



Metro Inner-South Joint Development Assessment Panel Minutes

Meeting Date and Time: Friday, 25 March 2022; 9:30am
Meeting Number: MISJDAP/93
Meeting Venue: Electronic Means

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

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Attendance

DAP Members

Mr Clayton Higham (Presiding Member)
Ms Lee O'Donohue (A/Deputy Presiding Member)
Ms Leigh Gibb (A/Third Specialist Member)

Item 8.1

Cr Phil Marks (Local Government Member, City of Belmont)
Cr Robert Rossi (Local Government Member, City of Belmont)

Item 8.2

Cr Andrew Sullivan (Local Government Member, City of Fremantle)
Cr Rachel Pemberton (Local Government Member, City of Fremantle)

Officers in attendance

Item 8.1

Mr Brandon Pang (City of Belmont)
Mr Alex Bott (City of Belmont)

Item 8.2

Ms Carly Pidco (Western Australian Planning Commission)
Ms Delia Neglie (Western Australian Planning Commission)

Minute Secretary

Mr Christopher Dodson (DAP Secretariat)
Ms Ashlee Kelly (DAP Secretariat)

Applicants and Submitters

Item 8.1

Mr Reegan Cake (Dynamic Planning)

Item 8.2

Dr Sue Meek
Mr David Hillam (Hillam Architects)
Mr Clay Thomas (Edge Visionary Living)
Mr Daniel Lees (element)

Members of the Public / Media

There were 4 members of the public in attendance.

Ms Victoria Riffici from Perth Now and Ms Nadia Budihardjo from Business News were in attendance.



1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:30am on 25 March 2022 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 in accordance with Section 5.16 of the DAP Standing Orders 2020 which states 'A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.', the meeting would not be recorded.

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

2. Apologies

Ms Rachel Chapman (Deputy Presiding Member)
Mr Peter Lee (Third Specialist 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 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 23 March 2022 and to Item 8.2, received on 24 March 2022

All members declared that they had duly considered the documents.



6. Disclosure of Interests

In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Member, Cr Andrew Sullivan, declared that he participated in a prior Council meeting in relation to the application at item 8.2. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr Sullivan acknowledged that he is not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before him, which will be considered on its planning merits.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member determined that the member listed above, who had disclosed a Impartiality Interest, was permitted to participate in the discussion and voting on the item.

7. Deputations and Presentations

- 7.1 Mr Reegan Cake (Dynamic Planning and Developments) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.2 The City of Belmont 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 – 7.2 was heard prior to the application at Item 8.1.

- 7.3 Dr Sue Meek addressed the DAP against the recommendation for the application at Item 8.2.
- 7.4 Mr David Hillam (Hillam Architects and Edge Visionary Living) addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.
- 7.5 Mr Daniel Lees (element) addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.
- 7.6 Mr Clay Thomas (Edge Visionary Living) addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.
- 7.7 The Western Australian Planning Commission and The City of Fremantle addressed the DAP in relation to the application at Item 8.2 and responded to questions from the panel.

The presentations at Items 7.3 - 7.7 were heard prior to the application at Item 8.2.

Ms Leigh Gibb (A/Third Specialist Member) left the panel at 11:36am.



8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 210 (Lot 1) Belmont Avenue And 24 & 26 (Lots 96 And 97) Laurie Street, Kewdale

Development Description: Proposed Child Care Premises
Applicant: Dynamic Planning and Developments
Owner: Upmarket Enterprises Pty Ltd ATF the Laurie Street Unit Trust
Responsible Authority: City of Belmont
DAP File No: DAP/21/02145

REPORT RECOMMENDATION

Moved by: Cr Phil Marks

Seconded by: Ms Leigh Gibb

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

- (i) To amend Condition No.12 to read as follows:

*Prior to the commencement of site works the applicant shall submit a construction and traffic management **plan** that accords with the requirements of AS 1742 Pt 3 to the City. The plan shall thereafter be implemented to the satisfaction of the City.*

REASON: To correct an omission by including the word “plan”.

- (ii) To amend Condition No.28 to read as follows:

*~~No Any services, such as air conditioners, fire boosters, meter service boards or water heaters shall be visible from the street.~~ **or plant and equipment shall be located and/ or screened to the satisfaction of the City, on the advice of the relevant service authorities.***

REASON: To provide some flexibility in the placement of services having regard to the specific requirements of the service authorities.



That the Metro Inner-South JDAP resolves to:

1. **Approve** DAP Application reference DAP/21/02145 and accompanying plans dated 8 March 2022 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 Belmont Local Planning Scheme No. 15, subject to the following:

