



Metro-Inner North Joint Development Assessment Panel Minutes

Meeting Date and Time: Tuesday, 11 July 2023; 9:30am
Meeting Number: MINJDAP/188
Meeting Venue: City of Bayswater
61 Broun Avenue, Morley

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Lee O'Donohue 
A/Presiding Member, Metro Inner-North JDAP



Attendance

DAP Members

Lee O'Donohue (A/Presiding Member)
Lindsay Baxter (A/Deputy Presiding Member)
John Syme (Third Specialist Member)
Cr Filomena Piffaretti (Local Government Member, City of Bayswater)
Cr Catherine Ehrhardt (Local Government Member, City of Bayswater)

Officers in attendance

Adam Dyson (City of Bayswater)
Helen Smith (City of Bayswater)
Courtney Wynn (City of Bayswater)

Minute Secretary

Matthew Travaglione (City of Bayswater)

Applicants and Submitters

Daniel Hollingworth (Lateral Planning)
Nick Della Gatta (ND Engineering)

Members of the Public / Media

Nil

1. Opening of Meeting, Welcome and Acknowledgement

The A/Presiding Member declared the meeting open at 9:31 on 11 July 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 A/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 A/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.

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2. Apologies

Francesca Lefante (Presiding Member)

3. Members on Leave of Absence

Nil

4. Noting of Minutes

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

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of Interests

Nil

7. Deputations and Presentations

7.1 Daniel Hollingworth (Lateral Planning) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

7.2 Adam Dyson (City of Bayswater) addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lots 878 & 3 & 2, 148-150 Walter Road & 251 Lawrence Street, Bedford

Development Description:	Proposed Child Day Care Centre
Applicant:	Lateral Planning
Owner:	Team Gump Pty Ltd
Responsible Authority:	City of Bayswater
DAP File No:	DAP/23/02438



REPORT RECOMMENDATION

Moved by: Cr Catherine Ehrhardt

Seconded by: Lindsay Baxter

With the approval of the mover and seconder, the following amendment was made;

That Advice Note No. 1 be amended to read as follows:

To activate the planning approval, the development/use subject of this approval must be substantially commenced within a period of four years of the date of this approval notice. If the development is not substantially commenced within this period, this approval shall lapse and be of no further effect. Where an approval has lapsed, no development/use shall be carried out without the further approval of the ~~City~~ **responsible approving authority** having first been sought and obtained.

REASON: To clarify the approving authority not be limited to the City only, approval by the JDAP being considered.

That the Metro Inner North Joint Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP/23/02438 and accompanying plans dated 22 June 2023 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Bayswater Town Planning Scheme No. 24, subject to the following conditions:

Conditions

1. The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
2. The number of children to be cared for in the child day care centre is limited to 124 only and the number of staff is limited to 24 at any one time, to the satisfaction of the City of Bayswater.
3. The child day care centre is not permitted to operate on weekends or public holidays. Children are not permitted to arrive at the centre prior to 7am on weekdays and are to leave the centre no later than 6.30pm Monday to Friday.
4. Revised Plans addressing the following matters shall be submitted to and approved by the City of Bayswater prior to the lodgement of a building permit application, and not result in any greater variation to the requirements of the TPS24 and the City's policies:
 - a) Detailed design of acoustic treatments to the fencing for the Outdoor Play Areas as recommended by ND Engineering dated 23 May 2023.

