



# Metro-Inner North Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Wednesday, 14 December 2022; 9:30am  
**Meeting Number:** MINJDAP/168  
**Meeting Venue:** Electronic Means

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

## 1 Table of Contents

<b>1. Opening of Meeting, Welcome and Acknowledgement.....</b>	<b>3</b>
<b>2. Apologies.....</b>	<b>3</b>
<b>3. Members on Leave of Absence.....</b>	<b>3</b>
<b>4. Noting of Minutes.....</b>	<b>3</b>
<b>5. Declaration of Due Consideration.....</b>	<b>3</b>
<b>6. Disclosure of Interests.....</b>	<b>4</b>
<b>7. Deputations and Presentations.....</b>	<b>4</b>
<b>8. Form 1 – Responsible Authority Reports – DAP Applications.....</b>	<b>4</b>
8.1a House Number 9 (Lot 68) Baden Street, Osborne Park.....	4
8.1b House Number 9 (Lot 68) Baden Street, Osborne Park.....	13
8.2 No. 41 – 32 (Lot 2 & 3) Cambridge Street, West Leederville .....	14
<b>9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval .....</b>	<b>26</b>
Nil. 26	
<b>10. State Administrative Tribunal Applications and Supreme Court Appeals ...</b>	<b>26</b>
<b>11. General Business.....</b>	<b>27</b>
<b>12. Meeting Closure .....</b>	<b>27</b>



## **Attendance**

### **DAP Members**

Ms Francesca Lefante (Presiding Member)  
Ms Lee O'Donohue (Deputy Presiding Member)  
Mr John Syme (Third Specialist Member)

#### *Item 8.1*

Cr Suzanne Migdale (Local Government Member, City of Stirling)  
Cr Felicity Farrelly (Local Government Member, City of Stirling)

#### *Item 8.2*

Cr Kate Barlow (Local Government Member, Town of Cambridge)  
Cr Alaine Haddon-Casey (Local Government Member, Town of Cambridge)

### **Officers in attendance**

#### *Item 8.1a*

Mr James Fletcher (City of Stirling)  
Ms Amanda Sheers (City of Stirling)

#### *Item 8.1b*

Mr Martin Erlacher (Western Australian Planning Commission)  
Mr Ben Hesketh (Western Australian Planning Commission)

#### *Item 8.2*

Mr Kane Smith (Town of Cambridge)  
Ms Jennifer Heyes (Town of Cambridge)

### **Minute Secretary**

Mr Stephen Haimes (DAP Secretariat)

### **Applicants and Submitters**

#### *Item 8.1*

Mr David Congdon (Urbis)  
Mr Ronnie Nardizzi

#### *Item 8.2*

Mr Ben Carter (Pinnacle Planning)

### **Members of the Public / Media**

There were 5 members of the public in attendance.



## 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:36am on 14 December 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.

This meeting was convened via electronic means (Zoom). Members were reminded to announce their name and title prior to speaking.

## 2. Apologies

Nil.

## 3. Members on Leave of Absence

Nil.

## 4. Noting of Minutes

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

## 5. Declaration of Due Consideration

The Presiding Member noted that an addendum to the agenda was published to include details of three administrative errors within the responsible authority report for Item 8.1, received on 9 December 2022.

The Presiding Member noted that an addendum to the agenda was published to include details of three administrative errors within the responsible authority report for Item 8.2, received on 8 December 2022.

All members declared that they had duly considered the documents.



## 6. Disclosure of Interests

Nil.

## 7. Deputations and Presentations

7.1 Mr Ronnie Nardizzi addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

7.2 Mr David Congdon (Urbis) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

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

7.4 The Western Australian Planning Commission addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

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

7.5 Mr Ben Carter (Pinnacle Planning) addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.

7.6 The Town of Cambridge 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 - 7.6 were heard prior to the application at Item 8.2.***

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

### 8.1a House Number 9 (Lot 68) Baden Street, Osborne Park

Development Description:	Proposed Additions (Wastewater Treatment Recycling Plant) To Existing Industry - Noxious
Applicant:	Urbis
Owner:	Corval Ingham Pty Ltd
Responsible Authority:	City of Stirling
DAP File No:	DAP/22/02295



## REPORT RECOMMENDATION

**Moved by:** Cr Suzanne Migdale

**Seconded by:** Cr Felicity Farrelly

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

1. **Approve** DAP Application reference DAP/22/02295 and accompanying plans as listed in Condition 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 the City of Stirling Local Planning Scheme No. 3, subject to the following conditions:

### Conditions

1. This decision constitutes planning 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 specified period, the approval shall lapse and be of no further effect.
2. The development is to comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon. The plans approved as part of this application form part of the development approval issued are listed below:

Drawing Title	Date	Drawn By
Feature and Contour Survey	15 August 2022	RM Surveys
OSP – Development Works Site Layout Drawing	1 July 2022	M. Firth
OSP – Development Works Site Layout Drawing	23 June 2022	M. Firth
Project No.: 5915 Inghams Enterprises Osborne Park AWWRP GA Drawing Isometric View	10 June 2022	MAK Water Clearmake
Project No.: 5915 Inghams Enterprises Osborne Park AWWRP Site Layout Drawing	28 June 2022	MAK Water Clearmake
Project No.: 5915 Inghams Enterprises Osborne Park AWWRP DAF Shed Elevations	28 June 2022	MAK Water Clearmake
Project No.: 5915 Inghams Enterprises Osborne Park AWWRP Balance Tank Elevations	28 June 2022	MAK Water Clearmake
Project No.: 5915 Inghams Enterprises Osborne Park AWWRP Odour Control System Elevations	28 June 2022	MAK Water Clearmake



