



Metro Inner-North Joint Development Assessment Panel Minutes

Meeting Date and Time: Monday, 22 February 2021; 9.00am
Meeting Number: MINJDAP/69
Meeting Venue: via electronic means

This DAP meeting was conducted by electronic means open to the public rather than requiring attendance in person

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Attendance

DAP Members

Ms Francesca Lefante (Presiding Member)
Ms Lee O'Donohue (Deputy Presiding Member)
Mr John Syme (Third Specialist Member)
Mayor Dan Bull (Local Government Member, City of Bayswater)
Cr Catherine Ehrhardt (Local Government Member, City of Bayswater)

Officers in attendance

Mr Remajee Narroo (City of Bayswater)
Ms Helen Smith (City of Bayswater)

Minute Secretary

Ms Ashlee Kelly (DAP Secretariat)
Ms Zoe Hendry (DAP Secretariat)

Applicants and Submitters

Ms Bianca Sandri (Urbanista Town Planning)

Members of the Public / Media

Nil

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.00am on 22 February 2021 and acknowledged the traditional owners and pay 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 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 meeting would not be recorded.

In response to the COVID-19 situation, this meeting was convened via electronic means. Members were reminded to announce their name and title prior to speaking.

2. Apologies

Nil



3. Members on Leave of Absence

Nil

4. Noting of Minutes

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

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 Ms Bianca Sandri (Urbanista Town Planning) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

7.3 The City of Bayswater Officers addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lots 701 & 702, 58 Sixth Avenue, Maylands

Development Description:	Three Storey – 13 Multiple Dwellings Development
Applicant:	Urbanista Town Planning
Owner:	Estate of Maria Rosa Dattilo
Responsible Authority:	City of Bayswater
DAP File No:	DAP/20/01877

REPORT RECOMMENDATION

Moved by: Cr Catherine Ehrhardt

Seconded by: Mayor Dan Bull

With the agreement of the mover and seconder the following amendments were made to the report recommendation:

- (i) That condition no. 9 be amended to read as follows:

A Traffic Impact Assessment Statement shall be submitted to and approved by City of Bayswater.

REASON: to reflect the traffic generated by the development.



- (ii) That condition no. 14 be amended to read as follows:

The applicant is to offer independently prepared dilapidation surveys prior to commencement of works and a close out report at the completion of the proposed construction works to the following properties and road reserves in close proximity to the subject site:

- (a) 156 Whatley Crescent, Maylands (**dwelling on the eastern side of the lot**);
- (b) 79 Seventh Avenue, Maylands;
- (c) 159 Guildford Road, Maylands (**dwelling on the western side of the lot**);

Documents certifying that this requirement is met, are to be submitted to the satisfaction of the City of Bayswater prior to submission of a building permit application.

REASON: to provide further clarity regarding the extent of the dilapidation reports required as the construction works include compaction which may impact the adjoining dwellings.

1. **Accept** that the DAP Application reference DAP/20/01877 is appropriate for consideration as a “multiple dwelling” land use and compatible with the objectives of the zoning table in accordance with Clause 1.6 of the City of Bayswater Town Planning Scheme No. 24;
2. **Approve** DAP Application reference DAP/20/01877 and accompanying plans (19-0651, Rev 04) 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. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
4. Lots 701 & 702 are to be amalgamated into a single lot prior to the submission of a building permit application. 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.
5. Landscaping and reticulation shall be completed in accordance with the approved detailed landscape plan prior to occupation of the development and thereafter maintained to the satisfaction of the City of Bayswater.