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- b) A final 'Schedule of Colours and Materials' shall be submitted to, and to the satisfaction of the City of Bayswater, prior to the submission of a building permit application.
5. The operational management plan submitted on 22 June 2023, detailing how car parking associated with the childcare centre will be managed to minimise the impact on the surrounding area, including complaint management and contacts, shall be implemented to the satisfaction of the City of Bayswater.
6. An updated landscape plan shall be submitted to, and to the satisfaction of the City of Bayswater, prior to the submission of a building permit application. For the purpose of this condition, the plan shall be drawn with a view to reduce large areas of hard stand in passive areas and show the following:
- (a) The size and number of new plants to be planted.
 - (b) The location of any lawn areas to be established.
 - (c) Those areas to be reticulated or irrigated.
 - (d) Landscaping to have a minimum soil depth of 0.3m.
 - (e) The proposed *Gleditsia* species shall be substituted with another species from the City's Tree list.
 - (f) All trees located within the car parking area(s) as denoted on the plans shall be provided with structural soil systems, to the satisfaction of the City of Bayswater.
- Landscaping, reticulation and the tree(s) required to be planted on the property, shall be completed in accordance with the approved detailed landscape plan prior to occupation of the development
7. Prior to occupation, Lot 2, 3 and 878 are to be amalgamated into a single lot. Alternatively, the owner may enter into a legal agreement with the City of Bayswater, prepared by the City's Solicitors at the expense of the owner. The legal agreement will allow the owner 12 months to amalgamate the lots. The agreement is required to be executed by all parties concerned prior to the commencement of the works hereby permitted.
8. Lighting plans detailing how outdoor lighting is to be designed, baffled and located to prevent any increase in light spill onto the adjoining properties shall be submitted to and approved to the satisfaction of the City of Bayswater, prior to the submission of a building permit application.
9. A construction management plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area, shall be submitted to, and to the satisfaction of the City of Bayswater, prior to the submission of a building permit application.
10. Detailed drainage plans demonstrating stormwater is contained on site are to be submitted to and approved by the City of Bayswater, prior to the submission of a building permit application.



11. All street tree(s) within the Lawrence Street verge adjoining the subject property are to be retained and shall have measures consistent with AS 4970-2009 undertaken to ensure its/their protection during construction of the subject development to the satisfaction of the City, including but not limited to the following:
 - (a) A minimum 2.0m radius tree protection zone (TPZ) shall be provided through 1.8m high fencing around the verge trees (chain mesh panels or other suitable material) during construction of the subject development.
 - (b) The above fencing is not to be moved or removed at any period during construction, and this zone is not to be entered for any reason; signage notifying people of the TPZ and the associated requirements is to be placed on each side of the fencing.
 - (c) All activities and works related to construction of the subject development, including parking of vehicles, storage of materials, and washing of concreting tools and equipment is prohibited within the designated TPZ unless prior approval is sought from the City of Bayswater.
 - (d) Any roots identified to be pruned shall be pruned with a final cut to undamaged wood outside of the TPZ. Pruning cuts shall be made with sharp tools such as secateurs, pruners, handsaws or chainsaws. Pruning wounds shall not be treated with dressings or paints. It is not acceptable for roots to be 'pruned' with machinery such as backhoes or excavators.
 - (e) The tree(s) shall be provided with supplemental water during any construction period falling over summer, with a minimum of 150 litres being provided per week.
 - (f) Any new crossover shall maintain a minimum clearance of 2.0m from the base of a street tree(s).

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

13. The owner, or the applicant on behalf of the owner, shall comply with the City of Bayswater policy relating to Percent for Public Art, and provide public art with a minimum value of 1% (\$25,000.00) of the estimated total construction cost of the development (\$2.5 million). Details of the public art, including plans of the artwork, its cost and construction, and other matters relating to the artwork's on-going maintenance and acknowledgements in accordance with the City's Percent for Public Art Policy shall be submitted to and approved by the City prior to the lodgement of a building permit application.

