



Metro Inner-North Joint Development Assessment Panel Minutes

Meeting Date and Time: Tuesday, 9 August 2022; 9.30am
Meeting Number: MINJDAP/147
Meeting Venue: City of Bayswater
61 Broun Avenue, Morley

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Attendance

DAP Members

Ms Francesca Lefante (Presiding Member)
Ms Lee O'Donohue (Deputy Presiding Member)
Mr Jason Hick (A/Third Specialist Member)
Cr Catherine Ehrhardt (Local Government Member, City of Bayswater)
Cr Josh Eveson (Local Government Member, City of Bayswater)

Officers in attendance

Ms Samin Eskandari (City of Bayswater)
Ms Courtney Wynn (City of Bayswater)
Ms Helen Smith (City of Bayswater)
Ms Fatima Al Ghanimi (City of Bayswater)
Mr Binh Luong (City of Bayswater)

Minute Secretary

Ms Tarryn McMinn (City of Bayswater)
Ms Manon Arnold (City of Bayswater)

Applicants and Submitters

Mr Alessandro Stagno (Apex Planning)
Mr Behnam Bordbar
Mr Scott Freguson
Mr Mohammad Rasouli
Mr Pasquale Minniti

Members of the Public / Media

Ms Victoria Rifici from PerthNow was in attendance

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:32:am on 9 August 2022 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

Mr John Syme (Third Specialist Member)
Cr Filomena Piffaretti (Local Government Member, City of Bayswater)

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

The Presiding Member noted that an addendum to the agenda was published to include details of a DAP direction for further information and responsible authority response in relation to Item 8.1, received on 8 August 2022.

All members declared that they had duly considered the documents.

6. Disclosure of Interests

DAP Member, Ms Lee O'Donohue, declared an Impartiality Interest in item 8.1. Ms O'Donohue has a family member in the City of Bayswater Administration Team.

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 had disclosed an Impartiality Interest, was permitted to participate in the discussion and voting on the item.

7. Deputations and Presentations

- 7.1 Mr Pasquale Minnit presenting against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.2 Mr Alessandro Stagno (Apex Planning) presenting 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 Lot 2 (120) Beechboro Road South, Bayswater

Development Description:	Service Station, Convenience Store and Car Wash
Applicant:	Apex Planning
Owner:	P & J Long Pty Ltd
Responsible Authority:	City of Bayswater
DAP File No:	DAP/22/02222

REPORT RECOMMENDATION

Moved by: Cr Catherine Ehrhardt

Seconded by: Mr Jason Hick

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

- (i) That Condition No. 11 be deleted, and the remaining conditions be renumbered accordingly.

REASON: The condition conflicts with conditions 12 requiring a Road Safety Audit to identify works associated with the development of the site.

- (ii) That Advice Note No.9 be deleted, and the remaining conditions be renumbered accordingly.

REASON: The Advice Note was associated with conditions 11 which has been deleted.

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

*No large vehicles including delivery/service trucks fuel tankers or service vehicles **fuel tankers and/or service** vehicles are permitted to turn right from the development onto Beechboro Road South, to the satisfaction of the City of Bayswater.*

REASON: To clarify the type of vehicles and traffic access restriction to the site.

- (iv) That condition No.3 (b) (ii) be amended to read as follows:

*An adequate bunding/drainage system is required to prevent fuel and oil from discharging into the stormwater system and must be directed towards a full retention separator for treatment. The approved plans shall be implemented and thereafter maintained to the satisfaction of the City of Bayswater **and on the advice of the Department of Water and Environmental Regulation.***

REASON: To reflect the role of *Department of Water and Environmental Regulation.*



That the Metro Inner-North JDAP resolves to:

Approve DAP Application reference DAP/22/02222 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 the City of Bayswater Town Planning Scheme No. 24, 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. The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
3. Revised and/or detailed plan(s) 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 City's policies:
 - (a) The monolith advertising sign to comply with the City's Signage Policy requirements for height and width of a monolith sign.
 - (b) Detailed plans of the drainage system shall be submitted to and approved by the City. The plans shall include the following:
 - (i) All stormwater and drainage runoff retained onsite and to be provided and maintained to the satisfaction of the City of Bayswater.
 - (ii) An adequate bunding/drainage system is required to prevent fuel and oil from discharging into the stormwater system and must be directed towards a full retention separator for treatment. The approved plans shall be implemented and thereafter maintained to the satisfaction of the City of Bayswater on the advice of the Department of Water and Environmental Regulation.
4. The approved parapet/boundary wall and footings abutting the eastern and southern boundaries must be constructed wholly within the subject allotment. The external surface of the parapet/boundary wall shall be finished to a professional standard, to the satisfaction of the City of Bayswater.
5. An Emissions Impact Assessment report shall be submitted to and approved by the City of Bayswater prior to the submission of a building permit application. The emissions impact assessment is to demonstrate that emissions will comply with the National Environment Protection (Air Toxics) Measures at the lot boundary of nearest sensitive premises to the satisfaction of the City of Bayswater.



6. 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% (\$23,000) of the estimated total construction cost of the development (\$2.3 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 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

7. An updated landscape plan shall be submitted to and approved by 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 species being of local native and drought resistant species.
 - (c) The location of any lawn areas to be established.
 - (d) Those areas to be reticulated or irrigated.
 - (e) A minimum of seven standard trees with a minimum pot size of 35 litres and associated 2m radius growth zones as denoted on the plans are to be provided within the lot. A report shall be prepared by a qualified arborist or a landscape architect, and submitted to and approved by the City, for any tree with less than a 2m radius tree growth zone.
 - (f) A green wall to achieve a total landscaping of 10% of the site area, subject to the vegetation covering a minimum of 25% of the available wall space, as required by the City's *Sustainability in Design* Policy.
 - (g) All landscaped areas shall be separated from vehicle access, pedestrian paths and parking areas through the use of walls, kerbing or bollards to enable the protection of the landscaping.
 - (h) No street trees are to be planted on the Beechboro Road South road reserve.
 - (i) The vents and any associated hardstand/gravel areas are to be clearly shown on the landscaping plan.

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.



8. Prior to the submission of a building permit application, the owner/applicant is to pay the City the amount of \$500.00 which will cover the cost of a street tree. A street tree will be planted and maintained by the City within the verge area in close proximity to the subject site.
9. The external surfaces of the roof are to be a cool roof as defined in the City's *Sustainability in Design* Policy with a maximum solar absorbance rating of 0.45 to the satisfaction of the City of Bayswater.
10. No fuel tankers and/or service vehicles are permitted to turn right from the development onto Beechboro Road South, to the satisfaction of the City of Bayswater.
11. A Road Safety Audit shall be prepared by a suitably qualified engineer and submitted to and approved by the City, prior to the submission of a building permit application. Once approved, all recommendations of the audit, associated with the development, shall be implemented prior to occupation of the development, at the full cost of the owner/applicant, to the satisfaction of the City of Bayswater.
12. 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.
13. A waste management plan is to be submitted prior to the submission of a building permit application. The plan is to address the waste generation, storage, and collection and disposal method to the satisfaction of the City of Bayswater. The approved plan shall thereafter be implemented in its entirety to the satisfaction of the City of Bayswater.
14. Prior to the first occupation of the development, a suitably screened refuse bulk bin area with the minimum area, specified in the waste management plan and approved by the City, shall be provided to the satisfaction of the City of Bayswater. The bin area is to be provided with a permanent water supply and drainage facility for wash-down and is to be screened by a gate and brick walls or other suitable material to a height of not less than 1.8m. The bin area shall be accessible to allow heavy vehicle movement.
15. The applicant must adhere to the noise assessment and its recommendations prepared by George Lloyd Acoustics dated 6 April 2022 in relation to the system/construction designs and operate at all times in order to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*.
16. Prior to the submission of a building permit application, outdoor lighting plans shall be submitted to and approved by the City of Bayswater. The outdoor lighting is to be designed to ensure that all lighting is baffled and contained within the site, to the satisfaction of the City of Bayswater.
17. A 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.