Conditions

1. Development/land use shall be in accordance with the attached approved plan(s) dated 8 March 2022 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the Metro Inner-South Joint *Development Assessment Panel or City of Belmont*.
2. No more than 99 children and 19 staff shall be permitted on the Child Care Premises at any one time.
3. Prior to the lodgement of a Building Permit application, the applicant/landowner shall prepare a Road Safety Audit report to identify suitable protection measures for the outdoor play area and building that must be incorporated into the design of the building and/or the boundary fencing to Belmont Avenue and Laurie Street for the Child Care Premises. The measures shall be implemented at the applicant/landowner's full cost, to the satisfaction of the City.
4. Prior to the lodgement of a Building Permit application, the owner/applicant shall submit a detailed plan, specifications and certified structural details for the wall along the northern truncation, as marked in 'Red' on the approved plans. The wall is to be constructed to mitigate the impact a vehicle in the event of a crash.
5. The operating times for the Child Care Premises shall be limited to the hours of 7:00am to 7:00pm Monday to Friday, unless otherwise approved in writing by the City.
6. Prior to commencement of use, Lot 1 Belmont Avenue and Lots 96 – 97 Laurie Street shall be amalgamated, and a new Certificate of Title obtained for the lot.
7. All existing buildings and structures on Lot 1 Belmont Avenue and Lots 96 – 97 Laurie Street, including soak wells, leach drains, septic tanks, underground storage tanks, stormwater drainage systems and wastewater disposal systems, shall be removed and the land levelled.
8. Prior to lodging an application for building permit, the owner/ applicant shall submit a detailed schedule of external materials, finishes and colours to be used in the construction of the development, to the satisfaction of the City.



9. Prior to lodging an application for building permit, the owner/applicant shall submit a detailed plan of the south-eastern boundary wall, specifying the façade treatment and material palette to the satisfaction of the City, on the advice of the Design Review Panel.
10. Prior to lodgement of a building permit application, an amended landscaping and irrigation plan for the subject development site and street verge is to be prepared and submitted to the City for approval that incorporates the following:
 - i. Suitable screening plants and shade trees that can be accommodated between the car park and the south-western and south-eastern boundary fences.
 - ii. Suitable tree and shrub species that can be accommodated in the car park setback area to Laurie Street.
 - iii. Suitable trees species and verge materials for the Laurie Street and Belmont Avenue verges.
11. Prior to occupation or use of the development, landscaping, plants, verge treatment and/or irrigation are to be installed and thereafter maintained in accordance with the approved landscaping and irrigation plan to the satisfaction of the City.
12. Prior to the commencement of site works the applicant shall submit a construction and traffic management plan that accords with the requirements of AS 1742 Pt 3 to the City. The plan shall thereafter be implemented to the satisfaction of the City.
13. Prior to occupation or use of the development, vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, drained, line marked and kerbed in accordance with:
 - (a) The approved plan (a minimum of 31 parking bays);
 - (b) Schedule 7 of City of Belmont Local Planning Scheme No. 15; and
 - (c) Council's engineering requirements and design guidelines.

The areas must be sealed in bitumen or concrete in accordance with the City of Belmont specifications, unless otherwise approved by the City.
14. All access ways, parking areas and hard stand areas shall be maintained in accordance with the City's engineering requirements and design guidelines.
15. The 15 visitor and 16 staff car parking bays are to be constructed and maintained in accordance with the City's engineering requirements and design guidelines to the satisfaction of the City. The bays must be individually marked on site as 'Visitor Bays', 'Staff Bays' and made available for use by visitors and staff members at all times.
16. Prior to application for a building permit, the owner shall make a cash-in-lieu payment of \$12,000 to the City of Belmont for the shortfall of one (1) car parking bay for the subject development.



17. The vehicle entry point is to be signposted with a 'Low Clearance' sign in accordance with Australian Standard AS2890.1:2004.
18. Prior to occupation or use of the development, a Car Parking Management Strategy and Operational Plan for the Child Care Premises with respect to on-site car parking provision and operations shall be prepared and submitted to the satisfaction of the City. The Car Parking Management Strategy and Operational Plan shall include details regarding the number of drop off and pick up bays and staff bays for the development, operating hours (including when children can arrive and be picked up) and shall also outline measures to implement the promotion and management of non-car-based travel modes and network, which encourages the use of bicycles and public transport. Once approved, it shall be implemented at all times to the satisfaction of the City.
19. The Car Parking Management Strategy and Operational Plan shall be reviewed within the first three months of operation. The landowner/operator shall update the Car Parking Management Strategy and Operational Plan to address any issues arising from the review to the satisfaction of the City.
20. Prior to the occupation of the development a minimum of 5 bicycle bays, 5 ventilated equipment lockers and 1 unisex shower shall be installed and thereafter maintained for the course of the development to the specifications outlined within AS2890.3:2015, to the satisfaction of the City.
21. Prior to occupation or use of the development, the redundant crossovers to Lot 1 Belmont Avenue and Lots 96 – 97 Laurie Street, as shown on the approved plans, shall be removed and the verge and kerb reinstated in accordance with the City's Technical Specifications, to the satisfaction of the City.
22. Prior to occupation or use of the development, the owner/applicant shall, after having obtained written approval from the City (Crossover Upgrade Application), construct a vehicle crossover in accordance with the approved plans and the City's engineering specifications to the satisfaction of the City.
23. The owner/applicant shall submit a detailed stormwater plan for approval of the City prior to application for a building permit, showing the proposed drainage system to the standards of the City of Belmont's engineering requirements and design guidelines.
24. All stormwater from roofed and paved areas shall be collected and disposed of on-site in accordance with the City of Belmont's engineering requirements and design guidelines.
25. The bin storage area must be paved with an impervious material and must not drain to a stormwater drainage system or to the environment.



