



Metro Inner-North Joint Development Assessment Panel Minutes

Meeting Date and Time: Monday, 12 April 2021; 9.00am
Meeting Number: MINJDAP/82
Meeting Venue: City of Subiaco
241 Rokeby Road, Subiaco

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Attendance

DAP Members

Ms Francesca Lefante (Presiding Member)
Ms Lee O'Donohue (Deputy Presiding Member)
Mr John Syme (Third Specialist Member)
Cr Derek Nash (Local Government Member, City of Subiaco)
Cr Rick Powell (Local Government Member, City of Subiaco)

Officers in attendance

Mr Alexander Petrovski (City of Subiaco)
Mr Anthony Denholm (City of Subiaco)
Mr Hayden Krsanac (City of Subiaco)
Ms Chantel Weerasekera (City of Subiaco)
Mr Simon Venturi (on behalf of the City of Subiaco Design Review Panel)

Minute Secretary

Mr Brent Davern (City of Subiaco)

Applicants and Submitters

Item 8.1

Mr Murray Casselton (element)
Ms Kate Bainbridge (element)
Mr Malcolm Mackay (Mackay Urban Design)
Mr Dean Fehlberg (MCDF Architects)
Mr Denis Chew (DKO Architects)
Mr Philip Anderson (Momentum Wealth)
Ms Danielle Davison (Momentum Wealth)
Mr Jamel Ramli (Tim Davies Landscape)
Dr Linda Rogers
Ms Rosemarie de Vries
Mr Peter McDonald

Item 8.2

Mr Dan Pearce (Hatch Roberts Day)

Members of the Public / Media

There were 23 members of the public in attendance.

Ms Victoria Rifici from the Western Suburbs Weekly and Mr Lloyd Gorman from The Post Newspaper were in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:05am on 12 April 2021 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.



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

1.1 Announcements by Presiding Member

The Presiding Member advised that 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.

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 a DAP direction for further information and responsible authority response in relation to Item 8.1, received on 9 April 2021.

All members declared that they had duly considered the documents.

6. Disclosure of Interests

Cr Rick Powell declared an Impartiality Interest in item 8.1 as some of the objectors to the project are known to him. The member declared that he will be considering the item independently and objectively.

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

7. Deputations and Presentations

7.1 Mr Dean Fehlberg (MCDF Architects) addressed the DAP in support of the recommendation for the application at Item 8.1.

7.2 Dr Linda Rogers addressed the DAP in support of the recommendation for the application at Item 8.1.



- 7.3 Ms Rosemarie de Vries addressed the DAP in support of the recommendation for the application at Item 8.1.
- 7.4 Mr Peter McDonald, on behalf of Ms Caroline McCreath Lundemo, addressed the DAP in support of the recommendation for the application at Item 8.1.
- 7.5 Mr Peter McDonald, on behalf of Mr and Mrs Sudlow, addressed the DAP in support of the recommendation for the application at item 8.1.
- 7.6 Mr Peter McDonald addressed the DAP in support of the recommendation for the application at item 8.1.
- 7.7 Mr Philip Anderson and Ms Danielle Davison (Momentum Wealth) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the Panel.
- 7.8 Mr Denis Chew (DKO Architects) addressed the DAP against the recommendation for the application at item 8.1 and responded to questions from the Panel.
- 7.9 Mr Murray Casselton (element) addressed the DAP against the recommendation for the application at item 8.1 and responded to questions from the Panel.
- 7.10 Mr Malcolm Mackay (Mackay Urban Design) addressed the DAP against the recommendation at item 8.1 and responded to questions from the Panel.
- 7.11 Mr Jamel Ramli (Tim Davies Landscape) responded to questions from the Panel in relation to the application at Item 8.1.
- 7.12 The City of Subiaco Officers addressed the DAP in relation to the application at Item 8.1 and responded to questions from the Panel.

The presentations at Item 7.1 – 7.12 were heard prior to the application at Item 8.1.

- 7.13 Mr Dan Pearce (Hatch Roberts Day) addressed the DAP in support of the recommendation at Item 8.2 and responded to questions from the Panel.
- 7.14 The City of Subiaco Officers addressed the DAP in relation to the application at item 8.2 and responded to questions from the panel.

The presentations at Items 7.13 - 7.14 were heard prior to the application at Item 8.2.



