



## Metro Inner-North Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Thursday, 29 April 2021; 2.00pm  
**Meeting Number:** MINJDAP/86  
**Meeting Venue:** via electronic means

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

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## **Attendance**

### **DAP Members**

Ms Lee O'Donohue (A/Presiding Member)  
Ms Rachel Chapman (A/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 Alex Petrovski (City of Subiaco)  
Ms Chantel Weerasekera (City of Subiaco)  
Mr Anthony Denholm (City of Subiaco)  
Mr Matthew Cain (City of Subiaco)

### **Minute Secretary**

Ms Ashlee Kelly (DAP Secretariat)  
Ms Zoe Hendry (DAP Secretariat)

### **Applicants and Submitters**

#### *Item 8.1*

Mr David Read (element)  
Mr Ian Scott (SPH Architects)  
Mr Allan Tranter

#### *Item 9.1*

Mr Ben Doyle (Planning Solutions)  
Mr Robert Walker (Planning Solutions)  
Mr David Fitzgerald (Blackburne)

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

There were 3 members of the public in attendance.

Ms Victoria Rifici from Community News was in attendance.

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

The A/Presiding Member declared the meeting open at 2.02pm on 29 April 2021 and acknowledged the traditional owners and pay respect to Elders past and present of the land on which the meeting was being held.

The A/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 A/Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2020 which states '*A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.*', the meeting would not be recorded.

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

## **2. Apologises**

Ms Francesca Lefante (Presiding Member)

## **3. Members on Leave of Absence**

Nil

## **4. Noting of Minutes**

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

## **5. Declaration of Due Consideration**

All members declared that they had duly considered the documents.

## **6. Disclosure of Interests**

Nil

## **7. Deputations and Presentations**

**7.1** Mr Allan Tranter addressed the DAP in support of the recommendation for the application at Item 8.1.

**7.2** Mr Ian Scott (SPH Architects) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

**7.3** Mr David Read (element) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

**7.4** The 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 – 7.4 were heard prior to the application at Item 8.1.***



**7.5** Mr Robert Walker and Mr Ben Doyle (Planning Solutions) addressed the DAP in support of the recommendation for the application at Item 9.1 and responded to questions from the panel.

**7.6** The City of Subiaco Officers addressed the DAP in relation to the application at Item 9.1 and responded to questions from the panel.

***The presentations at Items 7.5 - 7.6 were heard prior to the application at Item 9.1.***

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

### **8.1 66 (Lot 141) Jersey Street, Jolimont**

Development Description:	Demolition of existing commercial building and construction of a six-storey mixed use development (eight multiple dwellings and one commercial tenancy (restaurant/café))
Applicant:	element
Owner:	Norcam Investments Pty Ltd
Responsible Authority:	City of Subiaco
DAP File No:	DAP/20/01890

## **REPORT RECOMMENDATION**

**Moved by:** Cr Derek Nash

**Seconded by:** Mr John Syme

### **Responsible Authority Recommendation**

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

- 1. Approve** DAP Application reference DAP/20/1890 and accompanying plans dated received 22 March 2021 (Plans A0.01 revision C, A1.01 revision C, A1.02 revision F, A1.03 revision G, A1.04 revision G, A1.05 revision G, A1.06 revision G, A1.07 revision B, A2.01 revision E, A5.01 revision E, A5.02 revision D, A5.03 revision D, A5.04 revision C, A6.01 revision D, A6.02 revision D, A6.03 revision D, A6.04 revision E, A10.01 revision B, A10.02 revision B, SK02.00, SK03.00) 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, and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme subject to the following conditions:

#### *Conditions*

##### General

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 two (2) year period, the approval shall lapse and be of no further effect.



2. All stormwater generated on site is to be retained on site. No stormwater will be permitted to enter the City of Subiaco's stormwater drainage system unless otherwise approved.
3. 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.
4. 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.
5. 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).
6. 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.
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. Prior to commencement of development, a report shall be submitted by a suitably qualified acoustic engineer certifying that the proposal incorporates sufficient sound attenuation measures to limit noise impact on adjoining properties to within the requirements of the Environmental Protection Act. The measures identified in the report shall be implemented and thereafter maintained to the satisfaction of the City of Subiaco.