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



14. The development is to be undertaken in accordance with the approved acoustic report prepared by ND Engineering dated 23 May 2023 to the satisfaction of the City of Bayswater. Prior to occupation of the development, certification from a qualified acoustic consultant being submitted, confirming that the recommendations of the acoustic report have been implemented along with an operational noise management plan is to be provided to the satisfaction of the City of Bayswater.
15. The outdoor play areas can only be used between the hours of 7am and 6pm in accordance with the recommendations of the acoustic assessment.
16. An updated Waste Management Plan is to be submitted and approved by the City and shall address the bin store size, movement of bins, collection times and overall management. The approved Waste Management Plan shall be implemented in its entirety to the satisfaction of the City of Bayswater.
17. Prior to occupation of the development, wash down facilities for the rubbish bins are to be provided within the bin stores and graded to a floor waste and discharged to the sewer to the satisfaction of the City of Bayswater.
18. The car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City of Bayswater.
19. All vehicle parking bays, loading bays and staff parking bays are to be line marked, and shall be clearly signposted, to the satisfaction of the City of Bayswater. Off-street vehicle car parking bays are to be constructed in accordance with AS-2890.
20. Walls, fences and other structures are to be truncated or reduced to no higher than 0.75m within 1.5m of where the accessway meets the Walter Road West road reserve.
21. All stormwater and drainage runoff produced onsite is to be disposed of onsite to the satisfaction of the City of Bayswater.
22. Windows, doors and adjacent areas fronting Walter Road West and Lawrence Street shall maintain an active and interactive relationship with the street, to the satisfaction of the City of Bayswater.
23. The proposed crossover and driveway being constructed with brick paving or concrete with grades in accordance with AS 2890.1 to the satisfaction of the City of Bayswater.
24. The redundant crossovers on Walter Road West and Lawrence Street are to be removed and the verge be reinstated to the satisfaction of the City of Bayswater. The verge area to Walter Road West and Lawrence Street, where the existing crossover is removed to be reinstated with brick paving or grass respectively and to semi mountable kerb to match the existing brick paved footpath.



25. Any services and utilities including building service fixtures located within the communal areas or pedestrian entry and rooftop area including solar panels and air-conditioning units are to be integrated into the design of the development and shall not detract from the amenity and visual appearance of the street frontage and/or the entry and/or communal open spaces, to the satisfaction of the City of Bayswater.
26. Any proposed vehicular entry gates shall be a minimum 50% visually permeable, and suitable management measures shall be implemented to ensure access is available for visitors at all times. Details of the management measures shall be submitted to, and to the satisfaction of the City of Bayswater.
27. A separate application including plans or description of all signs for the proposed development (including signs painted on a building) which are not compliant with the City's Signage Policy shall be submitted to, and to the satisfaction of the City of Bayswater.
28. No loading or unloading is permitted within the Walter Road West or Lawrence Street road reserves.
29. The external surfaces of the roof are to be 'cool roof' with a maximum solar absorbance rating of 0.45 as per the City's policy relating to Sustainability in Design to the satisfaction of the City of Bayswater.
30. On completion of construction, all excess articles, equipment, rubbish and materials being removed from the site and the site left in an orderly and tidy condition, to the satisfaction of the City of Bayswater.

Advice Notes

1. To activate the planning approval, the development/use subject of this approval must be substantially commenced within a period of four years of the date of this approval notice. If the development is not substantially commenced within this period, this approval shall lapse and be of no further effect. Where an approval has lapsed, no development/use shall be carried out without the further approval of the responsible approving authority having first been sought and obtained.
2. This approval is not a building permit or an approval under any other law than the *Planning and Development Act 2005*. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and/or licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
3. This approval is not an authority to ignore any constraint to development on the land, which may exist through contract or on title, such as but not limited to an easement or restrictive covenant. It is the responsibility of the applicant/owner to investigate any such constraints before commencing development.