8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 97-101 (Lots 84, 85 & 80) Evans Street and 375-379 (Lots 81, 82 & 11) Railway Road, Shenton Park

Development Description: Demolition of existing building and construction element
Applicant: Ms Elizabeth Karol, Mrs Louise Maree Macfarlane, Mr Paul Clifford Wellington, Mr Paul Ronald Macfarlane, Mr Richard Camins & MW Investments Number 11 Pty Ltd
Owner: City of Subiaco
Responsible Authority: DAP File No: DAP/20/01923

REPORT RECOMMENDATION

Moved by: Cr Rick Powell

Seconded by: Nil

It is recommended that the Metro Inner-North Joint Development Assessment Panel resolves to:

1. **Refuse** DAP Application reference 20/01923 and accompanying plans (**Attachment 1**) 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 Subiaco Local Planning Scheme No. 5, for the following reasons:

Reasons

1. Having regard to the *Planning and Development (Local Planning Schemes) Regulations 2015* the proposed development does not satisfy the following matters for consideration:
 - a. Clause 67(a) – The proposal is inconsistent with the development provisions of Local Planning Scheme No. 5;
 - b. Clause 67(b) – The proposal is not considered to be consistent with orderly and proper planning;
 - c. Clause 67(c) – The proposal does not adequately satisfy a number of design principles of *State Planning Policy 7.0 Design of the Built Environment*, and element objectives of *State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments*;
 - d. Clause 67(m) – The proposal is incompatible with development on adjoining land and the surrounding locality in relation to the proposed height, bulk and scale;
 - e. Clause 67(n) – The proposal will have an undue adverse effect on the amenity of the locality, particularly with regard to the existing and future character;
 - f. Clause 67(x) – The local planning framework was subject to extensive community consultation. Should a development be approved which undermines the expectations of the community, it may have greater impact on the community as a whole, notwithstanding on particular individuals; and



- g. Clause 67(zc) – The proposal has not been determined to be of such a high quality as to justify the discretions sought, as determined by the City's Design Review Panel.
- 2. The proposed development does not satisfy the provisions of Local Planning Scheme No. 5 in so far as:
 - a. The proposal is inconsistent with the following aims of the Scheme:
 - i. The scale of the development is considered to compromise the visual and social amenity of the City, and result in undue adverse impact on the amenity of adjoining properties, and does not meet Clauses 9 (f) (iv) and (vi) of the Scheme; and
 - ii. The proposal is considered to compromise the existing character of the City and does not meet Clause 9 (g) (iii) of the Scheme.
 - b. The proposal is inconsistent with the following objectives of the Residential Zone:
 - i. The bulk and scale of the development is not considered to provide a high quality built form and streetscape, and does not meet objective (b);
 - ii. The bulk and scale of the development is not compatible with the general streetscape and digressed future character in terms of height and street alignment, and does not meet objective (d);
 - iii. The development is considered to be disproportionate and excessive in relation to its context and does not meet objective (e), representing overdevelopment of the site;
 - iv. The development is not considered to respond to established neighbourhood character in terms of its bulk and scale; and
 - v. The proposed development is not designed to provide an effective transition between higher and lower density land, and is not at a similar scale to existing development in the surrounding area, and does not meet objective (j).
- 3. Having regard to *State Planning Policy 7.0 Design of the Built Environment*, the form and scale of the proposed development does not adequately satisfy the following design principles:
 - a. Principle 1 *Context and Character*, as the height and scale of the development proposed is inconsistent with the existing context of the site and the desired future character;
 - b. Principle 3 *Built Form and Scale*, as the height and massing of the proposal is not considered to adequately negotiate between the existing built form and the intended future character of the local area; and
 - c. Principle 6 *Amenity*, as the height and setbacks have an undue adverse effect on the amenity of adjoining residential properties.



4. Having regard to *State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments*, the form and scale of the proposed development is inappropriate to the context and local character, and is considered to result in unreasonable adverse external amenity impacts, and does not adequately satisfy all Element Objectives of the following Elements:
- Element 2.2 Building Height;
 - Element 2.3 Street Setbacks;
 - Element 2.4 Side and Rear Setback;
 - Element 2.5 Plot Ratio;
 - Element 2.7 Building Separation; and
 - Element 3.2 Orientation.

The Report Recommendation LAPSED for want of a seconder.

ALTERNATE MOTION

Moved by: Cr Derek Nash

Seconded by: Ms Francesca Lefante

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

- Approve** DAP Application reference DAP/20/01923 and accompanying plans (DA 200 rev. A; DA 201 rev. B; DA 202 rev. C; DA 203 rev. C; DA 204 rev. C; DA 205 rev. C; DA 206 rev. C; DA 207 rev. C; DA 208 rev. B; DA 209 rev. C; DA 210 rev. C; DA 211 rev. C; DA 212 rev. C; DA 213 rev. C; DA 214 rev. C; DA 215 rev. B; DA 216 rev. B; DA 217 rev. C; DA 218 rev. C; DA 219 rev. C; DA 220 rev. C; DA 221 rev. B; DA 300 rev. B; DA 301 rev. C; DA 302 rev. B; DA 303 rev. B; DA 304 rev. A; DA 305 rev. A; DA 306 rev. A; SK01-E; SK02-E; SK03-E; SK04-E; SK05-E; SK06-E; SK07-E; SK08-E) 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 Subiaco Local Planning Scheme No. 5, subject to the following conditions:

Conditions

General

- Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
- 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 four (4) year period, the approval shall lapse and be of no further effect.
- All stormwater generated on site is to be retained on site. An onsite storage/infiltration system is to be provided within the site for at least the 1 per cent annual exceedance probability (AEP) event. No stormwater will be permitted to enter the City of Subiaco's stormwater drainage system unless otherwise approved.



