



Metro Inner-North Joint Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 14 October 2021; 9.30am
Meeting Number: MINJDAP/111
Meeting Venue: City of Bayswater
61 Broun Avenue, Morley

Table of Contents

1. Opening of Meeting, Welcome and Acknowledgement	2
2. Apologies	2
3. Members on Leave of Absence	2
4. Noting of Minutes	3
5. Declaration of Due Consideration	3
6. Disclosure of Interests	3
7. Deputations and Presentations	3
8. Form 1 – Responsible Authority Reports – DAP Applications	3
8.1 Lots 1-31 (168) Guildford Road, Maylands	3
9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval	15
10. State Administrative Tribunal Applications and Supreme Court Appeals	15
11. General Business	15
12. Meeting Closure	15



Attendance

DAP Members

Ms Francesca Lefante (Presiding Member)
Ms Rachel Chapman (A/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

Ms Helen Smith (City of Bayswater)
Ms Courtney Wynn (City of Bayswater)
Mr Adam Dyson (City of Bayswater)
Mr Bryce Coelho (City of Bayswater)

Minute Secretary

Ms Elizabeth Breen (City of Bayswater)

Applicants and Submitters

Ms Megan Gammon (Urbis)
Ms Rebecca Travaglione (Urbis)
Mr Robert Mazzilli

Members of the Public / Media

There were 13 members of the public in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.30am on 14 October 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 2017 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 2017 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

Ms Lee O'Donohue (Deputy 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

DAP Member, Cr Catherine Ehrhardt, declared an Impartiality Interest on item 8.1. Cr Ehrhardt attended a concept presentation from the applicant. Cr Ehrhardt notified them that she was a DAP Member and would not be providing any commentary. Cr Ehrhardt made a post on the application, also without commentary.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2017, the Presiding Member determined that the member listed above, who has disclosed an Impartiality Interest, is permitted to participate in the discussion and voting on the item.

7. Deputations and Presentations

- 7.1** Mr Robert Mazzilli addressed the DAP against the recommendation for the application at Item Number 8.1.
- 7.2** Ms Megan Gammon (Urbis) 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 1-31 (168) Guildford Road, Maylands

Development Description:	Proposed Nine Storey Mixed Use Development comprising shops, office and Childcare and 135 Multiple Dwellings
Applicant:	Urbis Various
Owner:	Various
Responsible Authority:	City of Bayswater
DAP File No:	DAP/21/02033



REPORT RECOMMENDATION

Moved by: Cr Catherine Ehrhardt

Seconded by: Ms Rachel Chapman

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

- (i) That a new condition no. 19 (c) be added to read as follows:

The Applicant shall provide a supplemental acoustic report to address the acoustic impact of the development on the adjoining properties and to implement any recommendations of the report to the satisfaction of the City of Bayswater.

REASON: To address any potential noise impacts on the surrounding properties as indicated in the addendum.

- (ii) That condition no. 28 be amended to read as follows:

No on-street parking is permitted on Seventh Avenue between the new vehicle access point and Guildford Road, with the exception of the two closest on-street bays to the access point, (the new vehicle access point must be a minimum of 10m away from the truncation point). All vehicle access points shall be designed and constructed to the satisfaction of the City.

REASON: The minor condition change reflects Main Roads support of street parking in Seventh Avenue, as indicated in the addendum

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

1. **Approve** DAP Application reference DAP/21/02033 and accompanying plans (dated 21 June 2021) 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. Windows, doors and adjacent areas fronting Guildford Road, Seventh and Eighth Avenues shall maintain an active and interactive relationship with the respective streets, to the satisfaction of the City of Bayswater.
3. A geotechnical report covering the development area being prepared by a suitably qualified practitioner at the applicant's cost, to the satisfaction of the City of Bayswater. The report is to be lodged with the building permit application, together with certification from a structural engineer that the design is suitable for the site conditions as outlined in the geotechnical report.



