



## Metro Inner-South Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Monday, 17 May 2021; 9:00am  
**Meeting Number:** MISJDAP/54  
**Meeting Venue:** Town of Victoria Park  
99 Shepperton Road, Victoria Park

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## Attendance

### DAP Members

Mr Clayton Higham (Presiding Member)  
Mr Tony Arias (A/Deputy Presiding Member)  
Mr Peter Lee (Third Specialist Member)  
Cr Vicki Potter (Local Government Member, Town of Victoria Park)  
Cr Ronhhda Potter (Local Government Member, Town of Victoria Park)

### Officers in attendance

Ms Amie Groom (Town of Victoria Park)  
Mr Robert Cruickshank (Town of Victoria Park)  
Mr Sturt McDonald (Town of Victoria Park)

### Minute Secretary

Mr Robert Cruickshank (Town of Victoria Park)

### Applicants and Submitters

#### *Item 8.1*

Ms Heather Johnstone  
Mr Antony Papallo  
Mr Steve Allering (Allering & Associates)  
Ms Rebecca Reeves (Holcim)

#### *Item 8.2*

Mr Noel McCombe  
Mr Paul Cunningham (Rowe Group)  
Mr George Hajigabriel (Rowe Group)  
Mr Andrea Veccia-Scavalli (Matthews & Scavalli Architects)  
Mr Stephen Pelosi (Hamlen)  
Mr Damien Pericles (Realm Studios)

### Members of the Public / Media

There were 20 members of the public in attendance.

#### 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.11am on 17 May 2021 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2020 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.



## 1.1 Announcements by Presiding Member

The Presiding Member advised that the meeting is being audio recorded in accordance with Section 5.16 of the DAP Standing Orders 2020 which states '*A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.*' The Presiding Member granted permission for the minute taker to record proceedings for the purpose of the minutes only.

## 2. Apologies

Ms Rachel Chapman (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

The Presiding Member notes an addendum to the agenda was published to include details of a DAP request for further information and responsible authority response in relation to Item 8.2, received on 12 May 2021.

All members declared that they had duly considered the documents.

## 6. Disclosure of Interests

DAP Member, Cr Ronhhda Potter, declared an Impartiality Interest in item 8.1. The nature of the interest is that Cr Potter has a close association with one of the presenters, through work and community connections.

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 Ms Heather Johnstone addressed the DAP against the recommendation for the application at Item 8.1.
- 7.2 Mr Antony Papallo addressed the DAP against the recommendation for the application at Item 8.1
- 7.3 Mr Steve Allerding (Allerding & Associates) and Ms Rebecca Reeves (Holcim) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.4 The Town of Victoria Park officers addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

***The presentation at Item 7.1-7.4 was heard prior to the application at Item 8.1.***

- 7.5 Mr Stephen Pelosi (Hamlen) addressed the DAP against the recommendation for the application at Item 8.2.
- 7.6 Mr Noel McCombe addressed the DAP in support of the recommendation for the application at Item 8.2.
- 7.7 Mr Andrea Veccia-Scavalli (Matthews & Scavalli Architects) addressed the DAP against the recommendation for the application at Item 8.2.
- 7.8 Mr Damien Pericles (Realm Studios) addressed the DAP against the recommendation for the application at Item 8.2.
- 7.9 Mr Paul Cunningham (Rowe Group) addressed the DAP against the recommendation for the application at Item 8.2.
- 7.10 The Town of Victoria Park officers addressed the DAP in relation to the application at Item 8.2 and responded to questions from the panel.

***The presentations at Items 7.5 - 7.10 were heard prior to the application at Item 8.2.***



## 8. Form 1 – Responsible Authority Reports – DAP Applications

### 8.1 No. 12 (Lot 310) Cohn Street, Carlisle

Development Description: Proposed Redevelopment of Existing Non-Conforming Use Of Noxious Industry (Concrete Batching Plant)  
Applicant: Allering and Associates  
Owner: Holcim (Australia) Pty Ltd  
Responsible Authority: Town of Victoria Park  
DAP File No: DAP/21/01939

### REPORT RECOMMENDATION

**Moved by:** Mr Tony Arias

**Seconded by:** Mr Peter Lee

That the Metro Inner South JDAP resolves to:

**Approve** DAP Application reference DAP/21/01939 and accompanying plans at **Attachment 2** in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause 29 of the Town of Victoria Park Town Planning Scheme No. 1, subject to the following conditions:

### Conditions

1. The development, once commenced, is to be carried out in accordance with the approved plans, date stamped received 23 April 2021 at all times, unless otherwise authorised by the Town.
2. Prior to lodging an application for a building permit, the applicant must submit to the Town for its approval and thereafter implement a Dust and Air Quality Management Plan. The Dust and Air Quality Management Plan shall incorporate recommendations of the Rambol Air Quality Modelling Report dated received 23 December 2020 and includes (but is not limited to) the following management measures:
  - a. A commitment to maintain a dust monitoring network with an alarm system that will trigger mitigation actions if thresholds are exceeded.
  - b. A commitment to a dust monitoring programme comprising quarterly monitoring of dust levels (real time monitoring over a week) for a 12 month period to verify the predicted dust concentrations arising from the development, with the recorded levels being provided to the Town for information.
  - c. Details of truck covering methods to ensure no dissemination of material via vehicles travelling to and from the site.
  - d. Regular sweeping and cleaning of any spilled materials;
  - e. Traffic management details for all vehicles entering and exiting the site, including driver education in regard to truck routes, vehicle speeds and operations to minimise disturbance and public safety concerns;



- f. The implementation of a complaint handling system which provides:
      - i. a telephone number and email address to be manned during all hours of operation to log complaints and enquiries; and
      - ii. a record of complaints and enquiries logged, and the applicant's response, which must be provided on a quarterly basis to the Town for its monitoring information;
    - g. an annual review of the Dust and Air Quality Management Plan after each year following the grant of approval; and
    - h. the inclusion in the Dust and Air Quality Management Plan of an addenda necessary to address any specific matter identified by either the applicant or the Town between annual reviews, which addenda are to form part of the management plan.
3. Prior to lodging an application for a building permit, the applicant must submit to the Town for its approval and thereafter implement a Noise Management Plan consistent with the Herring Storer Acoustic Assessment dated received 18 March 2021. The Noise Management Plan shall include, but it not limited to, the following:
  - a. A commitment that once the development is complete and the plant is operational, noise measurements will be undertaken at key receptors during the night and weekday periods by an acoustic consultant to ensure compliance with the Environmental Protection (Noise) Regulations 1997. A report detailing the recorded noise measurements is to be submitted to the Town within one month of the development commencing.
  - b. Control/reduction of noise emitted from the site and activities associated with the site.
  - c. Maintenance of plant/mechanical equipment and application of inspection schedules to ensure optimal, quiet working order.
  - d. Selection of equipment for onsite operations including both prospective equipment, and retrofitting existing equipment, to minimised individual and accumulative noise impacts from the site.
  - e. Induction and training of workforce to promote compliant operation, in accordance with the noise management plan;
  - f. Detail of methods of on-going self-monitoring, including testing equipment, locations, frequency, technical parameters, interpretation of results, and periodic evaluation of the monitoring method (to account for further encroachment of residential development and changes to the surrounding built environment over time);
  - g. Complaint response methods, including short and long term abatement measures and record keeping; and
  - h. Details of staff members accountable for overseeing compliance with the noise management plan.
4. Prior to the occupation or use of the development, amended plans must be submitted to and approved by the Town, incorporating the retention of the three existing mature trees on the site adjacent to the Cohn Street frontage.
5. All car parking bays to be lined-marked and designed in accordance with AS2890.1 and AS2890.6.
6. Prior to lodging an application for a building permit, a detailed landscaping and reticulation plan for the subject site and the adjacent road verge(s) must be submitted to and approved by the Town.



7. Prior to the occupation of the building(s) the approved landscaping and reticulation plan must be fully implemented and maintained thereafter, to the satisfaction of the Town.
8. Prior to lodging an application for a building permit, stormwater disposal plans, details and calculations must be submitted for approval by the Town and thereafter implemented, constructed and maintained to the satisfaction of the Town.
9. Prior to lodging an application for a building permit, details of the external surface finish of the boundary walls/acoustic screens must be provided to the satisfaction of the Town. The development shall be constructed in accordance with the approved details and shall be thereafter maintained.
10. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
11. The development shall operate in accordance with the Transport Access Assessment dated received 23 April 2021 at all times, particularly with regard to heavy vehicle movement routes avoiding residential areas, unless otherwise authorised by the Town in writing.
12. The development shall operate in accordance with the written Waste Management details provided dated received 23 April 2021 at all times unless otherwise authorised by the Town in writing.
13. The development shall implement and thereafter operate in accordance with the Lighting details dated received 23 December 2020 unless otherwise authorised by the Town in writing.
14. A copy of an approval issued by the Department of Water and Environmental Regulation – Licensing Section for the operation of the facility shall be submitted to the Town prior to operations commencing.
15. A truck washdown area is to be provided in accordance with the requirements of the *Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998 (WA)* and in a location approved by the Town of Victoria Park. Trucks may only be washed down in the approved washdown area.
16. To address the conditions of this approval, a covering letter (detailing compliance with each condition), copy of the final working drawings and relevant associated reports and information, are to be submitted by the applicant and be cleared by the Town (see related advice note).
17. 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.
18. 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.