Project No.: 5915 Inghams Enterprises Osborne Park AWWRP Bioreactor Elevation	28 June 2022	MAK Water Clearmake
Project No.: 5915 Inghams Enterprises Osborne Park AWWRP BWRO System Elevation	28 June 2022	MAK Water Clearmake
Project No.: 5915 Inghams Enterprises Osborne Park AWWRP Preliminary Civil Concept Plan View	27 May 2022	MAK Water Clearmake
Plan View	23 June 2022	Endurance Sheds & Structures
Elevation View	23 June 2022	Endurance Sheds & Structures
OSP – New Storage Shed & Workshop Shed	27 June 2022	M. Firth

Wastewater Processing

3. The Wastewater Recycling Treatment Plant shall not process more than 1,665 cubic metres of wastewater per day, to the satisfaction of the City of Stirling on advice of the Department of Water and Environmental Regulation.

Construction Management

4. A Site Management Plan is to be submitted to and approved by the City of Stirling prior to the commencement of works. The Site Management Plan shall include but not be limited to measures relating to dust, noise, waste management, storage of materials, traffic, contractor parking and site safety/security. The Site Management Plan is to be complied with for the duration of the construction of the development.

Department of Water and Environmental Regulation

5. Prior to the commencement of works, detailed engineering design and processing plans shall be submitted to the Department of Water and Environmental Regulation. The detailed engineering design and processing plans should be full containment, capture, and extraction of all Wastewater Recycling Treatment Plan process emissions for treatment via the Odour Control System, to the satisfaction of the City of Stirling on advice from the Department of Water and Environmental Regulation.
6. Prior to the commencement of works, the design and establishment of a suitable Odour Control System monitoring protocol that is linked to a supervisory control and data acquisition system shall be implemented and details provided to the City of Stirling, on advice of the Department of Water and Environmental Regulation.



---

### Stormwater

7. Stormwater from all roofed and paved areas shall be collected and contained on site. Stormwater must not affect or be allowed to flow onto or into any other property or road reserve.

### Storage of Materials

8. No goods or materials being stored, either temporarily or permanently, in the parking or landscape areas or within access driveways. All goods and materials are to be stored within the buildings or storage yards, where provided.

### Landscaping

9. Prior to the submission of a building permit a Landscaping Plan shall be submitted to and approved by the City of Stirling (see Advice Notes related to Landscaping).
10. All landscaping shall be implemented prior to the use or operation of the Wastewater Recycling Treatment Plant, to the satisfaction of the City of Stirling.

### Ongoing Monitoring

11. Prior to the completion of the works, a live-feed electronic monitoring/surveillance system is to be installed to the exterior of the premises monitoring the offal, blood and feather bins shed area, to the satisfaction of the City of Stirling.
12. 12 Prior to the completion of the works, the electronic monitoring/surveillance system shall be operational and is to be made available and accessible to the City of Stirling upon request.

### Ceding of Right of Way

13. Prior to the lodgement of a building permit, a right-of-way along the eastern boundary of the subject land is to be provided in accordance with Figure 13 of the draft Herdsman Glendalough Structure Plan. The required land shall be ceded free of costs to the Crown.
14. The owner of Lot 68, No.9, Baden Street, Osborne Park must seal, drain and kerb the right of way referred to in Condition 13 along the eastern lot boundary of the subject land for its full width and length to the engineering standards stipulated by the City of Stirling. The works required by this condition must be completed prior to the completion of works subject of this approval, to the satisfaction of the City of Stirling.
15. Prior to commencement of the works, the owner must pay to the City a performance bond for the right of way works and enter into a standard form agreement with the City

### **Advice Notes**

**Ms Francesca Lefante**  
Presiding Member, Metro Inner-North JDAP



---

### Construction Management

1. Noisy Construction Work outside the period 7.00 am to 7.00 pm Monday to Saturday and at any time on Sundays and Public Holidays is not permitted unless a Noise Management Plan for the construction site has been approved in writing by the City.

### Department of Water and Environmental Regulation

2. Prior to the completion of the works, the development of an operations and maintenance manual is to be prepared that will allow training and establish troubleshooting protocols by the future operator of the odour control system.

### Department of Health

3. Please be advised that connection to the scheme waste water connection system may be required as a contingency for the possible event of a recycled wastewater systems failure. Please contact the Department of Health for further details on the requirements.
4. A Recycled Water Quality Management Plan is to be submitted to, and approved by the Department of Health and is to be integrated into the existing food processing Hazard Analysis Critical Control Points Plan.

### Landscaping

5. The Landscaping Plan shall include details of upgraded planting and reticulation within the verge and within the north-eastern setback locations of the development site.
6. An 'Advanced' Tree is defined in the City's Local Planning Policy 6.11 - Trees and Development as: means a tree which requires planting in at least a 90 litre container or greater size and which is at least two (2) metres in height and at least two (2) years of age.

### Lighting

7. Any external lighting shall be positioned in accordance with Australian Standard AS/NZ 4282-1997.

### **AMENDING MOTION 1**

**Moved by:** Mr John Syme

**Seconded by:** Ms Lee O'Donohue

That Conditions No. 11, No. 12, No. 13, No. 14 and No. 15 be deleted and the remaining conditions be renumbered accordingly.