4. Prior to the removal of the street verge tree indicated on the approved plans, the owner/applicant is to pay the City of Bayswater the amount of \$4,536 as determined by the Helliwell Assessment undertaken by the City to compensate for the loss of amenity value provided by the tree.
5. The street tree proposed to be removed as indicated on the approved plans is to be removed to the satisfaction of the City of Bayswater. The owner/applicant is responsible for engaging a qualified contractor, the cost of removing the tree and any claims that may arise from the removal of the tree.
6. Prior to occupation, a minimum of one additional street tree is to be planted on the Seventh Avenue verge in front of the subject site, at the full cost of the applicant/owner and to the specifications and satisfaction of the City of Bayswater.
7. Prior to the submission of a building permit application, the owner/applicant is to pay the City a bond in the amount of \$500.00 which covers the cost of a replacement tree in the event that the replacement tree does not survive. The bond will be refunded if the tree survives after 24 months.
8. 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% (\$700,000) of the estimated total construction cost of the development (\$70,000,000). 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 to the satisfaction of 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.

9. A revised waste management plan shall be submitted to, and to the satisfaction of the City of Bayswater, prior to commencement of any works. The plan shall include details of refuse bin location, FOGO bins, number of rubbish and recycling receptacles, vehicle access and manoeuvring. This revised plan shall be implemented in its entirety to the satisfaction of the City of Bayswater.
10. 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.
11. No waste collection is permitted from the Guildford Road reserve to the satisfaction of the City of Bayswater and Main Roads Western Australia.



12. A revised detailed landscaping 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 location and species of all trees and shrubs.
 - (b) The size and number of new plants to be planted.
 - (c) The location of any lawn areas to be established.
 - (d) Those areas to be reticulated or irrigated.
 - (e) The proposed Eureka Lemon species to be replaced with *Punica Granatum* (Pomegranate species).
 - (f) The proposed *Gleditsia* species to be replaced with a Thornless cultivar of the *Gleditsia* species.
 - (g) The proposed *Corymbia* species located on the Podium level to be replaced with *Melaleuca Argentea* species.
 - (h) The proposed street verge trees along Guildford Road are to have a minimum bag size of 500L bag up to 1000L bag.
 - (i) All planter boxes or planting on structure as denoted on the plans containing trees to have a minimum soil depth of 1m with drainage details provided.

Landscaping and reticulation shall be completed in accordance with the approved detailed landscape plan, and rootable soil zones as nominated on the landscape plans are required to be provided to the specification and satisfaction of the City of Bayswater prior to occupation of the development and thereafter maintained to the satisfaction of the City of Bayswater. Landscaping of the road reserve verge areas is to be installed at the applicant's expense and maintained by the applicant for the first two years following occupation of the development to the satisfaction of the City of Bayswater.

13. Prior to the submission of a building permit application, documents certifying that 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) to be submitted to the satisfaction of the City of Bayswater.
14. Prior to the submission of a building permit application, documents certifying that 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). Alternatively, all dwellings are to exceed the minimum *Nationwide House Energy Rating Scheme* requirement for apartment by 0.5 star, to the satisfaction of the City of Bayswater. The recommendations of the sustainability report in the applicant's report in Attachment 5 shall be incorporated within the development.
15. Prior to the submission of a building permit application, a Loading, Servicing and Delivery Management Plan is to be provided by the applicant to the satisfaction of the City of Bayswater. The management plan will outline how deliveries and loading/unloading activities (including click and collect) will be undertaken in relation to the various activities on the site. The plan will outline on and off site protocols for vehicles, routing and preferred delivery time periods so as to minimise the impacts on amenity in the area to the satisfaction of the City of Bayswater. The plan shall stipulate design vehicle type, access control locations, design ramp gradient, vehicle volume, delivery frequency and estimated duration of delivery operations.



16. A final detailed "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.
17. Prior to the submission of the relevant demolition permit or building permit, a construction management plan, detailing how the construction of the development will be managed to minimise the impact on the surrounding area including dust management, dewatering where necessary, shall be submitted to, and to the satisfaction of the City of Bayswater. In addition, a Traffic Management Plan demonstrating how construction and demolition traffic will be managed must be submitted to Main Roads and to the satisfaction of Main Roads requirements.
18. The applicant is to offer independently prepared dilapidation surveys prior to the commencement of works and a close out report at the completion of the proposed construction works to the following, but not limited to, properties and road reserves in close proximity to the subject site:
 - (a) 35 Eighth Avenue, Maylands; and
 - (b) Any structures in the adjoining carpark of 1-28/44 Seventh Avenue, Maylands.