4. Prior to the issue of a building permit, the applicant is to demonstrate incorporation of water efficient irrigation systems and water harvesting re-use technologies within the development, to the satisfaction of the City of Subiaco.
5. Prior to the issue of a building permit, the applicant shall demonstrate how all external fixtures including, but not limited to TV and radio antennae, satellite dishes, plumbing vents and pipes, solar panels, air conditioners and hot water systems are integrated into the design of the building and not be visible from the street, to the satisfaction of the City of Subiaco.
6. Prior to the issue of a building permit, the applicant is to demonstrate that the development achieves either:
 - a) 20 per cent of all dwellings, across a range of dwelling sizes, meet Silver Level requirements as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia); or
 - b) 5 per cent of dwellings are designed to Platinum Level as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia).
7. Prior to occupation, each multiple dwelling shall be provided with a mechanical clothes dryer or alternatively shall have an adequate area provided for drying clothes. This drying area shall be screened from view from any adjacent public place, to the satisfaction of the City of Subiaco.
8. Prior to occupation, landscaping shall be completed in accordance with the approved plans or any approved modifications thereto to the satisfaction of the City of Subiaco. All landscaped areas, are to be maintained on an ongoing basis for the life of the development on the site to the satisfaction of the City of Subiaco.
9. Prior to occupation of the development, brickwork and finishes on or adjacent to boundaries, including exposed parapet walls, are to be finished externally to the same standard as the rest of the development in either:
 - Face brick;
 - Painted render;
 - Painted brickwork; or
 - Other clean material,And are to be thereafter maintained to the satisfaction of the City of Subiaco.
10. The trading hours of the Restaurant/café are permitted to occur between:
 - 07:00 – 19:00 Monday to Saturday; and
 - 09:00 – 19:00 Sunday.
11. Prior to the issue of a building permit, the applicant shall submit a schedule of materials, colours, finishes and textures for the development to the satisfaction of the City of Subiaco. The schedule may be subject to review and comment by the City's Design Review Panel.
12. Prior to the issue of a building permit, the applicant shall submit a statement of compliance prepared by a Green Star Accredited Professional confirming that the development can achieve the targeted informal (equivalency) 4 star Green Star Design and As Built rating performance, to the satisfaction of the City of Subiaco.



13. Within 12 months of completion of the development, the applicant is to submit to the City of Subiaco documentation demonstrating that the initiatives identified in the Green Star equivalent plan have been achieved, to the satisfaction of the City of Subiaco.

Noise

14. Prior to the issue of a building permit, a noise management plan is to be submitted detailing measures that will be undertaken to ensure all noise levels are kept within levels prescribed in the *Environmental Protection (Noise) Regulations 1997 (as amended)*. The plan is to be prepared by a suitably qualified consultant and is to include:

- sound proofing measures used in the design and construction of the development;
- predictions of noise levels;
- control measures to be undertaken (including monitoring procedures); and
- a complaint response procedure.

All sound attenuation measures, identified by the plan or as additionally required by the City, are to be implemented prior to occupancy of the development or as otherwise required by the City and the requirements of the plan are to be observed at all times.

15. The residential component of the development is to be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation is to be in accordance with recommendations developed in consultation with an acoustic consultant registered to conduct noise surveys and assessments in accordance with the *Environmental Protection Act 1986*. The engagement of the acoustic consultant and the implementation of the recommendations are to be at the owner's cost.
16. Prior to the issue of a building permit, the applicant shall demonstrate that the development incorporates noise mitigation measures as required by State Planning Policy 5.4 'Road and Rail Noise', to the satisfaction of the City of Subiaco.
17. Prior to occupation of the development, a notification pursuant to Section 70A of the Transfer of Land Act 1893 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 of the following matter(s):
- a) That the land is situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected, by transport noise and vibration;
 - b) That there is the potential for quiet house design requirements to minimise noise intrusion through house layout and noise insulation.

The notification is to be prepared by the City's solicitors at the expense of the owner and be executed by all parties prior to occupation.

Lighting

18. Prior to the issue of a building permit, an outdoor lighting plan must be submitted and approved by the City of Subiaco. The outdoor lighting is to be designed, baffled and located to prevent any increase in light spill onto the adjoining properties.