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

**Ms Francesca Lefante**  
Presiding Member, Metro Inner-North JDAP





For: Ms Francesca Lefante  
Ms Lee O'Donohue  
Mr John Syme

Against: Cr Suzanne Migdale  
Cr Felicity Farrelly

**REASON:** The Panel considered that with regard to Condition 11-15 relating to provision of laneway, and surveillance monitoring of the site, are not appropriate as there was no demonstrated nexus between the application works which comprise wastewater treatment facility and storage shed.

**REPORT RECOMMENDATION (AS AMENDED)**

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

1. **Approve** DAP Application reference DAP/22/02295 and accompanying plans as listed in Condition 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 the City of Stirling Local Planning Scheme No. 3, subject to the following conditions:

**Conditions**

1. This decision constitutes planning 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 specified period, the approval shall lapse and be of no further effect.
2. The development is to comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon. The plans approved as part of this application form part of the development approval issued are listed below:

Drawing Title	Date	Drawn By
Feature and Contour Survey	15 August 2022	RM Surveys
OSP – Development Works Site Layout Drawing	1 July 2022	M. Firth
OSP – Development Works Site Layout Drawing	23 June 2022	M. Firth
Project No.: 5915 Inghams Enterprises Osborne Park AWWRP GA Drawing Isometric View	10 June 2022	MAK Water Clearmake
Project No.: 5915 Inghams Enterprises Osborne Park AWWRP Site Layout Drawing	28 June 2022	MAK Water Clearmake

Ms Francesca Lefante  
Presiding Member, Metro Inner-North JDAP



Project No.: 5915 Inghams Enterprises Osborne Park AWWRP DAF Shed Elevations	28 June 2022	MAK Water Clearmake
Project No.: 5915 Inghams Enterprises Osborne Park AWWRP Balance Tank Elevations	28 June 2022	MAK Water Clearmake
Project No.: 5915 Inghams Enterprises Osborne Park AWWRP Odour Control System Elevations	28 June 2022	MAK Water Clearmake
Project No.: 5915 Inghams Enterprises Osborne Park AWWRP Bioreactor Elevation	28 June 2022	MAK Water Clearmake
Project No.: 5915 Inghams Enterprises Osborne Park AWWRP BWRO System Elevation	28 June 2022	MAK Water Clearmake
Project No.: 5915 Inghams Enterprises Osborne Park AWWRP Preliminary Civil Concept Plan View	27 May 2022	MAK Water Clearmake
Plan View	23 June 2022	Endurance Sheds & Structures
Elevation View	23 June 2022	Endurance Sheds & Structures
OSP – New Storage Shed & Workshop Shed	27 June 2022	M. Firth

Wastewater Processing

3. The Wastewater Recycling Treatment Plant shall not process more than 1,665 cubic metres of wastewater per day, to the satisfaction of the City of Stirling on advice of the Department of Water and Environmental Regulation.

Construction Management

4. A Site Management Plan is to be submitted to and approved by the City of Stirling prior to the commencement of works. The Site Management Plan shall include but not be limited to measures relating to dust, noise, waste management, storage of materials, traffic, contractor parking and site safety/security. The Site Management Plan is to be complied with for the duration of the construction of the development.



---

Department of Water and Environmental Regulation

5. Prior to the commencement of works, detailed engineering design and processing plans shall be submitted to the Department of Water and Environmental Regulation. The detailed engineering design and processing plans should be full containment, capture, and extraction of all Wastewater Recycling Treatment Plan process emissions for treatment via the Odour Control System, to the satisfaction of the City of Stirling on advice from the Department of Water and Environmental Regulation.
6. Prior to the commencement of works, the design and establishment of a suitable Odour Control System monitoring protocol that is linked to a supervisory control and data acquisition system shall be implemented and details provided to the City of Stirling, on advice of the Department of Water and Environmental Regulation.

Stormwater

7. Stormwater from all roofed and paved areas shall be collected and contained on site. Stormwater must not affect or be allowed to flow onto or into any other property or road reserve.

Storage of Materials

8. No goods or materials being stored, either temporarily or permanently, in the parking or landscape areas or within access driveways. All goods and materials are to be stored within the buildings or storage yards, where provided.

Landscaping

9. Prior to the submission of a building permit a Landscaping Plan shall be submitted to and approved by the City of Stirling (see Advice Notes related to Landscaping).
10. All landscaping shall be implemented prior to the use or operation of the Wastewater Recycling Treatment Plant, to the satisfaction of the City of Stirling.

**Advice Notes**

Construction Management

1. Noisy Construction Work outside the period 7.00 am to 7.00 pm Monday to Saturday and at any time on Sundays and Public Holidays is not permitted unless a Noise Management Plan for the construction site has been approved in writing by the City.

Department of Water and Environmental Regulation

2. Prior to the completion of the works, the development of an operations and maintenance manual is to be prepared that will allow training and establish troubleshooting protocols by the future operator of the odour control system.



---

Department of Health

3. Please be advised that connection to the scheme waste water connection system may be required as a contingency for the possible event of a recycled wastewater systems failure. Please contact the Department of Health for further details on the requirements.
4. A Recycled Water Quality Management Plan is to be submitted to, and approved by the Department of Health and is to be integrated into the existing food processing Hazard Analysis Critical Control Points Plan.