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.

19. Prior to occupation of the development, the following are required to be submitted to and approved by the City of Bayswater:
 - (a) Certification from a qualified acoustic consultant, confirming that the recommendations of the transport noise acoustic report/acoustic report prepared by *Herring Storer Acoustics* have been implemented is to be provided to the satisfaction of the City of Bayswater.
 - (b) This noise sensitive development adjacent to a major transport corridor must implement measures to ameliorate the impact of transport noise. The development is to comply with *WAPC State Planning Policy 5.4 Road and Rail Noise* and implement the recommendations of the acoustic report titled, Noise Management Plan prepared by *Herring Storer Acoustics* to the satisfaction of Main Roads Western Australian and City of Bayswater.
 - (c) The Applicant shall provide a supplemental acoustic report to address the acoustic impact of the development on the adjoining properties and to implement any recommendations of the report to the satisfaction of the City of Bayswater.



20. Prior to the issue of a building permit the acoustic report titled Noise Management Plan, revision 1, dated 7 September 2021 and updated 24 September 2021, prepared by *Herring Storer Acoustics* is required to be amended as follows:
- (a) The source data for the 20 year forecasting must be referenced (citing the contact name, reference number and date in the report), to ensuring the 20-year forecasting period required by SPP 5.4 is achieved.
 - (b) Main Roads' Traffic Map data requires appropriated referenced and updated.
 - (c) The "DEFRA publications" must be referenced correctly.
 - (d) Modelling must consider the current and future road surface and clearly detailed in the report.
 - (e) Prior to the occupation of the building, certification from a qualified acoustic consultant is to be submitted confirming condition 19 has been achieved. This certification must be provided to the City of Bayswater.
- The report shall be to the Western Australian Planning Commission satisfaction on advice from Main Roads WA. This report shall be implemented at all times for the duration of the approval.
21. All dwelling units are to exceed the minimum acoustic requirements of the *National Construction Code*, such as 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 the submission of a Building Permit application.
22. 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 certificate of title as notification to proprietors and/or (prospective) purchasers of the property of the following:
- (a) *The lots are situated in the vicinity of a transport corridor and are currently affected, or may in future be affected by transport noise and;*
 - (b) *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*
 - (c) *The City of Bayswater will not issue a residential or visitor car parking permit to any owner or occupier of the development.*

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 occupation of the respective dwelling(s).



23. Prior to the commencement of works, design plans detailing modifications to the Eighth Avenue road reserve is to be submitted to the satisfaction of the City of Bayswater in consultation with Main Roads including:
- (a) The introduction of “Keep Clear” pavement marking for northbound motorists to minimise impediment of right turn movements into the development site and therefore minimise the risk of intersection blocking at Guildford Road.
 - (b) Modification to Eighth Avenue to clearly identify the entry to the site i.e. provision of “bull noses” to define the median gap and provision of median and through lane line and adequate right turn storage facility. The design shall not impede the traffic flow on Eighth Avenue in both flow directions.
 - (c) A southbound right turn pocket is required on Eighth Avenue on approach to the commercial crossover on the eastern boundary of the site to allow for efficient throughput for south bound vehicles taking into account the existing access arrangements.
- All modifications to the Eighth Avenue road reserve are to be completed prior to occupation of the development to the satisfaction of the City of Bayswater. All costs associated with these works are to be met by the applicant/owner.
24. Prior to occupation of the development, a traffic signal electrical design drawing is to be provided and implemented to the satisfaction of Main Roads detailing modifications including:
- (a) Exit lane detectors must be installed at the intersection of Eighth Avenue and Guildford Road to allow traffic signal operation to better adapt to exit blocking at the Eighth Avenue crossover.
 - (b) Intersection phasing arrangements at Guildford Road and Eighth Avenue must be updated to a split phasing for Eighth Avenue, with the south approach running before the north approach.
25. No access controls are to be installed at the entry to the development on Eighth Avenue, in order to maximise the rate at which the development can accept traffic.
26. Stormwater must be retained onsite and not be discharged onto any of the surrounding Road reserves.
27. No part of the building/development shall be located within the Primary Regional Road (including above and below).
28. No on-street car parking is permitted on Seventh Avenue between the new vehicle access point and Guildford Road, with the exception of the two closest on-street bays to the access point, (the new vehicle access point and any new on-street car parking bays must be a minimum of 10m away from the truncation point). All vehicle access points shall be designed and constructed to the satisfaction of the City of Bayswater.
29. No works are permitted within the Guildford Road reservation unless Main RoadsWA has issued a Working on Roads Permit.
30. A minimum of 82 residential bicycle bays (68 residential and 14 visitor) shall be provided onsite prior to occupation 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.