## Advice Notes

- AN1 In relation to Condition 18, a further two years is added to the date by which the development shall be substantially commenced, pursuant to Schedule 4, Clause 4.2 of the Clause 78H Notice of Exemption from Planning Requirements During State of Emergency signed by the Minister for Planning on 8 April 2020. For further information regarding the Ministerial direction, please contact the Town of Victoria Park Urban Planning Department on 9311 8111 or [admin@vicpark.wa.gov.au](mailto:admin@vicpark.wa.gov.au).
- AN2 In relation to the submission of amended plans incorporating the retention of the three existing mature trees on the site (adjacent to the Cohn Street frontage), it is the Town's expectation that this may include reconfiguration/rearrangement of both parking bays and the staff amenities building. It is noted that more efficient configurations may be possible, and that revised plans present an opportunity to improve the provision of bicycle storage, end-of-trip facilities and potentially an outdoor lunch area for staff beneath the retained trees.
- AN3 In relation to the Noise Management Plan to be submitted, the Town fully expects the operations to comply with the *Environmental Protection (Noise) Regulations 1997*. This expectation is informed by the Herring Storer Acoustic Assessment dated received 18 March 2021, which outlines that it is capable of complying with the requirements at all times. It is noted that under the given regulations, permitted noise levels are more restrictive between 7pm and 7am (night time/early morning). This aspect of the regulations is the reason why the existing batching plant on site prior to approval for redevelopment did not undertake night-time operations. In the event that noise mitigation measures are unsuccessful, it is noted that the operator of the batching plant may need to restrict the hours of operation to 7.00am to 7.00pm Mondays to Fridays and 8.00am to 12 noon Saturdays in order to remain compliant with the *Environmental Protection (Noise) Regulations 1997*.
- AN4 With respect to the condition for a landscaping plan, the Town's Parks team have conveyed that the landscaping plan dated received 23 April 2021 required the following changes/additional information.
- Street trees to be planted on the Briggs Street verge to be *Eucalyptus rudis*, to align with the Urban Forest Strategy. Alignment to be central on both length and width of the verge. Please alter landscape plan to suit.
  - Maintenance details being provided in relation to the hedge proposed for Briggs Street verge to be properly maintained to allow clear sightlines for all traffic including pedestrians.
- It is further noted that the landscaping plan to be prepared must detail the retention of the existing mature trees on site, including protection measures for those trees during construction.
- AN5 Existing trees located within the verge are a Town asset and as such must be retained except where otherwise approved for removal by the Town.
- AN6 A separate application must be made to the Town's Street Improvement Unit (tel 9311 8115) for approval prior to construction of a new crossover. Crossover location and construction shall comply with the Town's Specifications for Crossover Construction.
- AN7 The applicant is advised that a high-pressure gas pipeline is located within the Briggs Street road-reserve area. Coordination and correspondence with the utility provider is recommended prior to submission of a crossover application permit.





- AN8 A demolition permit is required to be obtained from the Town prior to the demolition of the existing building(s) and/or structure(s) on the site.
- AN9 A building permit is required to be obtained from the Town prior to commencement of any work in relation to this development approval.
- AN10 In relation to condition 16, a building permit cannot be issued until the conditions of the development approval have been given a planning clearance by the Town. It is recommended that the relevant information be submitted prior to the submission of an application for a building permit in order to avoid delays in the processing of the building permit application. Should a building permit application be submitted without a planning clearance, then the building permit application will be put hold until a planning clearance is obtained or the application may be refused.

### **AMENDING MOTION 1**

The following amendments were made en bloc:

**Moved by:** Mr Clayton Higham

**Seconded by:** Cr Vicki Potter

- (i) That condition no. 2a be amended to read as follows:

*A commitment to ~~maintain a dust monitoring network with an alarm system that will trigger mitigation actions if thresholds are exceeded~~ undertake dust monitoring in accordance with an approved dust management plan following a complaint where an investigation is undertaken and the point source of the dust is not identified. The approved dust management plan is to include details of mitigation actions if thresholds are exceeded.*

**REASON:** To ensure that any action that needs to be taken is in accordance with the agreed dust management plan.

- (ii) That condition no. 15 be amended to read as follows:

*A truck washdown area/s is to be provided in accordance with the requirements of the Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998 (WA) and in a location approved by the Town of Victoria Park **on advice from the Department of Water and Environmental Regulation.** Trucks may only be washed down in the approved washdown area*

**REASON:** To remove any reference to third party approval.

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



## REPORT RECOMMENDATION (AS AMENDED)

That the Metro Inner South JDAP resolves to:

**Approve** DAP Application reference DAP/21/01939 and accompanying plans at **Attachment 2** in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause 29 of the Town of Victoria Park Town Planning Scheme No. 1, subject to the following conditions:

### Conditions

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  - a. A commitment to undertake dust monitoring in accordance with an approved dust management plan following a complaint where an investigation is undertaken and the point source of the dust is not identified. The approved dust management plan is to include details of mitigation actions if thresholds are exceeded.
  - b. A commitment to a dust monitoring programme comprising quarterly monitoring of dust levels (real time monitoring over a week) for a 12 month period to verify the predicted dust concentrations arising from the development, with the recorded levels being provided to the Town for information.
  - c. Details of truck covering methods to ensure no dissemination of material via vehicles travelling to and from the site.
  - d. Regular sweeping and cleaning of any spilled materials;
  - e. Traffic management details for all vehicles entering and exiting the site, including driver education in regard to truck routes, vehicle speeds and operations to minimise disturbance and public safety concerns;
  - f. The implementation of a complaint handling system which provides:
    - i. a telephone number and email address to be manned during all hours of operation to log complaints and enquiries; and
    - ii. a record of complaints and enquiries logged, and the applicant's response, which must be provided on a quarterly basis to the Town for its monitoring information;
  - g. an annual review of the Dust and Air Quality Management Plan after each year following the grant of approval; and
  - h. the inclusion in the Dust and Air Quality Management Plan of an addenda necessary to address any specific matter identified by either the applicant or the Town between annual reviews, which addenda are to form part of the management plan.



3. Prior to lodging an application for a building permit, the applicant must submit to the Town for its approval and thereafter implement a Noise Management Plan consistent with the Herring Storer Acoustic Assessment dated received 18 March 2021. The Noise Management Plan shall include, but it not limited to, the following:
  - a. A commitment that once the development is complete and the plant is operational, noise measurements will be undertaken at key receptors during the night and weekday periods by an acoustic consultant to ensure compliance with the Environmental Protection (Noise) Regulations 1997. A report detailing the recorded noise measurements is to be submitted to the Town within one month of the development commencing.
  - b. Control/reduction of noise emitted from the site and activities associated with the site.
  - c. Maintenance of plant/mechanical equipment and application of inspection schedules to ensure optimal, quiet working order.
  - d. Selection of equipment for onsite operations including both prospective equipment, and retrofitting existing equipment, to minimised individual and accumulative noise impacts from the site.
  - e. Induction and training of workforce to promote compliant operation, in accordance with the noise management plan;
  - f. Detail of methods of on-going self-monitoring, including testing equipment, locations, frequency, technical parameters, interpretation of results, and periodic evaluation of the monitoring method (to account for further encroachment of residential development and changes to the surrounding built environment over time);
  - g. Complaint response methods, including short and long term abatement measures and record keeping; and
  - h. Details of staff members accountable for overseeing compliance with the noise management plan.
4. Prior to the occupation or use of the development, amended plans must be submitted to and approved by the Town, incorporating the retention of the three existing mature trees on the site adjacent to the Cohn Street frontage.
5. All car parking bays to be lined-marked and designed in accordance with AS2890.1 and AS2890.6.
6. Prior to lodging an application for a building permit, a detailed landscaping and reticulation plan for the subject site and the adjacent road verge(s) must be submitted to and approved by the Town.
7. Prior to the occupation of the building(s) the approved landscaping and reticulation plan must be fully implemented and maintained thereafter, to the satisfaction of the Town.
8. Prior to lodging an application for a building permit, stormwater disposal plans, details and calculations must be submitted for approval by the Town and thereafter implemented, constructed and maintained to the satisfaction of the Town.
9. Prior to lodging an application for a building permit, details of the external surface finish of the boundary walls/acoustic screens must be provided to the satisfaction of the Town. The development shall be constructed in accordance with the approved details and shall be thereafter maintained.



10. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
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### **Advice Notes**

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- AN2 In relation to the submission of amended plans incorporating the retention of the three existing mature trees on the site (adjacent to the Cohn Street frontage), it is the Town's expectation that this may include reconfiguration/rearrangement of both parking bays and the staff amenities building. It is noted that more efficient configurations may be possible, and that revised plans present an opportunity to improve the provision of bicycle storage, end-of-trip facilities and potentially an outdoor lunch area for staff beneath the retained trees.
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- It is further noted that the landscaping plan to be prepared must detail the retention of the existing mature trees on site, including protection measures for those trees during construction.
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- AN8 A demolition permit is required to be obtained from the Town prior to the demolition of the existing building(s) and/or structure(s) on the site.
- AN9 A building permit is required to be obtained from the Town prior to commencement of any work in relation to this development approval.