11. Prior to commencement of development, 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.
12. 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.
13. Prior to occupation, the applicant shall submit for approval by the City of Subiaco, public art as indicated on the approved developments. Once approved by the City of Subiaco, the public art shall be erected in the locations as indicated on the elevations and thereafter maintained, to the satisfaction of the City of Subiaco.

#### Demolition and Construction

14. Prior to issue of a building permit (but not including a demolition permit or building permit for forward works), 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 demolition permit and 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.

#### Infrastructure and Traffic

16. 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.
17. Prior to occupation of the development, the existing redundant crossover on Jersey Street is to be removed and the verge reinstated.
18. All car parking dimensions, manoeuvring areas, crossovers and driveways shall accord with the Australian Standard AS2890.1 (as amended).



19. All bicycle parking facilities are to be provided in accordance with Australian Standard AS 2890.3, to the satisfaction of the City of Subiaco.
20. 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.
21. 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.

*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 (the notice was subsequently updated on 30 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](mailto:city@subiaco.wa.gov.au).*
- iii. *In relation to external fixtures, 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.*
- iv. *In relation to Tree Preservation Zones:*
  - a. *Provisions 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.*
  - b. *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.*





- c. *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/buttrass 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.*
- v. *In relation to Environmental Health matters:*
  - a. *The applicant is to ensure noise emissions from the site comply with the Environmental Protection (Noise) Regulations 1997 (as amended).*
  - b. *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).*
  - c. *Premises selling food as defined under the Food Act 2008 are required to submit a City of Subiaco Food Business Notification/Registration form.*
  - d. *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.*
- vi. *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 Department on 9237 9222 for further information on these requirements.*
  - b. *The engineering technical details submitted with a Building Permit application must include methodologies demonstrating that the proposed building work can be carried out without detrimental effects on the structural stability of surrounding properties.*
  - c. *Under section 77 of the Building Act 2011, a person responsible for work must ensure that the work does not adversely affect land beyond the boundaries of the works land unless consent has been granted.*





## AMENDING MOTION 1

**Moved by:** Mr John Syme

**Seconded by:** Ms Rachel Chapman

The following amendments were made en bloc:

- (i) That a new condition no. 22 be added to read as follows:

***Prior to occupation, a 0.50 metre wide right-of-way is to be provided (depicted on the approved plans as 500mm easement), constructed and drained at the landowners cost along the entire eastern boundary of the subject land. The right-of-way is to be accurately illustrated and denoted on the Diagram or Plan of Survey (Deposited Plan) and vested in the Crown under Section 152 of the Planning and Development Act 2005 upon registration of the Strata Plan. Such land to be ceded free of cost and without any payment of compensation by the Crown, to the satisfaction of the City of Subiaco.***

**REASON:** This is a standard requirement for developments abutting rights-of-way which are less than 6.0metres wide. It's application to a development of this size and type was considered appropriate.

- (ii) That a new condition no 23 be added to read as follows:

***Prior to occupation, all car bays depicted on the plans shall be constructed to provide for electric car charging and be maintained thereafter, to the satisfaction of the City of Subiaco.***

**REASON:** The imposition of this condition will ensure that the development is able to provide electrical car charging facilities for residents and other occupants consistent with the intent of the application.

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

## AMENDING MOTION 2

**Moved by:** Mr John Syme

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

That condition no. 3 be amended to read as follows:

***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.***

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

**REASON:** Condition 3 was modified to remove reference to water harvesting technologies which, for a development of this size, was considered unjustified given the small amount of water that would be generated. The panel was agreeable to modifying condition subject to retention requiring provision of a water efficient irrigation system.



### AMENDING MOTION 3

**Moved by:** Ms Rachel Chapman

**Seconded by:** Cr Derek Nash

That condition no. 5 be amended to read as follows:

*Prior to the issue of a building permit, the applicant is to demonstrate that the development achieves either a **minimum of:***

- 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).*

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

**REASON:** The inclusion of the words “a minimum of” will allow for provision of Silver and Platinum Level housing over the amounts identified in the condition.