Landscaping

5. The Landscaping Plan shall include details of upgraded planting and reticulation within the verge and within the north-eastern setback locations of the development site.
6. An 'Advanced' Tree is defined in the City's Local Planning Policy 6.11 - Trees and Development as: means a tree which requires planting in at least a 90 litre container or greater size and which is at least two (2) metres in height and at least two (2) years of age.

Lighting

7. Any external lighting shall be positioned in accordance with Australian Standard AS/NZ 4282-1997.

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

For: Ms Francesca Lefante  
Ms Lee O'Donohue  
Mr John Syme  
Cr Suzanne Migdale

Against: Cr Felicity Farrelly

**REASON:** The majority of panel members supported the proposal, which is consistent with the existing development, and current provisions. The developments comprise new facilities which are considered to improve the operation of the site, and reduce amenity impacts on the surrounding area. On balance the JDAP supported the proposal, consistent with the recommendation and reasons outlined in the RAR.



### 8.1b House Number 9 (Lot 68) Baden Street, Osborne Park

Development Description: Proposed Additions (Wastewater Treatment Recycling Plant) To Existing Industry - Noxious  
Applicant: Urbis  
Owner: Corval Ingham Pty Ltd  
Responsible Authority: Western Australian Planning Commission  
DAP File No: DAP/22/02295

#### REPORT RECOMMENDATION

**Moved by:** Ms Lee O'Donohue

**Seconded by:** Cr Suzanne Migdale

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

**Approve** DAP Application reference DAP/22/02295 and accompanying plans date stamped 25 August 2022 by the Department of Planning, Lands and Heritage, in accordance with Clause 30(1) of the Metropolitan Region Scheme, subject to the following conditions:

#### Conditions

1. This decision constitutes planning approval only and is valid for a period of two (2) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. This approval only relates to the proposed wastewater treatment recycling plant and proposed storage shed. No other existing and proposed development depicted on the plans date stamped 25 August 2022 forms part of this approval.
3. Prior to commissioning the wastewater treatment recycling plant, the recommendations detailed in the technical memorandum (The Odour Unit, 13 April 2022) shall be fully implemented to the specification of the Department of Water and Environmental Regulation and the City of Stirling, to the satisfaction of the Western Australian Planning Commission.

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

For: Ms Francesca Lefante  
Ms Lee O'Donohue  
Mr John Syme  
Cr Suzanne Migdale

Against: Cr Felicity Farrelly

**REASON:** The Panel considered the proposal as consistent with the regional planning provisions and supported the proposal.

Ms Francesca Lefante  
Presiding Member, Metro Inner-North JDAP



*Cr Suzanne Migdale and Cr Felicity Farrelly (Local Government Members, City of Stirling) left the panel at 10:55am.*

*Cr Kate Barlow and Cr Alaine Haddon-Casey (Local Government Members, Town of Cambridge) joined the panel at 10:55am.*

## **8.2 No. 41 – 32 (Lot 2 & 3) Cambridge Street, West Leederville**

Development Description: Three Storey Mixed-use Development with Five Multiple Dwellings & One Office  
Applicant: Pinnacle Planning  
Owner: 41-43 CAMBRIDGE STREET PTY LTD  
Responsible Authority: Town of Cambridge  
DAP File No: DAP/22/02298

### **REPORT RECOMMENDATION**

**Moved by:** Mr John Syme

**Seconded by:** Ms Lee O'Donohue

That the Metro Inner North JDAP resolves to:

**APPROVE** DAP Application reference DAP/22/02298 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the Town of Cambridge Local Planning Scheme No. 1, subject to the following conditions:

1. 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;
2. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any conditions of this approval;
3. Service/delivery vehicles shall not service the subject premises:
  - before 7am or after 7pm, Monday to Saturday; and/or
  - before 9am or after 7pm on Sunday and Public Holidays unless otherwise approved by the Town;
4. A detailed drainage plan, demonstrating on-site retention and disposal, is to be submitted to, and approved by, the Town prior to the lodgement of the Building Permit application;

That Drainage Plan is to be thereafter implemented upon commencement of site works and thereafter maintained for the life of the development to the satisfaction of the Town;



5. Should any dewatering of the development site be required (as determined by the Town), then prior to lodgement of the Building Permit application, a Dewatering Management Plan must be submitted to, and approved by, the Town;

The Plan must be implemented upon commencement of any site works/development for their entire duration;