Lot Amalgamation

19. Prior to occupation of the development, No's. 97 (Lot 84), 99 (Lot 85), and 101 (80) Evans Street, and No. 375 (Lot 81), 377 (Lot 82) and 379 (Lot 11) Railway Road, Shenton Park are to be legally amalgamated or alternatively the owner may enter into a legal agreement with the City of Subiaco, drafted by the City's solicitors at the expense of the owner and be executed by all parties concerned prior to the commencement of the works. The legal agreement will specify measures to allow the development approval to operate having regard to the subject site consisting of six separate lots, to the satisfaction of the City of Subiaco.
20. Prior to occupation of the development, a truncation of a minimum of 6m x 6m is to be provided at the junction of Railway Road and Onslow Road. The truncation is to be shown on a Diagram or Plan of Survey and vested in the Crown under section 152 of the *Planning & Development Act 2005*, such land to be ceded free of cost and without any compensation by the Crown.

Construction

21. Prior to the issue of a building permit, a Construction Management Plan shall be prepared to the City of Subiaco's satisfaction. This plan is to address:
 - a) construction noise;
 - b) hours of construction;
 - c) traffic management;
 - d) parking management;
 - e) access management;
 - f) management of loading and unloading of vehicles;
 - g) heavy vehicle access;
 - h) dust;
 - i) protection of verge trees;
 - j) the need for a dilapidation report of adjoining properties; and
 - k) any other relevant matters.The requirements of this plan are to be observed at all times during the construction process to the satisfaction of the City of Subiaco.
22. Prior to the issue of a building permit, a dilapidation report prepared by a suitably qualified professional shall be submitted to the City of Subiaco for approval, and the owners of the adjoining properties listed below detailing the current condition and status of all buildings (both internal and external together with surrounding paved areas and rights of ways), including ancillary structures located on these properties:
 - 95 Evans Street, Shenton Park;
 - 94 Evans Street, Shenton Park;
 - 92 Evans Street, Shenton Park;
 - 91 Evans Street, Shenton Park;
 - 351 Railway Road, Shenton Park;
 - 349A – 349B Railway Road, Shenton Park;
 - 381 Railway Road, Shenton Park;
 - 387 Railway Road, Shenton Park;



- 351 Onslow Road, Shenton Park;
- 349 Onslow Road, Shenton Park;
- 347 Onslow Road, Shenton Park;
- 345 Onslow Road, Shenton Park;
- 339 Onslow Road, Shenton Park;
- Units 1 – 8, 336 Onslow Road, Shenton Park;
- 334 Onslow Road / 93 Evans Street, Shenton Park;
- 329 Onslow Road, Shenton Park;
- 327 Onslow Road, Shenton Park;
- 326 Onslow Road, Shenton Park;

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate in writing to the satisfaction of the City of Subiaco, that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Dilapidation reports shall be prepared to the satisfaction of the City of Subiaco.

Verge Infrastructure and Traffic

23. All infrastructure in the road reserve adjacent to the development site shall be protected from damage for the duration of the construction of the development, and reinstated to the condition that existed prior to the commencement of the development.
24. Prior to occupation of the development, a minimum of 40 bicycle parking spaces are to be provided in accordance with Australian Standard AS2890.3, to the satisfaction of the City of Subiaco.
25. Prior to occupation of the development, all existing redundant crossovers are to be removed and the verge reinstated. The new crossover associated with the hereby approved development must receive separate approval from the City of Subiaco.
26. Prior to the occupation of the development, vehicle crossovers shall be constructed in either paving block, concrete, or bitumen and thereafter maintained, to the satisfaction of the City of Subiaco.
27. Prior to issue of a building permit, the applicant is to make suitable arrangements with the City of Subiaco to relocate the existing light pole in the verge in order to accommodate the new crossover on Onslow Road, and approval must be sought from the City of Subiaco prior to its relocation. All costs associated with relocation of the light pole are the responsibility of the property owner(s).
28. All car parking dimensions, manoeuvring areas, crossovers and driveways shall accord with the Australian Standard AS2890.1 (as amended).
29. Prior to commencement of physical works, a Tree Preservation Zone (TPZ) is to be established and maintained around each existing street tree for the life of the contract.



Waste

30. Prior to the issue of a building permit, a final waste management plan shall be submitted to the City of Subiaco for approval. The plan shall include:

- Details of collection times and methods;
- Private waste collecting being limited to 07:00-19:00 Monday to Saturday and 09:00-19:00 Sunday and public holidays, or alternatively a noise management plan is provided detailing measures that will be undertaken to ensure noise levels are kept within levels prescribed in the *Environmental Protection (Noise) Regulations 1997*; and
- Appropriate traffic management measures to mitigate conflicts between private vehicles and waste collection vehicles.

The plan shall be implemented and adhered to throughout the life of the development to the satisfaction of the City of Subiaco.