### REPORT RECOMMENDATION (AS AMENDED)

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

1. **Approve** DAP Application reference DAP/20/1890 and accompanying plans dated received 22 March 2021 (Plans A0.01 revision C, A1.01 revision C, A1.02 revision F, A1.03 revision G, A1.04 revision G, A1.05 revision G, A1.06 revision G, A1.07 revision B, A2.01 revision E, A5.01 revision E, A5.02 revision D, A5.03 revision D, A5.04 revision C, A6.01 revision D, A6.02 revision D, A6.03 revision D, A6.04 revision E, A10.01 revision B, A10.02 revision B, SK02.00, SK03.00) 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, and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme subject to the following conditions:

#### *Conditions*

##### General

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 two (2) year period, the approval shall lapse and be of no further effect.
2. All stormwater generated on site is to be retained on site. No stormwater will be permitted to enter the City of Subiaco's stormwater drainage system unless otherwise approved.
3. Prior to the issue of a building permit, the applicant is to demonstrate incorporation of water efficient irrigation systems within the development to the satisfaction of the City of Subiaco.



4. 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.
5. Prior to the issue of a building permit, the applicant is to demonstrate that the development achieves either a minimum of:
  - 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).
6. 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.
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. Prior to commencement of development, a report shall be submitted by a suitably qualified acoustic engineer certifying that the proposal incorporates sufficient sound attenuation measures to limit noise impact on adjoining properties to within the requirements of the Environmental Protection Act. The measures identified in the report shall be implemented and thereafter maintained to the satisfaction of the City of Subiaco.
11. Prior to commencement of development, 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.



12. 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.
13. Prior to occupation, the applicant shall submit for approval by the City of Subiaco, public art as indicated on the approved developments. Once approved by the City of Subiaco, the public art shall be erected in the locations as indicated on the elevations and thereafter maintained, to the satisfaction of the City of Subiaco.

#### Demolition and Construction

14. Prior to issue of a building permit (but not including a demolition permit or building permit for forward works), 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 demolition permit and 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.

#### Infrastructure and Traffic

16. 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.
17. Prior to occupation of the development, the existing redundant crossover on Jersey Street is to be removed and the verge reinstated.
18. All car parking dimensions, manoeuvring areas, crossovers and driveways shall accord with the Australian Standard AS2890.1 (as amended).
19. All bicycle parking facilities are to be provided in accordance with Australian Standard AS 2890.3, to the satisfaction of the City of Subiaco.
20. 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.



21. 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.
22. Prior to occupation, a 0.50 metre wide right-of-way is to be provided (depicted on the approved plans as 500mm easement), constructed and drained at the landowners cost along the entire eastern boundary of the subject land. The right-of-way is to be accurately illustrated and denoted on the Diagram or Plan of Survey (Deposited Plan) and vested in the Crown under Section 152 of the Planning and Development Act 2005 upon registration of the Strata Plan. Such land to be ceded free of cost and without any payment of compensation by the Crown, to the satisfaction of the City of Subiaco.
23. Prior to occupation, all car bays depicted on the plans shall be constructed to provide for electric car charging and be maintained thereafter, 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 (the notice was subsequently updated on 30 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](mailto:city@subiaco.wa.gov.au).*
- iii. *In relation to external fixtures, 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.*
- iv. *In relation to Tree Preservation Zones:*
  - a. *Provisions 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.*
  - b. *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.*



- c. *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/buttrass 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.*
- v. *In relation to Environmental Health matters:*
  - a. *The applicant is to ensure noise emissions from the site comply with the Environmental Protection (Noise) Regulations 1997 (as amended).*
  - b. *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).*
  - c. *Premises selling food as defined under the Food Act 2008 are required to submit a City of Subiaco Food Business Notification/Registration form.*
  - d. *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.*
- vi. *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 Department on 9237 9222 for further information on these requirements.*
  - b. *The engineering technical details submitted with a Building Permit application must include methodologies demonstrating that the proposed building work can be carried out without detrimental effects on the structural stability of surrounding properties.*
  - c. *Under section 77 of the Building Act 2011, a person responsible for work must ensure that the work does not adversely affect land beyond the boundaries of the works land unless consent has been granted.*

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





**REASON:** The proposed development is for a site within the Jolimont District Centre where the planning framework envisages increased density and mix of land uses. Although a LDP for the Jolimont area is yet to be compiled, as required by LPS 5, the panel were of the opinion that the proposal, which contains height and plot ratio variations that require the application of discretion, is an appropriate form of development that will assist in transitioning the locality, improve existing streetscape and facilitate greater activation through its mix of commercial and residential. The panel did not consider that approval would hinder the compilation of a LDP in the future and that the proposal is reflective of the most likely future character of the locality.