6. If the 'concealed booster' located in the blade wall within the Nicholson Street setback area in front of the commercial tenancy, as shown on the approved plans, is required, it shall be incorporated into the blade wall and shall be finished in a material and colour that is complementary to the material, colour, and finish of the blade wall to the satisfaction of the Town;
7. Prior to practical completion of the development, the one (1) shared commercial/residential visitor car parking bay, and the manoeuvring/circulation areas, as shown on the approved plans, shall be sealed/paved, surface marked in accordance with *Australian Standard 2890.1 - Off-street car parking*, kerbed and drained and thereafter maintained by the landowner(s) for the life of the development to the satisfaction of the Town;
8. Prior to practical completion of the development, a minimum of one (1) commercial bicycle bay shall be provided at the subject site, as shown on the approved plans, and signposted accordingly in accordance with *Australian Standard 2890.3:2015 - Bicycle parking* and Council's Local Planning Policy 3.13 - Parking;
9. Any external lighting shall be located (and thereafter operated) in accordance with *Australian Standard 4282 - Control of the Obtrusive Effects of Outdoor Lighting* (as amended) and the *Town of Cambridge Private Property Local Law 2016* (as amended) to the satisfaction of the Town;
10. All structures (and associated footings) shall be contained within the lot boundaries of the subject site;
11. The development shall incorporate all colours and materials as shown on the approved Elevation Plans to the satisfaction of the Town prior to the practical completion of the development;
12. A detailed Landscaping and Reticulation Plan shall be submitted to and approved by the Town prior to the lodgement of a Building Permit application;
- That Plan shall reflect the submitted Landscape Plan (prepared by Propagule) (Project No. P22-004, dated 24 October 2022) and is to specify:
- deep soil planting areas, showing the location and type of proposed trees, shrubs and other plantings within the development site;
  - the suitability of each plant selection in relation to the solar exposure each plant will receive in its location.
  - maintenance scheduling and designation of responsibilities; and
  - pavement treatments (if relevant).





All landscaping must be completed in accordance with the approved Plan prior to the occupation of any dwelling and thereafter be maintained by the landowner to the satisfaction of the Town for the life of the development;

13. Prior to lodgement of the Building Permit application, an updated Waste Management Plan shall be submitted, and approved by, the Town and is to be thereafter implemented and maintained by the landowner to the satisfaction of the Town for the life of the development;
14. Prior to lodgement of the Building Permit application, a Construction Management Plan shall be submitted to, and approved by, the Town. The Plan must address the following issues, were applicable (as determined by the Town):
  - a. Staging plan for the entire works, including timeframes and assigned responsibilities for tasks;
  - b. Contact details of essential site personnel, construction period and operating hours;
  - c. The on-side storage of materials and equipment;
  - d. Site security and public safety and amenity measured;
  - e. Community information, consultation and complaints and incident procedures;
  - f. Traffic, access and parking management;
  - g. Vibration, air, dust and noise management;
  - h. Dilapidation reports of nearby properties;
  - i. Waste management and materials re-use;
  - j. Earthworks, excavation, land retention/piling methods and associated matters;
  - k. Stormwater and sediment control;
  - l. Protection of existing roads. Kerbs, footpaths, street trees and miscellaneous services;
  - m. Asbestos removal;
  - n. Any other matter deemed relevant by the Town;

The Plan must be implemented upon commencement of any site works/development of their entire duration to the satisfaction of the Town;

15. An updated Acoustic Report shall be submitted to, and approved by the Town, prior to the lodgement of a Building Permit application. The updated Acoustic Report shall detail noise management measures to be incorporated into the structural plans of the development;





16. Prior to the lodgement of a Building Permit application, the landowner(s) shall comply with the Town's Local Planning Policy 3.19 - Percent for Public Art [LPP3.19] and satisfy the public art contribution via the cash-in-lieu option:
  - a) The applicant will advise in writing the estimated construction value.
  - b) The contribution amount shall be made as a cash contribution of at least 1% of the construction value as defined in [LPP3.19], but no more than \$500,000.
  - c) Following the issue of an invoice by the Town for the contribution amount, the applicant will pay the invoice in full prior to lodgement of the Building Permit application;
17. The existing Cape Lilac (*Melia azedarach*) in the south-eastern corner of the site shall be retained and protected in accordance with the recommendations of the Arborists Report (Impact Assessment Report) (prepared by Arborite, dated 25 October 2022), by the landowner, to the Town's satisfaction;
18. The five proposed Coral Gum (*Eucalyptus torquate*) trees located on Nicholson Street, as shown on the approved plans, are not approved;  
  
The Building Permit plans shall not include the five proposed Coral Gum (*Eucalyptus torquate*) trees located on Nicholson Street;
19. The existing on-street parallel parking on Nicholson Street shall not be modified;
20. The Building Permit application shall demonstrate that the development complies with State Planning Policy 5.4 – Road and Rail Noise.

Advice Notes:

1. If the development the subject of this approval is not substantially commenced within a period of two years (or another period specified in the approval) after the date of the determination, the approval will lapse and be of no further effect.
2. Where an approval has so lapsed, no development shall be carried out without further approval of the Town having first been sought obtained.
3. If an applicant or landowner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. An application shall be made within 28 days of the determination.
4. The landowner is advised that a Demolition Permit application shall be submitted to, and approved by the Town prior to any demolition work commencing on the subject site in accordance with the *Building Act 2011* and *Building Regulations 2012*.
5. Any asbestos shall be handled, removed and disposed of in accordance with the *Health (Asbestos) Regulations 1992* and the *Environmental Protection (Controlled Waste) Regulations 2004*.



6. In accordance with the *Building Act 2011* and *Building Regulations 2012*, a Building Permit application shall be submitted to, and approved by the Town's Building Services branch prior to any construction or earthworks commencing on the subject site.
7. With reference to Condition 4 above, the landowner/applicant is advised that the proposed drainage infrastructure shall be accessible for inspection by camera inspection equipment and jetting/cleaning equipment.
8. The landowner/applicant shall be responsible for ensuring that all lot boundaries as shown on the approved plans are correct.
9. The landowner/applicant is advised that dividing fencing between properties is a civil matter between abutting landowners in accordance with the *Dividing Fences Act 1961*.
10. All works within the road reserve, such as crossovers, verge treatments and landscaping require a separate application and approval by the Town's Infrastructure section. All works shall conform to the Town's specifications.
11. A separate development application shall be submitted to, and approved by, the Town prior to the erection/installation of any of any signage on the premises that is not exempt from requiring development approval.
12. The noise generated by activities on-site, including machinery motors or vehicles is not to exceed the levels as set out under the *Environmental Protection (Noise) Regulations 1997*.