26. Prior to occupation or use of the development, the owner/applicant shall install the required fencing to comply with the requirements of the Environmental Acoustic Assessment dated 7 December 2021, as marked in 'RED' on the approved plans, to the satisfaction of the City.
27. All fencing visible from the street shall be constructed in:
 - (a) brick and visually permeable timber; or
 - (b) brick and visually permeable wrought iron; or
 - (c) other materials which match the development and are acceptable to the City.
28. Any services or plant and equipment shall be located and/ or screened to the satisfaction of the City, on the advice of the relevant service authorities.
29. Prior to occupation of the development, an updated Waste Management Plan shall be submitted to the City for approval. The Waste Management Plan shall accommodate trucks to access and egress the site in forward gear without impacting on car parking spaces within the property. The Waste Management Plan shall be implemented at all times, unless otherwise approved by the City, to the satisfaction of the City.
30. The sign shall be always located wholly within the boundaries of the subject property.
31. This decision constitutes development approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the four (4) year period, the approval shall lapse and be of no further effect.

Advice Notes

1. This development approval is not a demolition permit. A demolition permit must be obtained from the City's Safer Communities – Building Surveying prior to commencement of any demolition works. Please liaise with the City's Safer Communities – Building Surveying for further information.
2. The modified Landscaping and Irrigation Plan shall be a minimum size of A3 and is to contain a north point and a scale. The plan must show by numerical code, the botanical name of each plant species, proposed pot size, quantity and must also include the proposed treatments of:
 - a. all areas of the property visible from the street; and
 - b. the street verge.

It is recommended that the landscaping plan is prepared by a professional horticulturalist or landscape architect.



3. In relation to the installation of landscaping, the plants are to be nurtured until they reach their typical mature dimensions, and shall thereafter be maintained at those mature dimensions unless Council approves otherwise in writing.
4. The City's Engineering Requirements and Design Guidelines contains detailed specifications which must be adhered to in the preparation of plans submitted for approval in respect of such matters as drainage, paving, parking, accessways, crossovers, land fill and retaining.

In the event that access ways, parking areas and hard stand is not satisfactorily maintained, the City may require by notice, in writing, that the area be brought up to a satisfactory standard within a specified period of time and the notice shall be complied with within that period. Without limitation, the notice may require that lines marking car bays be re-painted, potholes be repaired, damaged kerbs be replaced and degraded access or parking areas be resurfaced generally in accordance with the City's Engineering Requirements and Design Guidelines.

5. Neither a development approval nor a building permit constitutes an approval to construct a crossover to a property. Prior to commencement of any site works, separate approval must be obtained from the City's Infrastructure Services Department to construct a crossover to the property (i.e. from the road to connect with the property's internal driveway). This approval shall be sought by way of an application for Infrastructure Services Clearance. Failure to obtain approval from the City's Infrastructure Services for the crossover may result in time delays or refusal of a vehicle crossover subsidy. Please note Infrastructure Services Clearance Applications are determined within 30 working days from date of lodgment provided further information is not required.
6. *Visually permeable' has the definition given to it in the Residential Design Codes. The City's expectation is that any walls and fences must allow for adequate views between the building and the street to promote passive surveillance.*
7. The applicant is advised that development approval is not approval for the erection and/or construction of any signage. A building permit is required prior to the erection and/or construction of signage. Please liaise with the City's Safer Communities – Building Surveying for more information.
8. Please be advised that approval of the signage has been granted based on the plans and information submitted. Any physical changes to the sign structure and/or modifications that alter the nature of the sign will require lodgment of a new application unless otherwise approved by the City.
9. The applicant is advised that no food preparation is approved to be undertaken on-site. Registration in accordance with the *Food Act 2008* must be obtained prior to the commencement of food preparation. Please liaise with the City's Environmental Health Department to ascertain the requirements.



AMENDING MOTION 1

Moved by: Ms Leigh Gibb

Seconded by: Ms Lee O'Donohue

That Condition No.16 be deleted, and the remaining conditions be renumbered accordingly.

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

For: Mr Clayton Higham
Ms Rachel Chapman
Ms Leigh Gibb

Against: Cr Phil Marks
Cr Robert Rossi

REASON: The majority of panel members considered that the parking in proposed use was adequate. This view was supported by the comment in the officer's RAR. In view of this the panel concluded that it would be inappropriate to require cash in lieu for one parking bay.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro Inner-South JDAP resolves to:

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1. Development/land use shall be in accordance with the attached approved plan(s) dated 8 March 2022 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the Metro Inner-South Joint *Development Assessment Panel or City of Belmont*.
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3. Prior to the lodgement of a Building Permit application, the applicant/landowner shall prepare a Road Safety Audit report to identify suitable protection measures for the outdoor play area and building that must be incorporated into the design of the building and/or the boundary fencing to Belmont Avenue and Laurie Street for the Child Care Premises. The measures shall be implemented at the applicant/landowner's full cost, to the satisfaction of the City.



4. Prior to the lodgement of a Building Permit application, the owner/applicant shall submit a detailed plan, specifications and certified structural details for the wall along the northern truncation, as marked in 'Red' on the approved plans. The wall is to be constructed to mitigate the impact a vehicle in the event of a crash.
5. The operating times for the Child Care Premises shall be limited to the hours of 7:00am to 7:00pm Monday to Friday, unless otherwise approved in writing by the City.
6. Prior to commencement of use, Lot 1 Belmont Avenue and Lots 96 – 97 Laurie Street shall be amalgamated, and a new Certificate of Title obtained for the lot.
7. All existing buildings and structures on Lot 1 Belmont Avenue and Lots 96 – 97 Laurie Street, including soak wells, leach drains, septic tanks, underground storage tanks, stormwater drainage systems and wastewater disposal systems, shall be removed and the land levelled.
8. Prior to lodging an application for building permit, the owner/ applicant shall submit a detailed schedule of external materials, finishes and colours to be used in the construction of the development, to the satisfaction of the City.
9. Prior to lodging an application for building permit, the owner/applicant shall submit a detailed plan of the south-eastern boundary wall, specifying the façade treatment and material palette to the satisfaction of the City, on the advice of the Design Review Panel.
10. Prior to lodgement of a building permit application, an amended landscaping and irrigation plan for the subject development site and street verge is to be prepared and submitted to the City for approval that incorporates the following:
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12. Prior to the commencement of site works the applicant shall submit a construction and traffic management plan that accords with the requirements of AS 1742 Pt 3 to the City. The plan shall thereafter be implemented to the satisfaction of the City.