31. A minimum of 47 scooter/motorbike bays shall be provided onsite prior to occupation to the satisfaction of the City of Bayswater.
32. 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.
33. Prior to the submission of a Building Permit, a car parking management plan shall be submitted to and approved by the City of Bayswater. The plan may include shared, restricted or timed parking arrangements on site to allow these car parking bays onsite to be for multiple uses, to be shared amongst the commercial tenancies, loading/unloading, residents, visitor parking and rideshare and address security and anti-social behaviour management. The car parking management plan may be amended as necessary over the life of the development subject to the satisfaction of the City of Bayswater.
34. Prior to the submission of a building permit application, 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.
35. Any services and utilities including building services fixtures located within the front setback and/or pedestrian entry and/or private open space 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.
36. All air conditioning units and/or mechanical plants on the roof or throughout the development 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.
37. Hot water units, air-conditioning condenser units and clotheslines are located such that they can be safely maintained, and where they are not visually obtrusive from the street and do not impact on functionality of outdoor living area or internal storage.
38. All of the lots 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.
39. All car parking bays to be in accordance with the Australian Standards AS2890.1. 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.



40. The basement car park access, service vehicle access and the residential vehicle access on Seventh Avenue to comply with vehicle height clearance and permissible ramp gradients set by the City of Bayswater and in accordance with the Australian Standards to allow for vehicle service truck egress. Ramp access for the City's waste vehicles shall not exceed 1 in 10 gradients.
41. No storage or display of goods is to occur outside the building, to the satisfaction of the City of Bayswater.
42. 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.
43. Laundries provided to each unit are to be mechanically ventilated to the satisfaction of the City of Bayswater.
44. The balconies are not to be used for the drying or airing of clothes and/or Manchester except for where screened to the satisfaction of the City of Bayswater.
45. The proposed vehicle access ways and ramps being constructed with concrete and drainage/soak wells are to be provided to the satisfaction of the City of Bayswater.
46. All vehicle crossings being upgraded, designed and constructed to the satisfaction of the City of Bayswater.
47. All street tree(s) within the verge adjoining the subject property are to be retained, with the exception of the most western tree along Seventh Avenue, 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 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).
48. All stormwater and drainage runoff produced onsite is to be disposed of onsite to the satisfaction of the City of Bayswater.
49. Redundant vehicle crossover(s) along Eighth or Seventh Avenue shall be removed and kerbing, verge, and footpath (where relevant) reinstated with grass, paving or landscaping to the satisfaction and specifications of the City of Bayswater and Main Roads Western Australia.
50. 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.
51. 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.
52. Walls, fences and other structures are to be truncated or reduced to no higher than 0.75m within 1.5m of where the driveway meets Seventh or Eighth Avenue.
53. A separate application including plans or description of all signs for the proposed development (including signs painted on a building) shall be submitted to, and to the satisfaction of the City of Bayswater, prior to the erection of any signage.
54. 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 City having first been sought and obtained.
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. The applicant is to liaise with Public Transport Authority for the removal of the bus stop and its reestablishment along the Guildford Road frontage. The applicant is to complete an "Application for work Impacting a Bus Stop form" to the satisfaction of the Public Transport Authority.
5. In relation to condition 23 the following is noted:
 - Eighth Avenue is a local distributor road under the jurisdiction of City of Bayswater. Support regarding this design solution would need to be attained from the City of Bayswater. The design option may require provision of civil works with median islands, possible localised widening and land take; In addition; channelised priority access from Eighth Avenue to the development may be considered in lieu of "Keep Clear" pavement marking, requiring give way control on Eighth Avenue northbound before the new crossover access to the development.
 - Appropriate design with swept path analysis would need to be undertaken to ensure execution of targeted movements can be achieved to ensure condition 23 can be executed.
 - The condition may require provision of civil works with median islands and possible localised widening. A 15% design concept should be undertaken to determine land requirements (if any) on the local road.
 - The applicant is required to submit an application form to undertake works within the road reserve prior to undertaking any works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads website/Technical and Commercial/Working on Roads.

