for the development should be consistent with the character and landscape setting of the river and surrounding foreshore. In addition, glazing is to be of a low reflective standard to avoid glare to the river reserve. The Department of Biodiversity, Conservation and Attractions advises that the applicant will be required to demonstrate that the works are carried out in accordance with the approved detailed plans including through photographic evidence.
7. In regard to Condition 12, the subject land immediately adjoins land within the Swan Canning Development Control Area, which is subject to rehabilitation to the vegetation classification of Class A – Forest. Views have the potential to be affected by future vegetation growth associated with the rehabilitation of the Parks and Recreation reserve.
8. The Department of Biodiversity, Conservation and Attractions further advises that:
 - a. all relevant notifications and documents can be emailed to: rivers.planning@dbca.wa.gov.au.
 - b. it is an offence under the *Swan and Canning Rivers Management Regulations 2007* to do or cause the doing of anything that is likely to bring about the collapse or movement of any part of the banks of waters in the Riverpark or development control area.
 - c. it is an offence under the *Swan and Canning Rivers Management Regulations 2007* to destroy, pull up, cut back or injure any tree, shrub or perennial plant that is on land within the Swan Canning Development Control Area, except with the prior approval of the Department of Biodiversity, Conservation and Attractions.
 - d. the applicant plants locally native species, due to their low maintenance and fertilizer requirements, and increased habitat values for native fauna.
9. The applicant is advised the proposed works are located in a high to moderate risk Acid Sulphate Soils risk area and that the Acid Sulphate Soils Guideline Series for guidance on the identification, assessment and management of acid sulphate soils in Western Australia is available from the Department of Water and Environmental Regulation at: www.dwer.wa.gov.au. If Acid Sulphate Soils are exposed during the works, the Department of Water and Environmental Regulation should be contacted for further advice.
10. ATCO Gas Australia advises that anyone proposing to carry out construction or excavation works must contact 'Before You Dig Australia' (www.byda.com.au) to determine the location of buried gas infrastructure. Proposed construction and excavation works need to be managed in accordance with the ATCO document *Additional Information for Working Around Gas Infrastructure - AGA-O&M-PR24*: <https://www.atco.com/en-au/for-home/natural-gas/wa-gas-network/working-around-gas.html>.

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11. Western Power advises:
- a. All work must comply with Work safe Regulations 3.64 – Guidelines for work in the vicinity of overhead powerline:
<https://www.commerce.wa.gov.au/publications/guidelines-work-vicinity-overhead-power-lines>

If any work is to breach the minimum safe working distances, a 'Request to Work in Vicinity of Powerlines' form must be submitted:
<https://www.westernpower.com.au/safety/360-aware/request-installation-of-aerial-visual-covers-tiger-tails/>
 - b. It is important the level of energy being dealt with to be sure the right application form is chosen:
 - Low Voltage – 240V to 415V
 - High Voltage – 1kV to 33kV
 - Transmission - >33kV.
For more information on the type and locations of assets please submit an enquiry with Before You Dig Australia (www.byda.com.au) and visit the below links:
 - <https://www.westernpower.com.au/safety/360-aware/>
 - <https://www.westernpower.com.au/safety/360-aware/working-near-transmission-and-communication-assets/>
 - c. Western Power advises to submit an application via its website if its infrastructure needs to be removed or relocated :
<https://www.westernpower.com.au/products-and-services/>. Western Power is also obligated to point out that any change to the existing (power) system, if required, is the responsibility of the individual developer.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The panel members noted that the proposed developments met the vision and objectives of the structure plan and the LDP. The panel was impressed with the design of the proposed dwellings and agreed that it could be approved.

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

9.1 No. 155 And 157 (Lot 619 And 620) Great Eastern Highway, Belmont

Development Description:	Hotel comprising of 147 guest rooms, 40 Serviced Apartments along with meeting rooms, bar and restaurant
Proposed Amendments:	Extension of time to commence development
Applicant:	Lawrence Scanlan (Scanlan Architects)
Owner:	Property Development (WA) Pty Ltd
Responsible Authority:	City of Belmont
DAP File No:	DAP/15/00954

REPORT RECOMMENDATION

Moved by: NIL

Seconded by: NIL

That the Metro Inner-South JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/15/00954 as detailed on the DAP Form 2 dated 19 July 2023 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Refuse** DAP Application reference DAP/15/0095 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause of the City of Belmont Local Planning Scheme No. 15, for the proposed minor amendment to the approved 'Hotel, Restaurant and meeting rooms' at LOT 619 and 620 (No. 155 AND 157) Great Eastern Highway Belmont, for the following reasons:
 1. The planning framework has substantially changed since the original approval was granted.
 2. The proponent has not satisfactorily demonstrated that they have actively and conscientiously pursued implementation of the development approval. This is in the context of the 6 year period since development approval was granted and the lack of attempts made to clear conditions.
 3. The original timeframe, and subsequent extension granted to the validity of the approval was reasonable and adequate to facilitate construction of the development.

The Report Recommendation LAPSED for want of a mover and a seconder.

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PROCEDURAL MOTION

Moved by: Lee O'Donohue

Seconded by: Diana Goldswain

That the consideration of DAP Application DAP/15/00954 be deferred until for up to 60 days being on or before 21 November 2023, in accordance with section 5.10.1a of the DAP Standing Orders 2020, for the following reasons:

- To enable the architect to address the Panel at a future time

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: The panel members noted that the applicant was not aware of the City's recommendation and as such advised that they did not have time to respond to the reasons for the recommended refusal. The Panel has agreed to defer the item to give the applicants time to present their case.

Mayor Phil Marks (Local Government Member, City of Belmont) and Cr Robert Rossi (Local Government Member, City of Belmont) left the panel at 9.50am.

Cr Claire Anderson (Local Government Member, Town of Victoria Park) joined the Panel at 9.50am).

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/22/02244 DR121/2022	City of Fremantle	Nos. 34-38 (Lots 1823, 1209, 1212 and 1217) Amherst Street and Nos. 2-4 (Lots 1223 and 1222) Stack Street, Fremantle	56 Grouped Dwellings	30/11/2022
DAP/18/01521 DR15/2023	City of Belmont	225 (Lot 500), Great Eastern Highway, Belmont	Use Not Listed: Third Party Signage	31/01/2023

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Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/22/02252 DR62/2023	City of Fremantle	No.130 (Multiple Lots) Stirling Highway, North Fremantle	20-Storey Mixed-Use Development, Comprising Three (3) Residential Apartment Towers (198 Multiple Dwellings) And Various Non-Residential Uses (Restaurant, Shop, Tavern, Office, Reception Centre and Industry-Light)	13/04/2023
DAP/23/02455 DR119/2023	City of Fremantle	No.87 -93 (Lot 363 & 364) Queen Victoria Street, Fremantle	Service Station Redevelopment	12/07/2023

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 10:04am.

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