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 - (c) Council's engineering requirements and design guidelines.

The areas must be sealed in bitumen or concrete in accordance with the City of Belmont specifications, unless otherwise approved by the City.

14. All access ways, parking areas and hard stand areas shall be maintained in accordance with the City's engineering requirements and design guidelines.
15. The 15 visitor and 16 staff car parking bays are to be constructed and maintained in accordance with the City's engineering requirements and design guidelines to the satisfaction of the City. The bays must be individually marked on site as 'Visitor Bays', 'Staff Bays' and made available for use by visitors and staff members at all times.
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18. The Car Parking Management Strategy and Operational Plan shall be reviewed within the first three months of operation. The landowner/operator shall update the Car Parking Management Strategy and Operational Plan to address any issues arising from the review to the satisfaction of the City.
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22. The owner/applicant shall submit a detailed stormwater plan for approval of the City prior to application for a building permit, showing the proposed drainage system to the standards of the City of Belmont's engineering requirements and design guidelines.
23. All stormwater from roofed and paved areas shall be collected and disposed of on-site in accordance with the City of Belmont's engineering requirements and design guidelines.
24. The bin storage area must be paved with an impervious material and must not drain to a stormwater drainage system or to the environment.
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26. All fencing visible from the street shall be constructed in:
 - (a) brick and visually permeable timber; or
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 - (c) other materials which match the development and are acceptable to the City.
27. Any services or plant and equipment shall be located and/ or screened to the satisfaction of the City, on the advice of the relevant service authorities.
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Advice Notes

1. This development approval is not a demolition permit. A demolition permit must be obtained from the City's Safer Communities – Building Surveying prior to commencement of any demolition works. Please liaise with the City's Safer Communities – Building Surveying for further information.
2. The modified Landscaping and Irrigation Plan shall be a minimum size of A3 and is to contain a north point and a scale. The plan must show by numerical code, the botanical name of each plant species, proposed pot size, quantity and must also include the proposed treatments of:
 - a. all areas of the property visible from the street; and
 - b. the street verge.

It is recommended that the landscaping plan is prepared by a professional horticulturalist or landscape architect.

3. In relation to the installation of landscaping, the plants are to be nurtured until they reach their typical mature dimensions, and shall thereafter be maintained at those mature dimensions unless Council approves otherwise in writing.
4. The City's Engineering Requirements and Design Guidelines contains detailed specifications which must be adhered to in the preparation of plans submitted for approval in respect of such matters as drainage, paving, parking, accessways, crossovers, land fill and retaining.

In the event that access ways, parking areas and hard stand is not satisfactorily maintained, the City may require by notice, in writing, that the area be brought up to a satisfactory standard within a specified period of time and the notice shall be complied with within that period. Without limitation, the notice may require that lines marking car bays be re-painted, potholes be repaired, damaged kerbs be replaced and degraded access or parking areas be resurfaced generally in accordance with the City's Engineering Requirements and Design Guidelines.

5. Neither a development approval nor a building permit constitutes an approval to construct a crossover to a property. Prior to commencement of any site works, separate approval must be obtained from the City's Infrastructure Services Department to construct a crossover to the property (i.e. from the road to connect with the property's internal driveway). This approval shall be sought by way of an application for Infrastructure Services Clearance. Failure to obtain approval from the City's Infrastructure Services for the crossover may result in time delays or refusal of a vehicle crossover subsidy. Please note Infrastructure Services Clearance Applications are determined within 30 working days from date of lodgment provided further information is not required.
6. *Visually permeable' has the definition given to it in the Residential Design Codes. The City's expectation is that any walls and fences must allow for adequate views between the building and the street to promote passive surveillance.*



7. The applicant is advised that development approval is not approval for the erection and/or construction of any signage. A building permit is required prior to the erection and/or construction of signage. Please liaise with the City's Safer Communities – Building Surveying for more information.
8. Please be advised that approval of the signage has been granted based on the plans and information submitted. Any physical changes to the sign structure and/or modifications that alter the nature of the sign will require lodgement of a new application unless otherwise approved by the City.
9. The applicant is advised that no food preparation is approved to be undertaken on-site. Registration in accordance with the *Food Act 2008* must be obtained prior to the commencement of food preparation. Please liaise with the City's Environmental Health Department to ascertain the requirements.

The Report Recommendation (as amended) was put and CARRIED UNANIMOUSLY.

REASON: The panel considered the proposed centre was an appropriate use for the location despite noting that it is on a busy road. It was felt that, overall, it is a good development as the design has regard any potential amenity impacts on the nearby residential properties.