All development works are to be carried out in accordance with control of noise practices set out in Section 6 of *Australia Standard 2436:2010 - Guide to Noise and Vibration Control on Construction, Demolition and Maintenance Sites*.

No works shall commence prior to 7am without the Town's approval.

13. The landowner/applicant is advised that the installation of any external air conditioning units shall be in a location and manner that ensures noise emissions comply with the *Environmental Protection (Noise) Regulations 1997*.
14. The implementation of the development shall not cause a dust nuisance to surrounding properties (as determined by the Town) in accordance with the Town of Cambridge Private Property Local Law 2016 (as amended).

Where appropriate, measures such as installation of sprinklers, use of water tanks, mulching or other land management systems shall be implemented by the landowner/developer at the direction of the Town if the Town determines that a dust nuisance exists.

15. A suitable waste receptacle enclosure for the storage and cleaning of waste receptacles must be constructed in accordance with Part 5 of the Town of Cambridge's Health Local Law 2016.



16. Any air-conditioning units must be installed and operated in compliance with the Environmental Protection (Noise) Regulations 1997.
17. Operations of the premises are to comply with the Environmental Protection (Noise) Regulations 1997 at all times.
18. All delivery or collection vehicles, including waste management vehicles, operating outside the period of 7:00am to 7:00pm Monday to Saturday and at any time of Sundays and Public Holidays is not permitted.
19. With reference to Condition 17 above, the landowner is advised that a minimum 2m (l) x 2m (w) x 1.5m (h) tree protection zone shall be provided around the trunk of each existing tree in accordance with the *Australian Standard 4970 - Protection of trees on development sites* prior to any works the subject of this approval commencing on the subject site.
20. Laundry facilities to comply with the Health Act (Laundries and Bathrooms) Regulations.
21. The landowner is advised that a Form BA9 "Application for Occupancy Permit" shall be submitted to, and approved by, the Town prior to occupation of the building in accordance with the *Building Act 2011* and *Building Regulations 2012*.

#### AMENDING MOTION 1

**Moved by:** Mr John Syme

**Seconded by:** Ms Lee O'Donohue

That Condition No. 16 be amended to read as follows:

~~Prior to the lodgement of a Building Permit application,~~ **Prior to occupation of any part of the development,** the landowner(s) shall comply with the Town's Local Planning Policy 3.19 - Percent for Public Art [LPP3.19] and satisfy the public art contribution ~~via the cash-in-lieu option:~~

- ~~a) The applicant will advise in writing the estimated construction value.~~
- ~~b) The contribution amount shall be made as a cash contribution of at least 1% of the construction value as defined in [LPP3.19], but no more than \$500,000.~~
- ~~c) Following the issue of an invoice by the Town for the contribution amount, the applicant will pay the invoice in full prior to lodgement of the Building Permit application;~~
- a) by providing public art in the vicinity of the site in the public realm (Option 1):**
  - i. The public art amount shall be to the value of at least 1% of the construction value as defined in [LPP3.19], but no more than \$500,000:**
  - ii. The public art shall be to the satisfaction of the Town; OR**



- b) by providing cash-in-lieu to the amount specified within the development (Option 2):**
- i. The applicant will advise in writing the estimated construction value:**
  - ii. The contribution amount shall be made as a cash contribution of at least 1 % of the construction value as defined in (LPP3.19), but no more than \$500,000; and**
  - iii. Following the issue of an invoice by the Town for the contribution amount, the applicant will pay the invoice in full prior to lodgement of the Building Permit application.**

**The Amending Motion was put and CARRIED (4/1).**

For: Ms Francesca Lefante  
Ms Lee O'Donohue  
Mr John Syme  
Cr Alaine Haddon-Casey

Against: Cr Kate Barlow

**REASON:** To provide adequate timeframe to resolve the public artwork type and locations prior to occupation, recognising the building licence stage happens early in the process.

**REPORT RECOMMENDATION (AS AMENDED)**

That the Metro Inner North JDAP resolves to:

**APPROVE** DAP Application reference DAP/22/02298 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the Town of Cambridge Local Planning Scheme No. 1, subject to the following conditions:

1. 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;
2. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any conditions of this approval;
3. Service/delivery vehicles shall not service the subject premises:
  - before 7am or after 7pm, Monday to Saturday; and/or
  - before 9am or after 7pm on Sunday and Public Holidays unless otherwise approved by the Town;



4. A detailed drainage plan, demonstrating on-site retention and disposal, is to be submitted to, and approved by, the Town prior to the lodgement of the Building Permit application;

That Drainage Plan is to be thereafter implemented upon commencement of site works and thereafter maintained for the life of the development to the satisfaction of the Town;

5. Should any dewatering of the development site be required (as determined by the Town), then prior to lodgement of the Building Permit application, a Dewatering Management Plan must be submitted to, and approved by, the Town;

The Plan must be implemented upon commencement of any site works/development for their entire duration;