4. This approval does not authorise any interference with dividing fences, nor entry onto neighbouring land. Accordingly, should the applicant/landowner wish to remove or replace any portion of a dividing fence, or enter onto neighbouring land, the applicant/landowner must first come to a satisfactory arrangement with the adjoining property owner. Please refer to the *Dividing Fences Act 1961*.
5. Kerbs, roadways, footpaths, open drains, stormwater pits, service authority pits and verge areas must be adequately protected, maintained and reinstated if required, during and as a result of carting and all works associated with this development.
6. The development shall comply with the *Environmental Protection Act 1986*, the *Health (Miscellaneous Provisions) Act 1911* and any relevant environmental protection or health regulations including but not limited to the following:
 - *Environmental Protection (Liquid Waste) Regulation 1996*;
 - *Health Act 2016*;
 - *Health (Air handling and Water Systems) Regulations 1994*;
 - *Food Act 2008 and Australian Food Code*;
 - *Environmental Protection (Noise) Regulations 1997 and*;
 - *Treatment of Sewerage and Disposal of Effluent and Liquid Waste Amendment Regulations (No. 2) 1997*.
 - *Health (Public Buildings) Regulations 1992*.
 - *Environmental Protection (Noise) Regulations 1997*
7. The operator is to make separate application to the City's Environmental Health Branch demonstrating compliance with the Food Act 2008 and the Australia New Zealand Food Standards Code prior to the submission of a Building Permit.
8. In relation to Condition 6, the required landscaping is to comprise of local native and drought tolerant species to reduce reliance on water and fertilizers.
9. Redundant septic tanks, soak wells and leach drains are to be pumped out by a licensed liquid waste contractor, completely removed from the site and filled with clean sand and compacted. A Statutory Declaration must also be provided by the landowner declaring that these works have been undertaken. However, if it is not possible to remove septic tanks, the bottoms are to be broken and the tanks backfilled with clean fill and compacted. The applicant is to contact the City's Environmental Health Services at least 72 hours prior to the removal of any system to arrange an inspection.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The panel was satisfied that the proposed development met the requirements and objectives of the planning framework in terms of location, land use and building design whilst also ensuring that issues relating to noise and traffic are addressed in a manner that will not be negative or detrimental to adjoining residences and the locality in general. The panel also considered it positive that the proponent had worked with the City and DRP to achieve a well-considered development that will assist in meeting an ongoing community need.



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

Nil

10. State Administrative Tribunal Applications and Supreme Court Appeals

The A/Presiding Member noted the following SAT Applications –

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/21/02136 DR60/2022	City of Nedlands	No. 43 Esplanade, Nedlands	Proposed Mixed Use Development – One consulting room and three multiple dwellings	01/04/2022
DAP/20/01770 DR140/2022	City of Nedlands	97 (Lots 1-4) and 105 (Lot 500) Stirling Highway, Nedlands	Mixed use development comprising of basement car parking, restaurants, offices, motor vehicle sales and multiple dwellings.	23/08/2022
DAP/22/02219 DR154/2022	City of Bayswater	589-591 (Lot 160-161) Morley Drive, Morley	Proposed Childcare Centre	14/09/2022
DAP/22/02229 DR172/2022	Town of Cambridge	413 (Lot 11) Vincent Street West, Leederville	Two-Storey Childcare Centre	04/10/2022
DAP/22/02191 DR192/2022	City of Vincent	No. 391 (Lot: 20) Lord Street, Mount Lawley	Proposed Mixed Use Development	31/10/2022
DAP/22/02276 DR194/2022	Town of Cottesloe	19 Napoleon Street (Lot 20) Cottesloe (Also Known As 19 & 21 Napoleon Street)	Four-Storey Office Building with Rooftop Terrace, and Change of Use of Existing Ground Floor Buildings To 'Restaurant and Small Bar)	04/11/2022

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Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/22/02218 DR216/2022	City of Subiaco	No. 414 (Lot 27) Rokeby Road, Subiaco	Demolition Of Existing Building and Construction of a Six Storey Mixed Use Development (Ten Multiple Dwellings and Three Office Tenancies)	07/12/2022
DAP/22/02366 DR74/2023	City of Stirling	House Numbers 432, 438 And 440 (Lots 23, 15 And 351) Scarborough Beach Road and House Number 57 (Lot 31) Howe Street, Osborne Park	Additions - Motor Vehicle, Boat or Caravan Sales and Motor Vehicle Repair to existing Automotive Sales	22/05/2023
DAP/22/02364 DR75/2023	City of Bayswater	504A & 504-508 (Lot 30,4) Guildford Road, Bayswater	Proposed service station, fast food outlet and showroom development	23/05/2023
DAP/22/02248	City of Vincent	No. 129 (Lot: 62; D/P: 956) Loftus Street, Leederville	Proposed Child Care Premises	24/05/2023
DAP/22/02317 DR81/2023	City of Vincent	41-43 and 45 Angove Street, North Perth	Proposed Service Station	31/05/2023

11. General Business

The A/Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2020 only the A/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 A/Presiding Member declared the meeting closed at 9:58am.

Lee O'Donohue 
A/Presiding Member, Metro Inner-North JDAP