Cr Phil Marks and Cr Robert Rossi (Local Government Members, City of Belmont) left the panel at 10:20am.

Cr Andrew Sullivan and Cr Rachel Pemberton (Local Government Members, City of Fremantle) joined the panel at 10:20am.



8.2 Lots 1873 & 1907 (No.19-25) Burt Street, Fremantle

Development Description: Mixed Use Development Comprising Community Arts Spaces, Commercial Tenancies and Multiple Dwellings
Applicant: element WA
Owner: The Housing Authority
Responsible Authority: Western Australian Planning Commission
DAP File No: DAP/21/02089

REPORT RECOMMENDATION

Moved by: Cr Andrew Sullivan

Seconded by: Cr Rachel Pemberton

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

- (i) That a new Condition No.28 be added to read as follows:

Prior to the issue of a Building Permit for the development hereby approved, final details of the external materials, colours and finishes of the proposed development, including a physical sample board or materials is to be submitted and approved to the specification of the City of Fremantle, on the advice of the City's Design Advisory Committee and to the satisfaction of the Western Australian Planning Commission.

REASON: To ensure that the final choice of external materials, colours, and finishes have been considered by the WAPC having regard to the specifications of the City of Fremantle on the advice of the City's Design Review Panel.

- (ii) To amend Condition No.3 to read as follows:

Prior to the submission of a Building Permit application, amended plans are to be provided and implemented to the satisfaction of the Western Australian Planning Commission, on advice of the local government, demonstrating provision of:

- a. *a minimum of three delivery bays located so as to readily service each café/Restaurant tenancy and the community purpose tenancies*
- b. *Parking for a minimum of 12 bicycles located so as to reasonably service residential visitors and commercial tenancies.*
- c. *a minimum of ~~95~~ 35 vehicle parking bays for residential visitors and commercial use, of which a minimum of ~~86~~ vehicle parking bays are to be available for shared use;*
- d. ***a minimum of 106 vehicle parking bays for the commercial tenancies, of which a minimum of 98 is required to be freely available for visitor use and shall be clearly visible and identifiable either from or within the adjacent road reserves.***
- e. *design features to improve legibility and connectivity between on-site parking and the café/Restaurant tenancy located at the corner of Burt Street and East Street; and ~~Consistency with the minimum number of residential car parking bays for apartments specified by acceptable~~*



~~outcome 3.9.2 of design element 3.9 of the State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments.~~

~~Vehicle parking bays may be provided within the development site and/or immediately adjacent verge, subject to agreement from the local government. Vehicle parking bays may be provided as motorcycle parking bays, subject to agreement from the local government. The bays shall be permanently marked, maintained and legally accessible for their intended use at all times.~~

- f. **Consistency with the minimum number of residential car parking bays for apartments specified by acceptable outcome 3.9.2 of design element 3.9 of the State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments.**

Commercial tenancy parking for staff may be provided within the development site. Residential and Commercial visitor parking may be provided within the development site and/or within the adjacent road reserve subject to agreement from the local government. Up to 10% of vehicle parking bays may be provided as motorcycle parking bays or as otherwise agreed by the local government. All bays shall be permanently marked, maintained and legally accessible for their intended use at all times.

REASON: Intent is to remove reciprocal sharing of commercial and residential visitor bays as the peak periods of use will overlap and therefore conflict. Design guidance 3.9.3 in SPP 7.3 Apartment Codes states that, '*visitors parking may be reduced where there is adequate on street parking or public parking in the near vicinity of the development*'. Currently, there are limited alternative options for visitor parking to be accommodated within street parking around this site or even the greater immediate locality. Therefore, the proposed reciprocal sharing of residential visitor and commercial parking cannot be supported. In addition, the use of basement parking for a large proportion of the visitor bays is not considered appropriate nor supportable against the Design Guidance criteria of Part 3.9 of Volume 2 of the R-Codes. A large number of visitor bays will have to be provided within the adjacent verges. To achieve this volume of bays, some reorganising of the existing road carriageways may be required and so reference is made to the "adjacent road reserve" rather than the "adjacent verge". The intent remains that the visitor bays provided should be in the adjacent verge as far as reasonably practical.

- (iii) To amend Condition No.1 to read as follows:

The development is to be carried out generally in accordance with the plans date-stamped 3 February 2022 by the Department of Planning, Lands and Heritage (attached), subject to any modifications as required by the conditions of approval.

REASON: The word generally creates too much ambiguity with plans approved.



- (iv) To amend Condition No.4 to read as follows:

*Prior to the submission of an Occupancy Permit application/s, a detailed design for any verge parking required to satisfy Condition 3 of this approval is to be submitted and constructed by the City of Fremantle at the landowner's cost, for the portion of the ~~verge~~ **road reserve** parking adjacent and/or relevant to each stage, to the specification of the local government and to the satisfaction of the Western Australian Planning Commission.*

REASON: As per the reasons above for amended Condition No.3

- (v) To amend Condition No.6 e to read as follows:

*Recommended parking management parameters to ensure any ~~verge~~ **road reserve** parking required by Condition 3 of this approval functions as intended;*

REASON: As per the reasons above for amended Condition No.3

- (vi) That Condition No.10 and Condition No.11 be deleted and the remaining conditions be renumbered accordingly.
- (vii) That a new Condition No.10 be added to read as follows:

The Community and commercial spaces shall have a closing time of 10pm.