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 but not limited to the following:
 - *The premises shall comply with the Environment Protection (Noise) Regulations 1997 (or as amended).*
 - *Food business tenancies to comply with the Food Act 2008 and the Australian Food Standard Code. Lessee is to make separate application to the City's Environmental Health Branch demonstrating compliance with the Food Act 2008 and Australia New Zealand Food Standards Code prior to submission of the building permit.*
 - *Compliance with the Health (Air Handling and Water Systems) Regulations 1994 and relevant Australian standards e.g. AS1668.2 'the use of mechanical ventilation and air conditioning in building (including car parking area) and AS 3666.1 1995 'Air handling and water systems of buildings – microbial control Part 1; Design, installation and commissioning'.*
 - *Food Act 2008 and Australian Food Code;*
 - *Treatment of Sewerage and Disposal of Effluent and Liquid Waste Amendment Regulations (No.2) 1997.*



7. The Child care tenancy is to comply with the *Food Act 2008* and the *Australian Food Standard Code*. The lessee is to make a separate application to the City's Environmental Health branch demonstrating compliance with the *Food Act 2008* and *Australian and New Zealand Food Standards Code* prior to the submission of the building permit.
8. The applicant/lessee of the Childcare facility is to submit a copy of the Australian Children's Education and Care Quality Authority approval to provide the child care services within seven days after receiving the licence to operate.
9. The applicant is to make arrangements to the satisfaction of the Water Corporation for the provision of reticulated sewerage to all lots/units within the development.

AMENDING MOTION 1

Moved by: Mayor Dan Bull

Seconded by: Nil

That a new condition no. 55 be added to read as follows:

Any upgrades to East Street needed as a consequence of the development as determined by the City of Bayswater are to be borne by applicants/landowner

The Amending Motion LAPSED for want of a seconder.

The Report Recommendation was put and CARRIED UNANIMOUSLY

REASON: The JDAP formed the opinion that the development is consistent and compliant with the zoning and planning framework, including the Scheme provisions, Special Area controls.

The proposed contemporary design is suitable on the site and achieves a landmark building form. The use of the podium and tower design is considered to reduce the visual impact and bulk of the proposal and minimise the impact on surrounding properties. The inclusion of commercial and residential on the site is considered a significant benefit in meeting the objectives and sustainability of the town centre. The Panel were satisfied that the exercise of discretion for minor variations of height and setbacks were acceptable and consistent with scheme provisions.

The Panel discussed traffic and commercial vehicle deliveries and servicing to the site, and gave due consideration to vehicle access points, traffic impact assessment, MRWA support and RAR comments and were satisfied that the traffic generated by the proposal is acceptable and can be accommodated within the existing road network.



The minor condition changes were supported for the reasons outline in the addendum to reflect Main Roads support of street parking and address any noise impacts.

Overall, the JDAP supported the proposal, as the form and scale are considered appropriate development within the local area, consistent with planning framework and RAR comments. The proposal was approved, with minor modification to conditions

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

Nil

10. State Administrative Tribunal Applications and Supreme Court Appeals

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/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

Current Supreme Court Appeals				
File No.	LG Name	Property Location	Application Description	Date Lodged
DAP/20/01884 CIV 1791 of 2021	City of Stirling	Lot 100 Field Street, Mount Lawley	24 multiple dwellings and six (6) grouped dwellings	11 February 2021

11. General Business

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

12. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 10.36am