Advice Notes

- i. This is a planning approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or the requirements of any other external agency.
- ii. In relation to the amalgamation of the lots, the City advises that in principle it has no objection to extinguishing the right of carriageway easements over Lots 80, 81, 82 & 85 on DP 39799 to the extent that it currently benefits the City.
- iii. In relation to trading hours of the restaurant/café land use, the applicant is advised that the hours of operation shall not be varied without first obtaining approval from the City for an amendment to the development approval.
- iv. In relation to dilapidation report(s), these should address the following matters to satisfy the City of Subiaco:
 - a. Dilapidation reports are to clearly identify the name of the organisation and person(s) undertaking the inspection and shall include their relevant qualifications;
 - b. Dilapidation reports are to be prepared in accordance with relevant legislation and standards, including Australian Standard AS4349.1 (or equivalent);
 - c. A calibration gauge should be used for measurement, in combination with high resolution photos for accurate record keeping;
 - d. Landowners of properties requiring dilapidation reports are to be afforded the opportunity by the applicant to identify any existing areas of concern that can be visually identified and recorded in any dilapidation report;
 - e. The applicant, in consultation with the owner of the property requiring the dilapidation report, is to ensure that every reasonable effort is made to ensure that they can obtain safe and reasonable access to any and all areas of a property requiring dilapidation reports;
 - f. Landowners of properties requiring dilapidation reports are to be provided the same copy and version of the dilapidation report as any submitted to the City of Subiaco as part of any request to clear conditions of development approval as required; and



- g. For the City to be fully satisfied, consideration will be given to written feedback from landowners up to seven days after receipt of the dilapidation report.
 - h. In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate in writing to the satisfaction of the City of Subiaco, that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Dilapidation reports shall be prepared to the satisfaction of the City of Subiaco.
- v. In relation to the vehicle crossover:
- a. No modification to the existing speed plateau located at the intersection of Onslow and Smyth Roads is permitted. The new crossover is to be constructed in a manner that does not create any drainage issues along the speed plateau.
 - b. Removal/relocation of the 40km/h speed hump sign as a result of the new crossover must be approved and carried out by Main Roads Western Australia.
 - c. The applicant is to liaise with the City's Transport and Infrastructure Development (TID) branch to confirm the proposed new location of the light pole.
- vi. Any modification of the footpath at the corner of Railway and Onslow Roads is to be done in consultation with the City of Subiaco.
- vii. In relation to street trees:
- a. Once redundant crossovers have been removed and verge areas reinstated the City will plant a number of trees within the verge areas at identified potential locations on Evans Street, Railway Road and Onslow Road. The choice of tree species will be chosen from the City's street tree master plan and then trees will be planted once development has been completed.
 - b. The City would not be supportive of paving of the bin collection area on the Onslow Road verge.
 - c. Provisions are to be incorporated into the development to ensure that the development does not impact in to the City's tree canopies and root systems that are growing adjacent to the boundary. The City's street tree policy, protocols and Australian Standard relating to the protection of trees adjacent to development site (AS 4970–2009) to be adhered to at all times.
 - d. Tree Preservation Zone (TPZ) protective fencing shall be formed around the tree prior to works commencing and shall be retained for the entirety of the project. The TPZ is to be a minimum of two (2) metres extending out from the outer part of the trunk base of the tree or where required, protection may be to the drip line of the tree canopy whichever is greater. If works are required within the TPZ then a City representative must be present on site whilst works are being conducted.



- e. The City's requirements to minimise the risk of tree damage/death a minimum construction clearance of two (2) metres is required from the base of an existing street tree/buttruss roots. Where excavation to a depth greater than 100mm is proposed the clearance should be greater than three (3) metres from the base of an existing street tree is required to protect the structural roots of the tree (SRZ). Where any work including excavation, compaction and/or machine trenching is required adjacent to a City tree, a City officer must be onsite during excavation.
- viii. In relation to Environmental Health matters:
- a. All mechanical service systems including air-conditioners, etc., are to be designed and installed to prevent emitted noise levels from exceeding the relevant decibel levels as set out in the Environmental Protection (Noise) Regulations 1997 (as amended).
 - b. The applicant is to ensure the design and construction, by the use of controlled ventilation, filters and/or activated carbon or other measures, is such that no odours emanating from the premises are detectable at any time on adjacent properties.
 - c. Grease traps and waste water provisions are to be provided in accordance with the requirements of the Water Corporation of Western Australia.
 - d. All waste water generated from business activities are to be discharged into the Water Corporation's sewer and a trade waste permit obtained where required.
 - e. Premises selling food as defined under the Food Act 2008 are required to submit a City of Subiaco Food Business Notification/Registration form.
 - f. For premises required to be registered under the Food Act 2008 detailed plans (drawn to a scale) with specifications of the kitchen and associated facilities being used, (including the cool room and freezer, dry storage rooms, bar areas, staff change rooms, public toilets and bin enclosures) are required to be submitted to the City's Health and Compliance Services for approval with the plans including the finishes of the floors, walls and ceilings, the position, type and construction of all fixtures, fittings and equipment (including cross sectional drawings of benches, shelving, cupboards, stoves, tables, cabinets, counters, display refrigeration, freezers and cool rooms, kitchen exhaust hoods, mechanical ventilation systems, mechanical services and grease traps; and construction, position and size of any bin enclosures.
- ix. In relation to Building matters:
- a. A building permit is required to be obtained from the City for the works. The applicant is advised to contact the City's Building Services branch on 9237 9222 for further information on these requirements.
 - b. Under Part 6 of the Building Act 2011, the responsible contractor/builder must ensure that the work does not adversely affect land beyond the boundaries of the works land.
 - c. The engineering technical details submitted with the Building Permit application must include methodologies which demonstrate that the proposed building work can be carried out without causing detrimental effects to the structural stability of surrounding buildings and property or reduce the bearing capacity of neighbouring land.