REASON: Delete and replace with the following (ensures consistency with neighbouring Fremantle Arts Centre which has an established closing time of 10pm). This assists in simplifying enforcement by delivering a consistent precinct curfew.



REPORT RECOMMENDATION (AS AMENDED)

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

1. **Approve** DAP Application reference DAP/21/02089 and accompanying plans date-stamped 3 February 2022 by the Department of Planning, Lands and Heritage in accordance with the provisions of Clause 24 and Clause 30(1) of the Metropolitan Region Scheme:

Conditions

1. The development is to be carried out in accordance with the plans date-stamped 3 February 2022 by the Department of Planning, Lands and Heritage (attached), subject to any modifications as required by the conditions of approval.
2. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect
3. Prior to the submission of a Building Permit application, amended plans are to be provided and implemented to the satisfaction of the Western Australian Planning Commission, on advice of the local government, demonstrating provision of:
 - a. a minimum of three delivery bays located so as to readily service each café/Restaurant tenancy and the community purpose tenancies
 - b. Parking for a minimum of 12 bicycles located so as to reasonably service residential visitors and commercial tenancies.
 - c. a minimum of 35 vehicle parking bays for residential visitors;
 - d. a minimum of 106 vehicle parking bays for the commercial tenancies, of which a minimum of 98 is required to be freely available for visitor use and shall be clearly visible and identifiable either from or within the adjacent road reserves.
 - e. design features to improve legibility and connectivity between on-site parking and the café/Restaurant tenancy located at the corner of Burt Street and East Street; and
 - f. Consistency with the minimum number of residential car parking bays for apartments specified by acceptable outcome 3.9.2 of design element 3.9 of the State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments.

Commercial tenancy parking for staff may be provided within the development site. Residential and Commercial visitor parking may be provided within the development site and/or within the adjacent road reserve subject to agreement from the local government. Up to 10% of vehicle parking bays may be provided as motorcycle parking bays or as otherwise agreed by the local government. All bays shall be permanently marked, maintained and legally accessible for their intended use at all times.



4. Prior to the submission of an Occupancy Permit application/s, a detailed design for any verge parking required to satisfy Condition 3 of this approval is to be submitted, and constructed by the City of Fremantle at the landowner's cost, for the portion of the road reserve parking adjacent and/or relevant to each stage, to the specification of the local government and to the satisfaction of the Western Australian Planning Commission.
5. Prior to the submission of a Building Permit application, an amended Transport Impact Assessment is to be provided which addresses all land uses and activities approved as part of this approval, to the satisfaction of the Western Australian Planning Commission on advice of the local government. The recommendations of the approved Transport Impact Assessment shall be implemented at all times, to the specification of the local government and satisfaction of the Western Australian Planning Commission.
6. Prior to the submission of an Occupancy Permit application, a Parking and Access Management Plan shall be submitted to and approved by the Western Australian Planning Commission on advice of the local government. The Parking and Access Management Plan is to address, but not be limited to, the following:
 - a. Any relevant recommendations of the amended Transport Impact Assessment required by Condition 5 of this approval;
 - b. Detailed management measures for the operation of vehicular entry gates, to ensure access is readily available for owners/visitors/tenants to the residential and non-residential tenancies as intended at all times;
 - c. Allocation and bundling of on-site car parking;
 - d. Delivery and loading arrangements for the Multiple Dwellings;
 - e. Recommended parking management parameters to ensure any road reserve parking required by Condition 3 of this approval functions as intended;
 - f. Wayfinding strategies to assist visitors to navigate between parking areas and destinations within the development;
 - g. Communication strategies to keep occupants and visitors informed of on-site parking arrangements; and
 - h. Arrangements to ensure ongoing implementation of the Parking Management and Wayfinding Plan, including draft Scheme by-laws for future strata titling of the development.

The approved Parking and Access Management Plan shall be implemented at all times, to the specification of the local government and satisfaction of the Western Australian Planning Commission.

7. The Performance Space, Community Arts Hub including adjacent office, Artists Studios and Maker Space are to be used as Community Purposes only, as defined in the City of Fremantle Local Planning Scheme No. 4, and may not be used for any other use without the prior approval of the local government.
8. The Community Gym is restricted to be used only by occupants of the development at all times.



9. At all times the maximum number of patrons to be accommodated for each tenancy shall not exceed:
 - a. 70 patrons per tenancy for café/restaurant uses;
 - b. 90 patrons for Community Arts Hub; and
 - c. 150 patrons for Performance Space.
10. The Community and commercial spaces shall have a closing time of 10pm.
11. Prior to submission of an Occupancy Permit application, a Management Plan for all Community Purpose tenancies is to be prepared to the satisfaction of the Western Australian Planning Commission on advice of the local government. The Management Plan is to include, but is not limited to, addressing the following:
 - a. Strategies to ensure activities and operations of the Community Purpose tenancies is consistent with the Community Purpose land use class at all times;
 - b. Framework for the establishment and ongoing management of the “Burt Street Arts Accelerator”;
 - c. Guidelines for preparation of Event Management Plans, including the circumstances in which these will be required and the matters to be addressed;
 - d. Noise Management Plan;
 - e. Signage strategy;
 - f. Communication and complaint management procedures; and
 - g. Draft Scheme by-laws for management of the Community Purpose tenancies by the strata bodies, for future strata titling of the development.The approved Management Plan shall be implemented at all times, to the specification of the local government and satisfaction of the Western Australian Planning Commission.
12. The landowner/applicant shall provide a written undertaking to advise prospective purchasers and tenants of:
 - a. the provisions of the local government’s local planning and the conditions of this development approval that relate to the use and management of the land;
 - b. the Parking and Access Management Plan required by Condition 6 of this approval; and
 - c. the Management Plan required by condition 12 of this approval.
13. Prior to the submission of a Building Permit application for the various stages of the development, all piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters and bin storage areas 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 the specification of the local government and satisfaction of the Western Australian Planning Commission.