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

### 9.1 No. 10 (Lot 22) Rokeby Road and No. 375 (Lot 19) Roberts Road, Subiaco

Development Description:	Application to amend development approval
Proposed Amendments:	Minor amendments to approved plans
Applicant:	Planning Solutions
Owner:	10 Rokeby Road, Subiaco
Responsible Authority:	City of Subiaco
DAP File No:	DAP/18/01530

## REPORT RECOMMENDATION

**Moved by:** Mr John Syme

**Seconded by:** Ms Rachel Chapman

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

1. **Accept** that the DAP Application reference DAP/18/01530 as detailed on the Form 2 dated 15 January 2021 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;





2. **Approve** DAP Application reference DAP/18/01530 and accompanying plans dated received 30 March 2021 (SD000 Rev F – Cover Sheet; SD100 Rev D – Site Plan; SD101 Rev D – Ground Floor Landscape; SD200 Rev F – Floor Plan Basement 2 Residential Parking; SD201 Rev F – Floor Plan Basement 1 Commercial Parking; SD202 Rev F – Floor Plan Ground Floor; SD203 Rev E – Floor Plan Level 1; SD204 Rev F – Floor Plan Level 2; SD205 Rev F – Floor Plan Level 3; SD206 Rev F – Floor Plan Level 4; SD207 Rev F – Floor Plan Level 5; SD208 Rev F – Floor Plan Level 6; SD209 Rev E – Floor Plan Level 7-8; SD210 Rev D – Floor Plan Level 9; SD211 Rev D – Floor Plan Level 10-12; SD212 Rev F – Floor Plan Level 13-14; SD213 Rev F – Floor Plan Level 15-16; SD214 Rev F – Floor Plan Level 17; SD215 Rev A – Floor Plan Level 18-20; SD216 Rev F – Floor Plan Level 21; SD217 Rev F – Floor Plan Level 22; SD218 Rev A – Floor Plan Level 23; SD219 Rev C – Floor Plan Roof; SD400 Rev F – Elevations; SD401 Rev F – Elevations; SD402 Rev F – Elevations; SD403 Rev F – Elevations; SD404 Rev F – Elevations; SD501 Rev A – Apartment Type D3 Level 2, 3, 4; SD502 Rev A – Apartment Type P4 Level 5; SD503 Rev A – Apartment Type C13 Level 6; SD504 Rev A – Apartment Type E1 Level 13, 14; SD505 Rev A – Apartment Type D11 Level 16; SD506 Rev A – Apartment Type D14 Level 17; SD507 Rev A – Penthouse Apartment Level 21; SD508 Rev A – Penthouse Apartment Level 22) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of City of Subiaco Local Planning Scheme No. 5, for the proposed minor amendment to the approved development at 10 Rokeby Road, Subiaco, subject to the following conditions:

**Amended Conditions:**

4. Prior to occupation of the development, a minimum of:
- (i) 52 class 2 bicycle bays for residential land uses; and
  - (ii) 8 class 2 bicycle bays for commercial land uses,
- shall be provided on-site in accordance with AS2890.3, to the satisfaction of the City of Subiaco.
41. Prior to occupation of the development, suitable arrangements being made for the provision of a minimum of 42 class 3 bicycle bays in the road reserve(s) adjacent to the site, to the satisfaction of the City of Subiaco.

**New Advice Notes:**

- (xxiv) A Building permit application is required to be submitted for the proposed amendments to the previous Building Permit approval (6.2020.47.2).

All other conditions and requirements detailed on the previous approval dated 22 February 2019 shall remain unless altered by this application.

**The Report Recommendation was put and CARRIED UNANIMOUSLY.**

**REASON:** The Form 2 application is for minor changes to an existing approval. The changes will have no significant impact on the overall development and result mainly from internal reconfiguration of apartments.



## 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 3.39pm.