AN10 In relation to condition 16, a building permit cannot be issued until the conditions of the development approval have been given a planning clearance by the Town. It is recommended that the relevant information be submitted prior to the submission of an application for a building permit in order to avoid delays in the processing of the building permit application. Should a building permit application be submitted without a planning clearance, then the building permit application will be put hold until a planning clearance is obtained or the application may be refused.

**The Report Recommendation (as amended) was put and CARRIED (4/1).**

For: Mr Clayton Higham  
Mr Tony Arias  
Mr Peter Lee  
Cr Vicki Potter

Against: Cr Ronnhda Potter

**REASON:** The proposed redevelopment of the existing non-conforming use - concrete batching plant will result in the introduction of modern equipment, more appropriately located infrastructure which will lead to reduced impacts on adjoining residential areas, including removal of heavy vehicles from Cohn Street, improved and contemporary management practices for the noise and dust mitigation, and installation and maintenance of landscaping on the Cohn street verge.

**8.2 No. 384 (Lot 3) Berwick Street, East Victoria Park**

Development Description: Proposed 39 Grouped Dwellings And 32 Multiple Dwellings  
Applicant: Rowe Group  
Owner: Berwick EVP Pty Ltd  
Responsible Authority: Town of Victoria Park  
DAP File No: DAP/20/1888

**REPORT RECOMMENDATION**

**Moved by:** Cr Vicki Potter

**Seconded by:** Cr Ronnhda Potter

That the Metro Inner South JDAP resolves to:

**Refuse** DAP Application reference DAP/20/1888 and accompanying plans dated 22 April 2021 and 5 May 2021 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the Metropolitan Region Scheme, and the provisions of the Town of Victoria Park Town Planning Scheme No. 1, for the following reasons:



**Reasons:**

1. The development does not satisfy the following matters to be considered under Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015:
  - (a) Clause 67(b) – the proposal is considered to be inconsistent with orderly and proper planning.
  - (b) Clause 67(c) – the proposal does not adequately satisfy a number of design principles of State Planning Policy 7.0 Design of the Built Environment, and element objectives of State Planning Policy 7.3 Residential Design Codes Volume 2 Apartments.
  - (c) Clause 67(g) – the proposal does not adequately satisfy the requirements of the Town's Local Planning Policies 25 'Streetscape' and 33 'Guide to Concessions on Requirements for Mixed Use, Multi Dwelling and Non-Residential Developments'.
  - (d) Clause 67(m) – the proposal is not compatible with its setting, in regard to its bulk, scale and orientation.
  - (e) Clause 67(p) – the proposal has not made adequate provision for landscaping of the site, particularly in relation to deep soil planting benefitting the residents of the apartment building.
  - (f) Clause 67(s) – the proposed access arrangements to Carson Street/Baillie Avenue have not been adequately addressed.
  - (g) Clause 67(zc) – the proposal is considered to not be a high quality design outcome by the Town's Design Review Panel.
  
2. Having regard to State Planning Policy 7.0 Design of the Built Environment, the development does not adequately satisfy the following design principles:
  - (a) Principle 1 Context and Character, as the building design does not respond to the local character.
  - (b) Principle 2 Landscape Quality, as the provision of deep soil and landscaping does not achieve the Element Objectives and provides minimal benefit to the users of the development.
  - (c) Principle 3 Built Form and Scale, as the orientation of dwellings does not contribute positively to the streets.
  - (d) Principle 4 Functionality and Build Quality, given the poor relationship between dwellings and streets and the design failing to demonstrate an integration of services into the development.
  - (e) Principle 5 Sustainability, as the design does not achieve adequate solar and daylight access and ventilation to all apartments, and the proposal has not demonstrated a commitment to sustainability beyond minimum practice.
  - (f) Principle 6 Amenity, as a high level of amenity is not provided for residents in relation to solar access, ventilation, landscaping or communal open space.
  - (g) Principle 7 Legibility, as the hierarchy of streets is not clear and entries to a number of individual buildings is not clearly identifiable.
  - (h) Principle 8 Safety, as the level of passive surveillance provided throughout the development is considered to be inadequate.
  - (i) Principle 9 Community, as the design, particularly the lack of quality communal open space, does not encourage social interaction.