6. 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.
7. An acoustic report prepared by a suitably qualified acoustic engineer and approved by the City of Bayswater prior to the submission of a building permit application. The noise assessment shall pay special consideration to addressing the noise amelioration measures for the three storey dwellings and the likely noise impacts associated with the environmental and the noise criteria associated with SPP5.4, and the recommendations of the noise assessment are to be implemented and thereafter maintained to the satisfaction of the City of Bayswater.
8. All dwelling units are to exceed the minimum acoustic requirements of the National Construction Code, such as a rating under the Association of Australasian Acoustical Consultants Guideline for Apartment and Townhouse Acoustic Rating (or equivalent). Documents certifying that this requirement is met, are to be submitted to the satisfaction of the City of Bayswater prior to submission of a building permit application.
9. A Traffic Impact Statement shall be submitted to and approved by City of Bayswater.
10. A minimum of 20% of the dwellings shall be designed in accordance with the Silver Level requirements as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia). Documents certifying that this requirement is met, are to be submitted to the satisfaction of the City of Bayswater prior to submission of a building permit application.
11. At least one significant energy efficiency initiative shall be incorporated within the development that exceeds minimum practice (refer State Planning Policy 7.3, DG4.15.1) or all dwellings are to exceed the minimum Nationwide House Energy Rating Scheme requirement for apartments by 0.5 star, to the satisfaction of the City of Bayswater. Documents certifying that this requirement is met, are to be submitted to the satisfaction of the City of Bayswater prior to submission of a building permit application.
12. The pedestrian access shall comply with universal access requirements. Documents certifying that this requirement is met, are to be submitted to the satisfaction of the City of Bayswater prior to submission of a building permit application.
13. 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.



14. The applicant is to offer independently prepared dilapidation surveys prior to commencement of works and a close out report at the completion of the proposed construction works to the following properties and road reserves in close proximity to the subject site:
- (a) 156 Whatley Crescent, Maylands (dwellings on the eastern side of the lot);
 - (b) 79 Seventh Avenue, Maylands;
 - (c) 159 Guildford Road, Maylands (dwellings on the western side of the lot);

Documents certifying that this requirement is met, are to be submitted to the satisfaction of the City of Bayswater prior to submission of a building permit application.

15. The air conditioning unit on the roof shall be screened. Details of the screening are to be submitted to and approved by the City of Bayswater, prior to the submission of a building permit application.
16. The street trees within the verge adjoining the subject property are to be retained, and shall have measures consistent with AS 4970-2009 undertaken to ensure its 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 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.
 - (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) Should any works be required to be undertaken within the TPZ, approval must be given by the City prior to entering this zone. You may be required to seek advice from an Arborist in regard to the type of works being undertaken, this information is to be assessed by the City as part of the approvals to enter.
 - (g) Any new crossover shall maintain a minimum clearance of 2.0m from the base of a street tree(s).
17. All stormwater and drainage runoff produced onsite is to be disposed of onsite to the satisfaction of the City of Bayswater.
18. The vehicle parking area shall be constructed in asphalt, concrete or brick paving, drained, kerbed and line-marked, together with suitable directional signs, and thereafter maintained to the satisfaction of the City of Bayswater.



19. The existing crossover on the road reserve is to be removed and the verge be reinstated to the satisfaction of the City of Bayswater.
20. All vehicle parking to be line marked, and visitor car parking spaces shall be clearly signposted as dedicated for visitor use only, to the satisfaction of the City of Bayswater.
21. The front fence/wall including the fence/wall along the north-western lot boundary within the front setback area being visually permeable above a height of 1.2m, to the satisfaction of the City of Bayswater.
22. Nine bicycle bays shall be provided to the satisfaction of the City of Bayswater. Details of the design and layout of the bicycle parking facilities shall be submitted to, and to the satisfaction of the City of Bayswater prior to the installation of such facility.
23. Arrangements being made to the satisfaction of the City of Bayswater for the filling of any bores on lot 702.
24. Any services and utilities including building services fixtures located within the front setback and/or pedestrian entry and/or private open space and/or roof 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 private open space, to the satisfaction of the City of Bayswater.
25. The development is to be fibre-to-premises ready, including the provision for installation of fibre throughout the site and to every dwelling prior to occupation of the development. Documents certifying that this requirement is met, are to be submitted to the satisfaction of the City of Bayswater at the completion of works.
26. The balconies are not to be used for the drying or airing of clothes and/or Manchester except where screened to the satisfaction of the City of Bayswater.
27. A soffit lining is to be provided to the undercroft car park to conceal hydraulic services as they descend through the floor slab from the apartments above to the satisfaction of the City of Bayswater.
28. Laundries provided to each unit are to be mechanically ventilated to the satisfaction of the City of Bayswater.
29. The approved boundary walls and footings abutting the lot boundaries must be constructed wholly within the subject allotment. The external surface of the boundary walls shall be finished to a professional standard, to the satisfaction of the City of Bayswater.
30. Retaining walls on lot boundaries exceeding 500mm in height (above natural ground level) are to be designed by a suitably qualified practising engineer, to the satisfaction of the City of Bayswater.
31. Walls, fences and other structures are to be truncated or reduced to no higher than 0.75m within 1.5m of where a driveway meets the road reserve.