- d. If the work is likely to affect neighbouring land or property or if access is required to neighbouring land, the 'Work affecting other land' provisions of Part 6 of the Building Act 2011 will apply. Notification and consent in the form of a BA20 or BA20a is required.
- x. It is advised that car parking permits are unlikely to be granted by the City with respect to the residential units.
- xi. The Public Transport Authority (PTA) has reviewed the documentation and has the following comments to make –
 - Given the close proximity to the rail reserve, PTA Third Party Approval may be required. Refer to PTA Procedure 8103-400-004 – Working in and Around the Rail Reserve.
 - During construction and any earthworks activities, PTA recommends dust suppression methods (i.e. watering down) are deployed to prevent airborne dust from being released to atmosphere that may affect rail operations (prevailing wind direction dependent).

PROCEDURAL MOTION

Moved by: Mr John Syme

Seconded by: Ms Lee O'Donohue

That the consideration of DAP Application DAP/20/01923 be deferred no more than 120 days, in accordance with section 5.10.1a of the DAP Standing Orders 2020, for the following reasons:

- To allow the applicant further time to reconsider the interface with 336 Onslow Road, particularly with respect to overshadowing.

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

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

Against: Cr Derek Nash

REASON: The JDAP raised concerns relating to the interface with 336 Onslow Road and deferred the proposal to allow further work to be undertaken in regard to overshadowing

PROCEDURAL MOTION

Moved by: Ms Lee O'Donohue

Seconded by: Mr John Syme

That the meeting be adjourned for a period of 5 minutes to allow members a comfort break.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: Comfort break.



*The meeting was adjourned at 12:12am.
The meeting was reconvened at 12:18am.*

8.2 No.154 (Lot 1) Hay Street, Subiaco

Development Description:	Six Storey Mixed Use Development (12 Multiple Dwellings and 1 Commercial
Applicant:	Hatch Roberts Day
Owner:	Tranquil Nominees Pty Ltd
Responsible Authority:	City of Subiaco
DAP File No:	DAP/20/01920

REPORT RECOMMENDATION

Moved by: Ms Lee O'Donohue

Seconded by: Mr John Syme

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

1. **Approve** DAP Application reference DAP/20/01920 and accompanying plans (A0.00, A1.00 rev. D, A1.01 rev. D, A1.02 rev. I, A1.03 rev. H, A1.04 rev. F, A1.05 rev. F, A1.06 rev. E, A1.07 rev. B, A2.01 rev. E, A2.02 rev. B, and A3.01 rev. G) 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 Subiaco Local Planning Scheme No. 5, subject to the following conditions:

Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. 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.
3. Prior to occupation or at such time as agreed by the City of Subiaco via the use of a legal agreement between the land owner(s) and the City of Subiaco, the laneway adjoining the subject site shall be widened by 0.6 metres. The widening is to be shown on a Diagram or Plan of Survey and vested in the Crown under section 152 of the *Planning & Development Act 2005*, such land to be ceded free of cost and without any compensation by the Crown.
4. All stormwater generated on site is to be retained on site. No stormwater will be permitted to enter the City's stormwater drainage system unless otherwise approved.
5. Prior to issue of a building permit, the applicant is to demonstrate incorporation of water efficient irrigation systems and water harvesting re-use technologies within the development to the satisfaction of the City of Subiaco.



6. Prior to occupation of the development, brickwork and finishes on or adjacent to boundaries, including exposed parapet walls, are to be finished externally to the same standard as the rest of the development in either:
 - Face brick;
 - Painted render;
 - Painted brickwork; or
 - Other clean material,And are to be thereafter maintained to the satisfaction of the City of Subiaco.
7. Prior to issue of a building permit, the applicant shall demonstrate how all external fixtures including, but not limited to TV and radio antennae, satellite dishes, plumbing vents and pipes, solar panels, air conditioners and hot water systems are integrated into the design of the building and not be visible from the primary street, to the satisfaction of the City of Subiaco.
8. Each multiple dwelling shall be provided with a mechanical clothes dryer or alternatively shall have an adequate area provided for drying clothes. This drying area shall be screened from view from any adjacent public place, to the satisfaction of the City of Subiaco.
9. Prior to the issue of a building permit, the applicant shall submit a schedule of materials, colours, finishes and textures for the development to the satisfaction of the City of Subiaco. The schedule may be subject to review and comment by the City's Design Review Panel.
10. Prior to occupation, landscaping shall be completed in accordance with the approved plans or any approved modifications thereto, to the satisfaction of the City of Subiaco. All landscaped areas are to be maintained on an ongoing basis for the life of the development on the site to the satisfaction of the City of Subiaco.
11. Prior to occupation, one shower and one locker are to be provided within the development for the use of the tenants of the commercial tenancy, to the satisfaction of the City of Subiaco.
12. Prior to occupation, all residential windows to the southern elevation shall be double glazed, to the satisfaction of the City of Subiaco.
13. Within 12 Months of completion of the development, the applicant is to submit to the City of Subiaco documentation demonstrating how the development achieves a Green Star Rating of at least 5 Stars, to the satisfaction of the City of Subiaco.