3. Having regard to State Planning Policy 7.3 Residential Design Codes Volume 2 Apartments, the proposed development does not adequately satisfy the following Element Objectives:
  - (a) Element 2.4 – Side and Rear Setback
  - (b) Element 2.5 – Plot Ratio
  - (c) Element 2.6 – Building Depth
  - (d) Element 3.2 – Orientation
  - (e) Element 3.3 – Tree Canopy and Deep Soil Areas
  - (f) Element 3.4 – Communal Open Space
  - (g) Element 3.6 – Public Domain Interface
  - (h) Element 4.1 – Solar and Daylight Access
  - (i) Element 4.2 – Natural Ventilation
  - (j) Element 4.4 – Private Open Space and Balconies
  - (k) Element 4.15 – Energy Efficiency
  - (l) Element 4.18 – Utilities
4. Having regard to the Town's Local Planning Policy 33 'Guide to Concessions on Planning Requirements for Mixed Use, Multi Dwelling and Non-Residential Developments', the development does not demonstrate superior design outcomes so as to warrant the concessions being sought.
5. The outdoor living areas to the Grouped Dwellings do not satisfy the deemed-to-comply or Design Principles of Clause 5.3.1 of the Residential Design Codes Volume 1, and as result the level of amenity for residents of the dwellings is compromised.

**The Report Recommendation was put and LOST (2/3).**

For: Cr Ronhhda Potter  
Cr Vicki Potter

Against: Mr Clayton Higham  
Mr Tony Arias  
Mr Peter Lee





## ALTERNATE MOTION

**Moved by:** Mr Tony Arias

**Seconded by:** Mr Peter Lee

That the Metro Inner South JDAP resolves to:

**Approve** DAP Application reference DAP/20/01888 and accompanying plans dated 22 April 2021 and 5 May 2021 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, the Metropolitan Region Scheme and the provisions of the Town of Victoria Park Town Planning Scheme No. 1, subject to the following conditions:

1. The development, once commenced, is to be carried out in accordance with the approved plans at all times, unless otherwise authorised by the Town.
2. In accordance with the requirements of Town Planning Scheme No.1 that apply to the subject site, a Local Development Plan is to be prepared and approved prior to the commencement of any development on the site.
3. Detailed engineering design drawings for the Carson Street and Baillie Avenue access leg are to be submitted and approved to the satisfaction of the Town of Victoria Park.
4. Unless approved by the Town, pedestrian access from units 10-19 to Edward Millen Reserve is not permitted.
5. Prior to lodging an application for a building permit, the applicant/owner is to contribute a sum of 1 % of the value of the total construction value towards public art for the multiple dwelling component only. (Refer related Advice Note)
6. To address the conditions of this approval, a covering letter (detailing compliance with each condition), copy of the final working drawings and relevant associated reports and information, are to be submitted by the applicant and be cleared by the Town.
7. Prior to lodging an application for a building permit, plans are to be submitted demonstrating to the satisfaction of the Town the energy efficiency initiatives proposed to satisfy Element Objective 04.15 of State Planning Policy 7.3: Volume 2 - Apartments. The development shall be constructed in accordance with the approved details unless otherwise approved by the Town in writing and shall be thereafter maintained.
8. Prior to lodging an application for a building permit, a plan shall be submitted detailing the location of all external lighting, to the satisfaction of the Town. The lighting plan and subsequent lighting installed must demonstrate that any light spill to adjoining properties is minimised to acceptable levels and is in compliance with AS4282:1997. Lighting in accordance with the approved plan is to be installed prior to occupation or strata titling of the building(s), whichever occurs first.



9. Prior to lodging an application for a building permit, all plant equipment, air conditioning units, hot water systems, water storage tanks, service metres, bin storage areas and clothes drying facilities must be located to minimise any visual and noise impact on the occupants of nearby properties and screened from view from the street. Design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the Town.
10. Prior to lodging an application for a building permit, details are to be prepared by a qualified Acoustic Engineer to the satisfaction of the Town demonstrating appropriate levels of acoustic privacy to the multiple dwellings, pursuant to Element 4.7 'Managing the Impact of Noise' of State Planning Policy 7.3: Volume 2 - Apartments. The development shall be constructed in accordance with the approved details unless otherwise approved by the Town in writing and shall be thereafter maintained to the satisfaction of the Town.
11. Prior to lodging an application for a building permit, plans are to be submitted demonstrating to the satisfaction of the Town that the development satisfies Element Objective 04.9.1 'Universal Design' of State Planning Policy 7.3: Volume 2 - Apartments. The development shall be constructed in accordance with the approved details unless otherwise approved by the Town in writing and shall be thereafter maintained.
12. Prior to the submission of an application for a building permit, a palette of proposed external colours, finishes and materials to be used in the construction of the buildings is to be provided to the satisfaction of the Town. The development shall be constructed in accordance with the approved palette.
13. Existing trees identified on the approved site plan are to be retained and protected in accordance with AS 4970-2009 and to the satisfaction of the Town.
14. Prior to the occupation of the development, all car parking spaces together with their access aisles, including the on-street visitor car parking spaces, are to be clearly paved, sealed, marked and drained and thereafter maintained to the satisfaction of the Town.
15. A minimum of 16 car parking bays to be provided on site for the exclusive use of visitors. These bays shall be marked for the exclusive use of visitors prior to the first occupation or commencement of the development.
16. Prior to lodging an application for a building permit, details of the security intercom system for access to the car parking bays associated with the Multiple Dwelling development component are to be provided to the satisfaction of the Town.
17. In order to comply with Clause 5.4.1 of the Residential Design Codes, the north-western and south-eastern side of the balconies of Units 10- 19 having fixed obscure screening to a minimum height of 1.6 metres above the finished floor level to the satisfaction of the Town.
18. All driveways and car parking bays to be constructed of brick paving, liquid limestone, exposed aggregate or any alternative material approved by the Town.