14. Prior to the submission of an Occupancy Permit application, all equipment, including ventilation and exhaust systems, plant, vents, water heaters and air conditioning units are to be screened from view from surrounding streets and residences to the specification of the local government and satisfaction of the Western Australian Planning Commission.
15. All storm water discharge shall be contained and disposed of on site.
16. Prior to the submission of a Building Permit application for the various stages of the development, the landowner/applicant is to submit an amended Waste Management Plan to the specification of the local government and to the satisfaction of the Western Australian Planning Commission. The Waste Management Plan is to address, but not be limited to the following:
 - a. Estimated waste generation and proposed methodology for waste disposal and collection.
 - b. Proposed storage of Collection receptacles.
 - c. Additional management requirements to be implemented and maintained for the life of the development.
 - d. Alignment with the waste services available having regard for the local government being required to manage residential waste.

The Waste Management Plan shall be implemented at all times to the specification of the local government and satisfaction of the Western Australian Planning Commission.

17. Prior to practical completion of the development, an Outdoor Lighting Plan shall be submitted to the specification of the local government and to the satisfaction of the Western Australian Planning Commission. The outdoor lighting is to be designed, baffled and located to prevent any increase in light spill onto the adjoining properties and installed prior to submission of an Occupancy Permit application/s. The Outdoor Lighting Plan is to be implemented to the satisfaction of the Western Australian Planning Commission, on the advice of the local government.
18. Prior to substantial commencement of the development, a detailed Landscaping Plan, including street verge areas, shall be submitted to the specification of the local government and to the satisfaction of the Western Australian Planning Commission. The Landscaping Plan shall address, but not be limited to, Design Elements 3.3 and 4.12 of *State Planning Policy 7.3 - Residential Design Codes Volume 2 – Apartments* including provision of an arboriculture report for removal of existing trees, reticulation, details of existing vegetation to be retained, and treatment of landscaped surfaces (i.e. mulch, lawn, synthetic grass etc). All works shown in the Landscaping Plan shall be completed prior to occupancy of the development and maintained for the life of the development, to the specification of the local government and to the satisfaction of the Western Australian Planning Commission.
19. Prior to the submission of a Building Permit application for each stage of the development, the design and materials of the development shall mitigate amenity impacts from the Fremantle Port on sensitive land uses, to the specification of the City of Fremantle and satisfaction of the Western Australian Planning Commission.



20. Prior to the submission of a Building Permit application for the various stages of the development, an Acoustic Report demonstrating how the development will be designed and constructed to minimise noise emissions from the non-residential uses shall be prepared to the specification of the City of Fremantle and satisfaction of the Western Australian Planning Commission. All recommendations of the Acoustic Report shall be implemented prior to development and maintained for the life of the development, to the specification of the local government and to the satisfaction of the Western Australian Planning Commission.
21. Prior to the submission of a Building Permit application for the various stages of the development, the design of the development shall be consistent with Design Element 4.9 Universal Design of *State Planning Policy 7.3 - Residential Design Codes Volume 2 – Apartments* to the satisfaction of the Western Australian Planning Commission.
22. Prior to the submission of a Building Permit application for the various stages of the development, a Construction/Demolition Management Plan shall be submitted to the specification of the local government addressing, but not limited to, the following matters:
 - a. Provision of sufficient car parking to service any tenancies intended to be occupied prior to full completion of all stages of the development;
 - b. Use of City car parking bays for construction related activities;
 - c. Protection of infrastructure and street trees within the road reserve;
 - d. Security fencing around construction sites;
 - e. Gantries;
 - f. Access to site by construction vehicles;
 - g. Contact details;
 - h. Site offices;
 - i. Noise - Construction work and deliveries;
 - j. Sand drift and dust management;
 - k. Waste management;
 - l. Dewatering management plan, including dewatering impact report, a sediment control and weekly monitoring plan for any discharge into the local storm water system and any approvals required from Department of Water and Environmental Regulation and Department of Biodiversity, Conservation and Attractions;
 - m. Traffic management; and
 - n. Works affecting pedestrian areas.

The approved Demolition and Construction Management Plan shall be adhered to throughout all demolition and/or construction works to the specification of the local government and to the satisfaction of the Western Australian Planning Commission.

23. Prior to the submission of a Building Permit application for the various stages of the development, the applicant/owner is to submit a copy of documentation from the Green Building Council of Australia or a suitably qualified professional stating how the development will achieve a Green Star rating of at least 4 Stars or equivalent, to the specification of the local government and to the satisfaction of the Western Australian Planning Commission.