Demolition and Construction

14. Prior to issue of a building permit, a Noise Management Plan shall be prepared and submitted detailing measures that will be undertaken to ensure noise levels are kept within levels prescribed in the Environmental Protection (Noise) Regulations 1997.



15. Prior to the issue of a building permit, a Construction Management Plan shall be prepared to the satisfaction of the City of Subiaco. These plans are to address:
- construction noise;
 - hours of construction;
 - traffic management;
 - parking management;
 - access management;
 - management of loading and unloading of vehicles;
 - heavy vehicle access;
 - dust;
 - protection of verge trees;
 - the need for a dilapidation report of adjoining properties; and
 - any other relevant matters.
- The requirements of this plan are to be observed at all times during the construction process to the satisfaction of the City of Subiaco.
16. Prior to the issue of a building permit, a dilapidation report prepared by a suitably qualified professional shall be submitted to the City of Subiaco for approval, and the owners of the adjoining properties listed below detailing the current condition and status of all buildings (both internal and external together with surrounding paved areas and rights of ways), including ancillary structures located on these properties:
- 18 Coghlan Road, Subiaco;
 - 20 Coghlan Road, Subiaco;
 - 22 Coghlan Road, Subiaco;
 - 1-7/150-150D Hay Street, Subiaco;
- In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate in writing to the satisfaction of the City of Subiaco, that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Dilapidation reports shall be prepared to the satisfaction of the City of Subiaco.

Infrastructure and Traffic

17. The car stacking equipment depicted on the plans hereby approved shall be designed, installed and thereafter maintained so that all vehicle bays approved within the car stacking equipment can be independently accessed at all times.
18. All infrastructure in the road reserve adjacent to the development site shall be protected from damage for the duration of the construction of the development, and reinstated to the condition that existed prior to the commencement of the development.
19. Prior to occupation of the development, any new or modified crossover associated with the hereby approved development must receive separate approval from the City of Subiaco.
20. Prior to occupation, car parking bays numbered 9-12 are to be clearly marked as small car bays to the satisfaction of the City of Subiaco.
21. Tree Preservation Zone (TPZ) Protective fencing shall be formed around the street trees prior to works commencing and shall be retained for the entirety of the project.



Waste

22. Prior to the issue of a building permit, a waste management plan shall be submitted to the City of Subiaco for approval. The plan shall include:
- a) Details of collection times and methods;
 - b) A noise management plan detailing measures that will be undertaken to ensure noise levels are kept within levels prescribed in the Environmental Protection (Noise) Regulations 1997 for any waste proposed to be collected between the hours of 7pm to 7am; and
 - c) Appropriate traffic management measures to mitigate conflicts between private vehicles and waste collection vehicles.
- The plan shall be implemented and adhered to throughout the life of the development to the satisfaction of the City of Subiaco.

Advice Notes

- i. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or the requirements of any other external agency.
- ii. In relation to the term of approval, a further two years is added to the date by which the development shall be substantially commenced, pursuant to Schedule 4, Clause 4.2 of the Clause 78H Notice of Exemption from Planning Requirements During State of Emergency signed by the Minister for Planning on 8 April 2020. For further information regarding the Ministerial direction, please contact the City's Planning Services on 9237 9222 or email city@subiaco.wa.gov.au.
- iii. An onsite storage/infiltration system is to be provided within the site for at least 1 in 20 year storm event. No stormwater will be permitted to enter into the City's stormwater system.
- iv. The exterior fixture associated with any air-conditioning unit or hot water system is considered an appropriate location where it is positioned:
 - outside of balcony/verandah areas (if applicable); and below the height of a standard dividing fence within a side or rear setback area; or
 - within a screened rooftop plant area or nook.
- v. Dilapidation report(s) should address the following matters to satisfy the City of Subiaco:
 - a) Dilapidation reports are to clearly identify the name of the organisation and person(s) undertaking the inspection and shall include their relevant qualifications;
 - b) Dilapidation reports are to be prepared in accordance with relevant legislation and standards, including Australian Standard AS4349.1 (or equivalent);
 - c) A calibration gauge should be used for measurement, in combination with high resolution photos for accurate record keeping;
 - d) Landowners of properties requiring dilapidation reports are to be afforded the opportunity by the applicant to identify any existing areas of concern that can be visually identified and recorded in any dilapidation report;