19. The existing vehicle crossover to Berwick Street is to be upgraded to the Town' specifications. Any redundant portions of any existing vehicle crossover(s) to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction of the Town.
20. Prior to occupation of the multiple dwelling component of the development, a total of 20 bicycle facilities must be provided in accordance with Australian Standard AS 2890.3 and the Residential Design Codes ofWA and to the satisfaction ofthe Town. The bicycle parking facilities shall be installed and remain in place permanently unless otherwise approved by the Town.
21. A zero lot gutter to be provided for the boundary wall(s) unless otherwise approved in writing by the Town.
22. Prior to the occupation or the strata-titling of the building(s), whichever occurs first, unless otherwise approved in writing by the Town, the external surface finish of the boundary wall(s) must be finished to the same standard as the rest of the development to the satisfaction of the Town.
23. Prior to lodging an application for a building permit, a detailed landscaping and reticulation plan for the subject site and the adjacent road verge(s) must be submitted to and approved by the Town, and must include the following:
  - i. The location, number and type of the proposed trees and shrubs including planter and/or tree pit sizes and planting density;
  - ii. Any lawn to be established.
24. Prior to the occupation or strata-titling of the building(s), whichever occurs first, the approved landscaping and reticulation plan must be fully implemented and maintained thereafter, to the satisfaction of the Town. The Town acknowledges the development may be staged (refer Advice Note 1) and therefore the Town accepts the staging of the approved landscaping and reticulation plan consistent with staging of the built form.
25. Existing trees located within the verge are a Town asset and as such must be retained except where otherwise approved for removal by the Town.
26. The proposed trees, shown on the approved landscaping plan shall be maintained via an automated irrigation system or other similar method by the landowner or developer for the first two summers after the occupation of the dwellings. If the proposed tree is of poor health and is removed, it is to be replaced with a suitable replacement tree by the owner or developer.
27. Prior to lodging an application for a building permit, a Stormwater and Drainage Management Plan including details of the on-site stormwater disposal including soakwell sizes and locations to be submitted to and approved in writing by the Town. The development shall be constructed in accordance with the approved details and thereafter maintained.
28. Prior to lodging an application for a building permit, a Construction Management Plan must be submitted for approval by the Town, and thereafter implemented to the satisfaction of the Town. (Refer to related advice note)



29. Prior to the occupation or use of the development, any alterations, relocation or damage to existing infrastructure within the road reserve must be completed and reinstated to the specification and satisfaction of the Town.
30. All building works to be carried out under this development approval are required to be contained within the boundaries of the Lot 3 (parent lot).
31. The Waste Management Plan must be implemented at all times to the satisfaction of the Town.
32. At all times provision must be made onsite for the storage and collection of garbage and other solid waste. A waste storage and collection area must be graded, drained and screened from public view, and the garbage collected regularly, to the satisfaction of the Town.
33. If the development, the subject of this approval, is not substantially commenced within a period of four (4) years from the date of the approval, the approval will lapse and be of no further effect. For the purposes of this condition, the term "substantially commenced" has the meaning given to it in the Planning and Development (Local Planning Schemes) Regulations 2015 as amended from time to time.

#### **Advice Notes**

1. Where works and/or building permits are to be staged, only those conditions relevant to the proposed stage of works need to be satisfied prior to the issuing of a building permit.
2. The applicant/owner should refer to the Requirements of Other Council Business Units, enclosed with this development approval, which are relevant to the submission of a building permit and/or the carrying out of the development for which this approval is granted.
3. This development approval does not remove the need to obtain licences, permits or other forms of approval that may be required under other legislation or requirement of Council.
4. Any amendments or modifications to the approved drawings forming part of this development approval may require the submission of an application for amendment to development approval and reassessment of the proposal.
5. A building permit cannot be issued until the conditions of the development approval have been given a planning clearance by the Town. It is recommended that the relevant information be submitted prior to the submission of an application for a building permit in order to avoid delays in the processing of the building permit application. Should a building permit application be submitted without a planning clearance, then the building permit application will be put hold until a planning clearance is obtained or the application may be refused.