24. Prior to practical completion of the building and at the expense of the applicant, any redundant crossovers shall be removed and the verge and kerbing reinstated and vehicle crossovers shall be constructed and thereafter maintained, to the specifications of the local government and to the satisfaction of the Western Australian Planning Commission.
25. Prior to practical completion of the building hereby approved, a Notification shall be registered against the Certificate of Title to the land the subject of the proposed development advising the owners and subsequent owners of the land that the subject site is located in close proximity to the Fremantle Port and the Fremantle Art Centre and may be subject to noise, odour and activity not normally associated with residential use. The notification is to be prepared by the local government's solicitors at the expense of the owner and be executed by all parties prior to occupation.
26. Any fencing and/or balustrading to be installed to outdoor living areas of the effective ground level storeys, including but not limited to Units 201 and 202 of Building 3, is to be visually permeable to the specifications of the local government and to the satisfaction of the Western Australian Planning Commission.
27. Prior to the issue of a Building Permit for the development hereby approved, final details of the external materials, colours and finishes of the proposed development, including a physical sample board or materials is to be submitted and approved to the specification of the City of Fremantle, on the advice of the City's Design Advisory Committee and to the satisfaction of the Western Australian Planning Commission.

Advice Notes

1. The applicant is advised to liaise with the City of Fremantle regarding further approvals and compliance required for the construction and ongoing use of the development in accordance with this approval, including but not limited to a Building Permit, Environmental Health Services approval for construction and fit-out of food premises, and registration of a food business under the *Food Act 2008*.
2. The City of Fremantle advises that the development shall be wholly located within the cadastral boundaries of the subject site including any footings and building supports of the development, but excluding any landscaping and/or verge parking required as a condition of this approval and constructed to the specifications of the City. The City will not support any intrusion of footings, building supports or other construction elements outside of the cadastral boundaries.
3. In relation to Condition 4, the applicant is advised to liaise with the City of Fremantle regarding design specifications for verge parking and landscaping, location of verge parking having regard for any broader precinct parking and/or streetscape works, and possibility of providing a cash payment in lieu of delivering construction.



4. In relation to Condition 20, the City of Fremantle advises that mitigation measures shall be in accordance with *Local Planning Policy 2.3 Fremantle Port Buffer Area Development Guidelines* and shall include:
 - a. Glazing to windows and other openings shall be laminated safety glass of minimum thickness of 6mm or “double glazed” utilising laminated or toughened safety glass of a minimum thickness of 3mm.
 - b. Air conditioners shall provide internal centrally located ‘shut down’ points and associated procedures for emergency use.
5. Roof insulation in accordance with the requirements of the Building Codes of Australia. In regard to Condition 21 the City of Fremantle advises the Construction Management Plan should be prepared in accordance with, the City of Fremantle *Local Planning Policy 1.10 Construction Sites*. The City of Fremantle advises that existing verge trees as shown on the approved plans shall be protected through the implementation of a Tree Protection Zone during construction. A minimum 2.8x2.8m fencing enclosure shall be required. Additional information with regard to the tree protection zone requirements can be found at <https://www.fremantle.wa.gov.au/residents/trees-and-verges>.
6. If construction works involve the emission of noise above the assigned levels in the Environmental Protection (Noise) Regulations 1997, they should only occur on Monday to Saturday between 7.00 am and 7.00 pm (excluding public holidays). In instances where such construction work needs to be performed outside these hours, an Application for Approval of a Noise Management Plan must be submitted to the City of Fremantle Environmental Health Services for approval at least 7 days before construction can commence. Note: Construction work includes, but is not limited to, Hammering, Bricklaying, Roofing, use of Power Tools and radios etc.
7. The development is located in close proximity to Registered Aboriginal Site 3419, which extends into the Burt Street road reserve. The applicant is reminded of the requirements of the *Aboriginal Heritage Act 1972* should works associated with the development impact the Burt Street road reserve.
8. The City of Fremantle advises that for levels as per existing footpaths:
 - a. Levels at the property boundary including any driveways and pedestrian access points shall match existing footpath and/or right of way levels.
 - b. Any adjustment in levels is to be achieved within the property boundaries.
 - c. Details of all existing and proposed levels to be shown in the submitted working drawings for a building permit, to show that existing footpath levels are maintained. Minimum floor level to be road reduced level plus kerb height (150 mm) plus 2% slope towards to the property boundary. All levels are to be in AHD.
 - d. The floor level of any new structure capable of being occupied is to be a minimum of above 150 mm plus 2% slope towards to the property boundary. Basement car parks and similar areas may be permitted below this level if the structure and any access to the structure is tanked to a level of above. Please contact the Infrastructure Business Services department via info@fremantle.wa.gov.au or 9432 9999.



9. The City of Fremantle advises the applicant to liaise with adjacent land owners with regards to the potential to undertake dilapidation reports prior to commencing site works due to the concerns raised during the community consultation of this application.
10. Effective measures shall be taken to stabilize sand and ensure no sand escapes from the property by wind or water in accordance with the City of Fremantle Prevention and Abatement of Sand Drift Local Law.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The panel considered that, with appropriate amendments to the parking as proposed, the development is largely consistent with the planning framework for the locality. The panel members were very complementary of the proposal noting the design excellence of the buildings and the spaces. The panel did, however, acknowledge that this is a large development which could, if not managed properly, impact on the surrounding residential properties. The panel was of the view that the conditions as adopted would be sufficient to ensure that the residential component and the arts spaces would be able to operate in a way that would not unduly impact on the amenity of the locality.

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/21/01936 DR 168/2021	Town of Victoria Park	No. 176 (Lot 40) Burswood Road, Burswood	Proposed Office Tower	09/08/2021

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 12:21pm.