- e) The applicant, in consultation with the owner of the property requiring the dilapidation report, is to ensure that every reasonable effort is made to ensure that they can obtain safe and reasonable access to any and all areas of a property requiring dilapidation reports;
 - f) Landowners of properties requiring dilapidation reports are to be provided the same copy and version of the dilapidation report as any submitted to the City of Subiaco as part of any request to clear conditions of development approval as required; and
 - g) For the City to be fully satisfied, consideration will be given to written feedback from landowners up to seven days after receipt of the dilapidation report.
- vi. In relation to Building matters:
- A Demolition and Building Permit application is required.
 - An accessible parking space is required to be provided.
 - Under part 6 of the Building Act 2011 the Responsible Contractor / Builder must ensure that the work does not adversely affect land beyond the boundaries of the works land.
 - The Engineering technical details submitted with the Building Permit application must include methodologies which demonstrate that the proposed building work can be carried out without causing detrimental effects to the structural stability of surrounding buildings and property or reduce the bearing capacity of neighbouring land.
 - If the work is likely to affect neighbouring land or property or if access is required to neighbouring land then the 'Work affecting other land' provisions of part 6 of the Building Act 2011 will apply; Notification and consent in the form of a BA20 or BA20a is required.
 - A Construction Management Plan addressing the control of; vibration, dust, noise, waste, sand, sediment, temporary fencing, scaffold, gantries, site access / egress, site deliveries, heavy construction machinery, must be provided to the City of Subiaco with or before the submission of the Building Permit approval application.
- For further information contact the City's Building Services via 9237 9222.
- vii. In relation to Environmental Health matters:
- All mechanical service systems including air-conditioners etc. to be designed and installed to prevent emitted noise levels from exceeding the relevant decibel levels as set out in the Environmental Protection (Noise) Regulations 1997 (as amended).
 - The handling and removal of any asbestos material must be carried out in accordance with the Health (Asbestos) Regulations 1992 (as amended). Safe work procedures are required to be adhered to and all material must be disposed of at an approved land fill facility.
 - A suitable bin enclosure is to be provided in accordance with the City of Subiaco Health Local Laws 1999 which require bin enclosures to be of sufficient size to accommodate all bins used on the premises and serviced with an approved liquid refuse disposal system, have a tap connected to an adequate supply of water, have walls at least 1.8m in height, have an access way of not less than 1.0m in width and have a self-closing gate.
 - The applicant is to ensure the design and construction complies with Metropolitan Water Supply, Sewerage and Drainage by Laws 1981 (as amended).



- Grease traps and waste water provisions are to be provided in accordance with the requirements of the Water Corporation of Western Australia.
- Premises selling food as defined under the Food Act 2008 are required to submit a City of Subiaco Food Business Notification/Registration form (fees apply).

For further information contact the City's Health and Compliance Services via 9237 9222.

viii. In relation to Tree Preservation Zones (TPZ):

- The TPZ is to be a minimum of two (2) metres extending out from the outer part of the trunk base of the tree or where required, protection may be to the drip line of the tree canopy whichever is greater. If works are required within the TPZ then a City representative must be present on site whilst works are being conducted.
- Provisions to be incorporated into the development to ensure that the awning does not impact in to the City's tree canopies and root systems that are growing adjacent to the boundary are not impacted from the development. The City's street tree policy, protocols and Australian Standard relating to the protection of trees adjacent to development site (AS 4970–2009) to be adhered to at all times.
- The City has no objections to the proposed additional street trees; however further discussions regarding tree species and placement would need to be approved by the City.

For further information contact the City's Operations and Environment branch via 9237 9222.

- ix. In relation to the parking of vehicles associated with the construction of the development, parking time restrictions apply to on-street parking. Consideration should be given to making an Application for Commercial Parking Permits to the City's Compliance Services.
- x. The applicant and owner are advised that the City's Compliance Support Services has reviewed this proposal and is unlikely to issue parking permit(s) to occupiers of this development.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The proposal is for a well-designed, high quality mixed use development that addresses its corner position in a very positive manner. The proposal includes a ground floor café/restaurant which will provide variety of land use and street activation within the surrounding area. Additionally, 12 apartments of varying typologies are proposed which will also create a fresh new land use in an area dominated by office and retail uses.

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 State Administrative Tribunal Applications -

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/19/01600 DR161/2019	Town of Claremont	Lots 18 (164) and 19 (162) Alfred Road, Swanbourne	Proposed Childcare Centre	07/10/2019
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/19/01722 DR155/2020	City of Stirling	Lot 1 (331) West Coast Drive, Trigg	4 Storey Mixed Use Development	16/07/2020
DAP/15/00712 DR21/2021	City of Bayswater	Lot 100, 293 Guildford Road, Maylands	Mixed Use Development	05/02/2021

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 12:26pm.