6. If the 'concealed booster' located in the blade wall within the Nicholson Street setback area in front of the commercial tenancy, as shown on the approved plans, is required, it shall be incorporated into the blade wall and shall be finished in a material and colour that is complementary to the material, colour, and finish of the blade wall to the satisfaction of the Town;

7. Prior to practical completion of the development, the one (1) shared commercial/residential visitor car parking bay, and the manoeuvring/circulation areas, as shown on the approved plans, shall be sealed/paved, surface marked in accordance with *Australian Standard 2890.1 - Off-street car parking*, kerbed and drained and thereafter maintained by the landowner(s) for the life of the development to the satisfaction of the Town;

8. Prior to practical completion of the development, a minimum of one (1) commercial bicycle bay shall be provided at the subject site, as shown on the approved plans, and signposted accordingly in accordance with *Australian Standard 2890.3:2015 - Bicycle parking* and Council's Local Planning Policy 3.13 - Parking;

9. Any external lighting shall be located (and thereafter operated) in accordance with *Australian Standard 4282 - Control of the Obtrusive Effects of Outdoor Lighting* (as amended) and the *Town of Cambridge Private Property Local Law 2016* (as amended) to the satisfaction of the Town;

10. All structures (and associated footings) shall be contained within the lot boundaries of the subject site;

11. The development shall incorporate all colours and materials as shown on the approved Elevation Plans to the satisfaction of the Town prior to the practical completion of the development;



12. A detailed Landscaping and Reticulation Plan shall be submitted to and approved by the Town prior to the lodgement of a Building Permit application;

That Plan shall reflect the submitted Landscape Plan (prepared by Propagule) (Project No. P22-004, dated 24 October 2022) and is to specify:

- deep soil planting areas, showing the location and type of proposed trees, shrubs and other plantings within the development site;
- the suitability of each plant selection in relation to the solar exposure each plant will receive in its location.
- maintenance scheduling and designation of responsibilities; and
- pavement treatments (if relevant).

All landscaping must be completed in accordance with the approved Plan prior to the occupation of any dwelling and thereafter be maintained by the landowner to the satisfaction of the Town for the life of the development;

13. Prior to lodgement of the Building Permit application, an updated Waste Management Plan shall be submitted, and approved by, the Town and is to be thereafter implemented and maintained by the landowner to the satisfaction of the Town for the life of the development;

14. Prior to lodgement of the Building Permit application, a Construction Management Plan shall be submitted to, and approved by, the Town. The Plan must address the following issues, were applicable (as determined by the Town):

- a. Staging plan for the entire works, including timeframes and assigned responsibilities for tasks;
- b. Contact details of essential site personnel, construction period and operating hours;
- c. The on-side storage of materials and equipment;
- d. Site security and public safety and amenity measured;
- e. Community information, consultation and complaints and incident procedures;
- f. Traffic, access and parking management;
- g. Vibration, air, dust and noise management;
- h. Dilapidation reports of nearby properties;
- i. Waste management and materials re-use;
- j. Earthworks, excavation, land retention/piling methods and associated matters;
- k. Stormwater and sediment control;
- l. Protection of existing roads. Kerbs, footpaths, street trees and miscellaneous services;
- m. Asbestos removal;
- n. Any other matter deemed relevant by the Town;

The Plan must be implemented upon commencement of any site works/development of their entire duration to the satisfaction of the Town;





15. An updated Acoustic Report shall be submitted to, and approved by the Town, prior to the lodgement of a Building Permit application. The updated Acoustic Report shall detail noise management measures to be incorporated into the structural plans of the development;
16. Prior to occupation of any part of the development, the landowner(s) shall comply with the Town's Local Planning Policy 3.19 - Percent for Public Art [LPP3.19] and satisfy the public art contribution:
  - a) by providing public art in the vicinity of the site in the public realm (Option 1 ):
    - i. The public art amount shall be to the value of at least 1% of the construction value as defined in [LPP3.19], but no more than \$500,000;
    - ii. The public art shall be to the satisfaction of the Town; OR
  - b) by providing cash-in-lieu to the amount specified within the development (Option 2):
    - i. The applicant will advise in writing the estimated construction value;
    - ii. The contribution amount shall be made as a cash contribution of at least 1 % of the construction value as defined in (LPP3.19], but no more than \$500,000; and
    - iii. Following the issue of an invoice by the Town for the contribution amount, the applicant will pay the invoice in full prior to lodgement of the Building Permit application.
17. The existing Cape Lilac (*Melia azedarach*) in the south-eastern corner of the site shall be retained and protected in accordance with the recommendations of the Arborists Report (Impact Assessment Report) (prepared by Arborite, dated 25 October 2022), by the landowner, to the Town's satisfaction;
18. The five proposed Coral Gum (*Eucalyptus torquate*) trees located on Nicholson Street, as shown on the approved plans, are not approved;  
  
The Building Permit plans shall not include the five proposed Coral Gum (*Eucalyptus torquate*) trees located on Nicholson Street;
19. The existing on-street parallel parking on Nicholson Street shall not be modified;
20. The Building Permit application shall demonstrate that the development complies with State Planning Policy 5.4 – Road and Rail Noise.

Advice Notes:

1. If the development the subject of this approval is not substantially commenced within a period of two years (or another period specified in the approval) after the date of the determination, the approval will lapse and be of no further effect.
2. Where an approval has so lapsed, no development shall be carried out without further approval of the Town having first been sought obtained.