6. With respect to a Construction Management Plan, it is to address the following matters:
  - a. How materials and equipment will be delivered and removed from the site;
  - b. How materials and equipment will be stored on the site;
  - c. Parking arrangements for contractors;
  - d. Construction waste disposal strategy and location of waste disposal bins;
  - e. Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;
  - f. How risks of wind and/or water borne erosion and sedimentation will be minimised during and after the works;
  - g. Construction traffic and pedestrian management; and
  - h. Other matters likely to impact on the surrounding properties.
7. Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Town Planning Scheme or the Metropolitan Region Scheme and the applicant may apply for a review of the determination of Council by the State Administrative Tribunal within 28 days of the date of this decision.
8. With regards to public art, the contribution being either:
  - a. payment directly to the Town which will be placed in the Town's Community Art Reserve with the funds being used by the Town to provide public art within the same Town Planning Scheme Precinct; or
  - b. the owner/applicant is to provide public art on the development site in accordance with the procedures outlined in the Town's Developers Public Art Handbook, which includes the submission of details for approval by Council. The public art is to be completed and installed to the satisfaction of the Town prior to the occupation of the development, at which time the bond will be refunded by Council. The public art is to be maintained thereafter by the owner/occupiers;
9. The owner or occupier is required to display the street number allocated to the property in a prominent location clearly visible from the street and/or right-of-way that the building faces.
10. A separate application is to be submitted to the Town's Street Improvement business unit for approval prior to construction of a new crossover. To submit a crossover application please complete a 'Crossover Installation Application Form' and refer to the 'Crossover Installation Package'. Both documents are available from the Town's website.
11. All stormwater drainage shall be designed and signed by a certified Hydraulic Engineer. An overland flow path is to be included in the design to ensure diversion of stormwater from the developments during storm events.
12. A Work Zone Permit application is to be submitted to and approval issued the Town, prior to any works or temporary storage on a public thoroughfare (including roads, parking bays, footpaths or verges). To download an application form and for further information, please refer to the Town's website or contact the Town's Street Improvement business unit on (08) 9311 8111. It is noted that a Work Zone permit may not be permitted along some sections of Berwick Street.



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

For: Mr Clayton Higham  
Mr Tony Arias  
Mr Peter Lee

Against: Cr Ronhhda Potter  
Cr Vici Potter

**REASON:** The proposed development is comprised of grouped dwellings and multiple dwellings which are consistent with the Town of Victoria Park District Scheme zoning and the RCode density for the site. The proposed development is considered consistent with the local context, which comprises Hill View Terrace Bushland, the Edward Millen Reserve and Carson street Primary school. The proposed development comprises well considered, attractive buildings which are of a height and scale of appropriate to the local context. Both these matters were confirmed by the Town of Victoria Park DRP, which noted *“the buildings has been handled with a degree of elegance and dexterity”*. The alternative interface for the apartments and the Hillview Bushland is a good design outcome while still responding to bush fire safety considerations. The design proposes a number of vertical and horizontal windows which break up the building bulk and scale of the multiple dwellings interface and improve the visual impact of the development from the Bushland. The design provides additional solar access, an attractive outlook over the Bushland and improves passive surveillance. The revised development plans were considered to comply with the majority of deemed requirements for grouped and multiple dwellings. The revised development plans also provide, extra communal amenity, deep soil planting for the apartment building, increased natural light to secondary bedrooms and increase in Outdoor living areas to all grouped dwellings.

**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 -

<b>Current SAT Applications</b>				
<b>File No. &amp; SAT DR No.</b>	<b>LG Name</b>	<b>Property Location</b>	<b>Application Description</b>	<b>Date Lodged</b>
DAP/17/01320 DR184/2020	City of Melville	No. 18A (Lot 899) and No. 18B (Lot 898) Tweeddale Road Applecross	Ten (10) Multiple Dwellings	12/08/2020
DAP/20/01843 DR 273/2020	City of Melville	No.114 (Lot 883) Matheson Road, Applecross	Proposed 35 Multiple Dwellings	16/12/2020
DAP/18/01521 DR 7/2021	City of Belmont	Lot 41 (225) Great Eastern Highway, Lot 28 (90) Daly Street & Lots 29 to 41 (37) Hargreaves Street, Belmont	Third party signage	21/01/2021

  
Mr Clayton Higham  
Presiding Member, Metro Inner-South JDAP



## **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 11.10am.