18. All vehicle crossings being upgraded, designed and constructed to the satisfaction of the City of Bayswater.
19. A revised site plan shall be submitted to and approved by the City, to incorporate traffic measures including signage and line markings, to the satisfaction of the City of Bayswater, prior to the submission of a building permit application
20. Prior to the first occupation of the development, the car parking area(s) on the subject land shall be sealed, drained, paved and line marked, together with suitable traffic and directional signs, in accordance with the approved plans and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the City of Bayswater.
21. 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.
22. Walls, fences and other structures are to be truncated or reduced to no higher than 0.75m within 1.5m of where the vehicular entry/exit points meet the road reserve.
23. Windows, doors and adjacent areas fronting Beechboro Road South shall maintain an active and interactive relationship with the street, to the satisfaction of the City of Bayswater.
24. The signage hereby permitted shall not contain any flashing, moving or pulsating lighting, nor contain lighting that is distracting to road users, or interferes with traffic signals, to the satisfaction of the City of Bayswater.
25. Any illuminated signs on site shall have a maximum luminance in accordance with the following:
 - (a) 6000 cd/m² during hours of full daylight;
 - (b) 600 cd/m² at dawn and dusk; and
 - (c) 300 cd/m² during hours of darkness.
26. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street, or designed integrally with the building and be located so as not to be visually obtrusive from the street.
27. No storage or display of goods other than those for retail sale is to occur outside the building, to the satisfaction of the City of Bayswater.
28. 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. 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 (Food Hygiene) Regulations 1993*;
 - *Health (Air handling and Water Systems) Regulations 1994*;
 - *Food Act 2008 and Australian Food Code*;
 - *Environmental Protection (Noise) Regulations 1997*;
 - *Treatment of Sewerage and Disposal of Effluent and Liquid Waste Amendment Regulations (No. 2) 1997*;
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 applicant shall contact Water Corporation for any Building Permit application requirements prior to commencement of the works. Infrastructure Contributions and fees may be required to be paid prior to approval being issued.
7. Acid sulphate soils (ASS) risk mapping indicates that the site is located within an area identified as representing a moderate to low risk of ASS occurring within 3 metres of the natural soil surface. Please refer to Department of Water and Environmental Regulation's (DWER) acid sulfate soil guidelines for information to assist with the management of ground and/or groundwater disturbing works: <https://www.der.wa.gov.au/your-environment/acid-sulfate-soils/69-acidsulfatesoils-guidelines>.
8. Fuel storage is to comply with the requirements of the *Environmental Protection (Recovery of Vapours from the Transfer of Organic Liquids) Regulations 1995*. Management of stormwater and liquid wastes is to comply with the Water and Rivers Commission guidelines.



AMENDING MOTION

Moved by: Mr Jason Hick

Seconded by Ms Lee O'Donohue

That Condition No.7 (f) be deleted, and the remaining sub-set of conditions be re-alphabetised accordingly.

The Alternate Motion was put and CARRIED (3/2).

For: Ms Francesca Lefante
Ms Lee O'Donohue
Mr Jason Hick

Against: Cr Catherine Ehrhardt
Cr Josh Eveson

REASON: Due regards was given to the policy, members cited that the inclusion of a green wall on this site was not considered warranted in this instance, in the context of the landscaping nominated on the site and location of buildings.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro Inner-North JDAP resolves to:

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- (ii) An adequate bunding/drainage system is required to prevent fuel and oil from discharging into the stormwater system and must be directed towards a full retention separator for treatment. The approved plans shall be implemented and thereafter maintained to the satisfaction of the City of Bayswater on the advice of the Department of Water and Environmental Regulation.
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- (f) All landscaped areas shall be separated from vehicle access, pedestrian paths and parking areas through the use of walls, kerbing or bollards to enable the protection of the landscaping.
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15. The applicant must adhere to the noise assessment and its recommendations prepared by George Lloyd Acoustics dated 6 April 2022 in relation to the system/construction designs and operate at all times in order to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*.
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23. Windows, doors and adjacent areas fronting Beechboro Road South shall maintain an active and interactive relationship with the street, to the satisfaction of the City of Bayswater.
24. The signage hereby permitted shall not contain any flashing, moving or pulsating lighting, nor contain lighting that is distracting to road users, or interferes with traffic signals, to the satisfaction of the City of Bayswater.
25. Any illuminated signs on site shall have a maximum luminance in accordance with the following:
 - (a) 6000 cd/m² during hours of full daylight;
 - (b) 600 cd/m² at dawn and dusk; and
 - (c) 300 cd/m² during hours of darkness.
26. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street, or designed integrally with the building and be located so as not to be visually obtrusive from the street.



27. No storage or display of goods other than those for retail sale is to occur outside the building, to the satisfaction of the City of Bayswater.
28. 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. 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 (Food Hygiene) Regulations 1993;*
 - *Health (Air handling and Water Systems) Regulations 1994;*
 - *Food Act 2008 and Australian Food Code;*
 - *Environmental Protection (Noise) Regulations 1997;*
 - *Treatment of Sewerage and Disposal of Effluent and Liquid Waste Amendment Regulations (No. 2) 1997;*
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 applicant shall contact Water Corporation for any Building Permit application requirements prior to commencement of the works. Infrastructure Contributions and fees may be required to be paid prior to approval being issued.



7. Acid sulphate soils (ASS) risk mapping indicates that the site is located within an area identified as representing a moderate to low risk of ASS occurring within 3 metres of the natural soil surface. Please refer to Department of Water and Environmental Regulation’s (DWER) acid sulfate soil guidelines for information to assist with the management of ground and/or groundwater disturbing works: <https://www.der.wa.gov.au/your-environment/acid-sulfate-soils/69-acidsulfatesoils-guidelines>.
8. Fuel storage is to comply with the requirements of the *Environmental Protection (Recovery of Vapours from the Transfer of Organic Liquids) Regulations 1995*. Management of stormwater and liquid wastes is to comply with the Water and Rivers Commission guidelines.

The Report Recommendation (as amended) was put and CARRIED (3/2).

For: Ms Francesca Lefante
Ms Lee O’Donohue
Mr Jason Hick

Against: Cr Catherine Ehrhardt
Cr Josh Eveson

REASON: The proposed uses are consistent with the planning framework set out for the area. Technical reports submitted with the application supporting traffic and access arrangements, and site manoeuvring, have been reviewed by City officers and accepted. Overall, the proposal has been assessed as satisfying development standards for the site and is compatible with surrounding industrial zoning and site context. On balance the JDAP supported the proposal consistent with the recommendation and reasons outlined in the RAR.

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 SAT Applications -

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 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/18/01491 DR61/2022	City of Vincent	No. 636-640 Newcastle Street, Leederville	Mixed Use Development comprising of 32 Multiple Dwellings, 10 Offices, One Restaurant/Café and One Shop	04/04/2022
DAP/20/01923 DR89/2022	City of Subiaco	Lot 11 (No.379), Lot 81 (375), Lot 82 (377) Railway Road, Lot 80 (101), Lot 84 (No.97), Lot 85 (No.99), Evans Street, Shenton Park	5 storey mixed use development & demolition of existing building on Lot 82	30 May 2022

The Presiding Member noted the following Supreme Court Appeal -

Finalised Supreme Court Appeals*				
File No.	LG Name	Property Location	Application Description	Date Finalised
DAP/19/01722 CIV 2311 of 2021	City of Stirling	Lot 1 (331) West Coast Drive, Trigg	Mixed Use Development – Six (6) Multiple Dwellings and One (1) Commercial Tenancy	9 June 2022

11. General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2017 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 10:41am.