32. Any proposed vehicular entry gates shall be a minimum 50% visually permeable and shall be either open at all times or 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 approved by the City of Bayswater, prior to the submission of a building permit application.
33. Architectural design elements, including clear, legible directional signage, being incorporated into the proposal to adequately highlight the entrances to the proposed units and improve legibility for pedestrians, to the satisfaction of the City of Bayswater.
34. Each resident car parking bay is to be allocated to a dwelling, and this is to be registered on the strata plan for the development to the satisfaction of the City of Bayswater.
35. The approved waste management plan shall be implemented in its entirety to the satisfaction of the City of Bayswater. The bin storage area is to be provided with wash down facilities and must be well ventilated to the satisfaction of the City of Bayswater.
36. The owner shall execute and provide to the City of Bayswater, a notification pursuant to section 70A of the *Transfer of Land Act* to be registered on the title of the multiple dwelling property as notification to proprietors and/or (prospective) purchasers of the property of the following:
 - (a) The use or enjoyment of the property may be affected by noise, traffic, car parking and other impact associated with nearby non-residential activities; and
 - (b) The City of Bayswater will not issue a residential or visitor car parking permit to any owner or occupier of the residential units as at the time of assessment, the on-site car parking for the multiple dwelling was in accordance with the requirements of the Residential Design Codes.

The Section 70A Notification shall be prepared by the City's solicitors to the satisfaction of the City of Bayswater. All costs of, and incidental to, the preparation of and registration of the Section 70A Notification, including the City's solicitor's costs, shall be met by the applicant/owner of the land. This notification shall be lodged and registered in accordance with the *Transfer of Land Act* prior to the first occupation of the respective multiple dwelling(s).

37. 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. 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.



2. 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.
3. 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*.
4. 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.
5. 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:
 - *Health Act 2016*;
 - *Health (Air handling and Water Systems) Regulations 1994* and;
 - *Environmental Protection (Noise) Regulations 1997*

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The JDAP supported the proposal as it is consistent with the planning framework and fits in with the street for the reasons contained within the RAR, inclusive of minor condition modifications.

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

Nil



10. State Administrative Tribunal Applications and Supreme Court Appeals

The Presiding Member noted the following State Administrative Tribunal Applications –

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/19/01600 DR161/2019	Town of Claremont	Lots 18 (164) and 19 (162) Alfred Road, Swanbourne	Proposed Childcare Centre	07/10/2019
DAP/19/01651 DR160/2020	City of Nedlands	Lot 1 (80) Stirling Highway, Lots 21-23 (2, 4 & 6) Florence Road and Lots 33 & 33 (9&7) Stanley Street, Nedlands	Shopping Centre	21/07/2020
DAP/19/01722 DR155/2020	City of Stirling	Lot 1 (331) West Coast Drive, Trigg	4 Storey Mixed Use Development	16/07/2020

Finalised SAT Applications*				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/20/01770 DR161/2020	City of Nedlands	Lot 100 (97) and Lot 500 (105) Stirling Highway, Nedlands	Mixed Use Development	21/07/2020

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 9.28am.