3. If an applicant or landowner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. An application shall be made within 28 days of the determination.
4. The landowner is advised that a Demolition Permit application shall be submitted to, and approved by the Town prior to any demolition work commencing on the subject site in accordance with the *Building Act 2011* and *Building Regulations 2012*.
5. Any asbestos shall be handled, removed and disposed of in accordance with the *Health (Asbestos) Regulations 1992* and the *Environmental Protection (Controlled Waste) Regulations 2004*.
6. In accordance with the *Building Act 2011* and *Building Regulations 2012*, a Building Permit application shall be submitted to, and approved by the Town's Building Services branch prior to any construction or earthworks commencing on the subject site.
7. With reference to Condition 4 above, the landowner/applicant is advised that the proposed drainage infrastructure shall be accessible for inspection by camera inspection equipment and jetting/cleaning equipment.
8. The landowner/applicant shall be responsible for ensuring that all lot boundaries as shown on the approved plans are correct.
9. The landowner/applicant is advised that dividing fencing between properties is a civil matter between abutting landowners in accordance with the *Dividing Fences Act 1961*.
10. All works within the road reserve, such as crossovers, verge treatments and landscaping require a separate application and approval by the Town's Infrastructure section. All works shall conform to the Town's specifications.
11. A separate development application shall be submitted to, and approved by, the Town prior to the erection/installation of any of any signage on the premises that is not exempt from requiring development approval.
12. The noise generated by activities on-site, including machinery motors or vehicles is not to exceed the levels as set out under the *Environmental Protection (Noise) Regulations 1997*.

All development works are to be carried out in accordance with control of noise practices set out in Section 6 of *Australia Standard 2436:2010 - Guide to Noise and Vibration Control on Construction, Demolition and Maintenance Sites*.

No works shall commence prior to 7am without the Town's approval.





13. The landowner/applicant is advised that the installation of any external air conditioning units shall be in a location and manner that ensures noise emissions comply with the *Environmental Protection (Noise) Regulations 1997*.
14. The implementation of the development shall not cause a dust nuisance to surrounding properties (as determined by the Town) in accordance with the Town of Cambridge Private Property Local Law 2016 (as amended).

Where appropriate, measures such as installation of sprinklers, use of water tanks, mulching or other land management systems shall be implemented by the landowner/developer at the direction of the Town if the Town determines that a dust nuisance exists.

15. A suitable waste receptacle enclosure for the storage and cleaning of waste receptacles must be constructed in accordance with Part 5 of the Town of Cambridge's Health Local Law 2016.
16. Any air-conditioning units must be installed and operated in compliance with the Environmental Protection (Noise) Regulations 1997.
17. Operations of the premises are to comply with the Environmental Protection (Noise) Regulations 1997 at all times.
18. All delivery or collection vehicles, including waste management vehicles, operating outside the period of 7:00am to 7:00pm Monday to Saturday and at any time of Sundays and Public Holidays is not permitted.
19. With reference to Condition 17 above, the landowner is advised that a minimum 2m (l) x 2m (w) x 1.5m (h) tree protection zone shall be provided around the trunk of each existing tree in accordance with the *Australian Standard 4970 - Protection of trees on development sites* prior to any works the subject of this approval commencing on the subject site.
20. Laundry facilities to comply with the Health Act (Laundries and Bathrooms) Regulations.
21. The landowner is advised that a Form BA9 "Application for Occupancy Permit" shall be submitted to, and approved by, the Town prior to occupation of the building in accordance with the *Building Act 2011* and *Building Regulations 2012*.

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

**REASON:** The proposal was unanimously supported by Panel Members. The design bulk, scale and height are appropriate in the character and context of area and planning framework. On balance the JDAP supported the proposal consistent with the recommendation and reasons outlined in the RAR.



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

Nil.

**10. State Administrative Tribunal Applications and Supreme Court Appeals**

The Presiding Member noted the following SAT Applications –

<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/19/01651 DR160/2020	City of Nedlands	Lot 1 (80) Stirling Highway, Lots 21-23 (2, 4 & 6) Florence Road and Lots 33 & 33 (9&7) Stanley Street, Nedlands	Shopping Centre	21/07/2020
DAP/21/02136 DR60/2022	City of Nedlands	No. 43 Esplanade, Nedlands	Proposed Mixed Use Development - One consulting room and three multiple dwellings	01/04/2022
DAP/20/01770 DR140/2022	City of Nedlands	97 (Lots 1-4) and 105 (Lot 500) Stirling Highway, Nedlands	Mixed use development comprising of basement car parking, restaurants, offices, motor vehicle sales and multiple dwellings.	23/08/2022
DAP/22/02229 DR172/2022	Town of Cambridge	413 (Lot 11) Vincent Street West, Leederville	Two-Storey Childcare Centre	04/10/2022
DAP/22/02191 DR192/2022	City of Vincent	No. 391 (Lot: 20) Lord Street, Mount Lawley	Proposed Mixed Use Development	31/10/2022
DAP/22/02276 DR194/2022	Town of Cottesloe	19 Napoleon Street (Lot 20) Cottesloe (Also Known As 19 & 21 Napoleon Street)	Four-Storey Office Building With Rooftop Terrace, And Change Of Use Of Existing Ground Floor Buildings To 'Restaurant And Small Bar)	04/11/2022



## **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 11:33am.

A handwritten signature in black ink, appearing to read 'F. Lefante', with a long horizontal line extending to the right.