



## Metro Inner-North Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Tuesday, 6 July 2021; 9.00am  
**Meeting Number:** MINJDAP/94  
**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 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**

Ms Chantel Weerasekera (City of Subiaco)  
Mr Hayden Krsanac (City of Subiaco)  
Mr Alexander Petrovski (City of Subiaco)  
Mr Anthony Denholm (City of Subiaco)

### **Minute Secretary**

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

### **Applicants and Submitters**

#### *Item 8.1*

Mr Samuel Klopper (Klopper & Davis Architects)  
Mr Callum Thatcher (element)  
Mr Julian Croudace (Propagule)  
Ms Linda Rogers

#### *Item 8.2*

Ms Kate Bainbridge (element)  
Mr Murray Casselton (element)  
Mr Philip Anderson (Monumentum Wealth)  
Mr Dennis Chew (DKO Architecture)  
Mr Peter McDonald

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

There were 7 members of the public in attendance.

Mr Lloyd Gorman from The Post Newspaper was in attendance.

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

The Presiding Member declared the meeting open at 9.02am on 6 July 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.

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**

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**

All members declared that they had duly considered the documents.

## **6. Disclosure of Interests**

DAP Member, Cr Derek Nash, declared an Impartiality Interest in Item 8.1. Cr Derek Nash knows the principals of Kloppe and Davis, the architects for this application and is a fellow councillor with Cr Matt Davis at the City of Subiaco.

DAP Member, Cr Rick Powell, declared an Impartiality Interest in item 8.1. One of the architects for the proposed development is fellow City of Subiaco Councillor Matt Davis. For the public record, Cr Rick Powell has no industry or financial association with the proposed project.

DAP Member, Cr Rick Powell, declared an Impartiality Interest in item 8.2. The proposed development is in the South Ward and a number of the objectors to the proposed project are known to him. For the public record, Cr Rick Powell has no industry or financial association with the proposed development.

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



## 7. Deputations and Presentations

- 7.1 Ms Linda Rogers addressed the DAP against the recommendation for the application at Item 8.1.
- 7.2 Mr Samuel Klopper (Klopper & Davis Architects), Mr Callum Thatcher (element) and Mr Julian Croudace (Propagule) 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 Subiaco officers addressed the DAP in relation to the application at Item 8.1 and questions from the panel.

***The presentations at Item 7.1 - 7.3 were heard prior to the application at Item 8.1.***

- 7.4 Ms Linda Rogers addressed the DAP in support of the recommendation for the application at Item 8.2.
- 7.5 Mr Peter McDonald, speaking on behalf of Ms Caroline McCreath Lundemo, addressed the DAP in support of the recommendation for the application at Item 8.2.
- 7.6 Mr Peter McDonald, speaking on behalf of Ms Kay Sudlow, addressed the DAP in support of the recommendation for the application at Item 8.2.
- 7.7 Mr Peter McDonald addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.
- 7.8 Mr Philip Anderson (Momentum Wealth) addressed the DAP against the recommendation for the application at Item 8.2 and responded to questions from the panel.
- 7.9 Mr Dennis Chew (DKO Architects) addressed the DAP against the recommendation for the application at Item 8.2 and responded to questions from the panel.
- 7.10 Mr Murray Casselton (element) addressed the DAP against the recommendation for the application at Item 8.2 and responded to questions from the panel.
- 7.11 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 7.4 - 7.11 were heard prior to the application at Item 8.2.***



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

### 8.1 25 (Lot 43) Rowland Street, Subiaco

Development Description: Mixed-Use Development (14 Multiple Dwellings and One Ground Floor Commercial Tenancy (Restaurant/Café))  
Applicant: Element  
Owner: Capelli Holdings Pty Ltd  
Responsible Authority: City of Subiaco  
DAP File No: DAP/21/01974

### REPORT RECOMMENDATION

**Moved by:** Cr Derek Nash

**Seconded by:** Mr John Syme

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

**Approve** DAP Application reference DAP/32/01974 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, subject to the following conditions:

### Conditions

#### General

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. 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 1 in 100 stormwater event. No stormwater will be permitted to enter the City of Subiaco's stormwater drainage system unless otherwise approved.
4. Prior to issue of a building permit, 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 shall be integrated into the design of the building and not be visible from the primary street and or secondary street or otherwise located to not be visually obtrusive 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 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.
8. Prior to occupation of the development, 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 occupation of the development, 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.
10. 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.
11. 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):
  - That residential car parking permits are unlikely to be granted by the City of Subiaco to residents and their visitors with respect to the residential units upon the site.

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.



12. Prior to occupation of the development, the applicant shall submit for approval by the City of Subiaco, public art as indicated on the approved plans. 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.
13. 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.
14. 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.

#### Visual Privacy

15. Prior to occupation of the development the balconies to unit types C2, and major openings and balconies to unit types C3 and D2, located on the north elevation shall be screened in accordance with the Residential Design Codes by either:
  - fixed obscured or translucent glass to a height of 1.60 metres above floor level; or
  - fixed with vertical screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the floor level; or
  - a minimum sill height of 1.60 metres as determined from the internal floor level; or
  - an alternative method of screening approved by the City of Subiaco.

The required screening shall be thereafter maintained to the satisfaction of the City of Subiaco.

#### Demolition and Construction

16. 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.



17. 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:
- 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.

18. 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:

- 513 Hay Street, Subiaco,
- 20 Denis Street, Subiaco,
- 26 Denis Street, Subiaco,
- 14-16 Forrest Street, Subiaco,
- 87-89 Rokeby Road, Subiaco,
- 97 Rokeby Road, Subiaco, and
- 103 Rokeby Road, 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

19. Prior to issue of a building permit, 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.





20. Prior to issue of a building permit, a Car Parking Management Plan shall be submitted to, and approved by, the City prior to occupation of the development which addresses the following:
  - a. Confirmation of the model of the car stackers and evidence which confirms that the stacker can meet AS2890.1;
  - b. Requirements to enter and exit the parking area in forward gear;
  - c. Accessibility to residential car parking bays and bicycle facilities, including access during the closure of Forrest Street for events; and
  - d. Any other relevant matters.The Parking Management Plan shall be implemented prior to the occupation of the development and shall be maintained thereafter to the satisfaction of the City.
21. Prior to occupation of the development, the existing redundant crossover on Rowland Street shall be removed and the verge/kerb reinstated to the satisfaction of the City of Subiaco and at the expense of the applicant.
22. Prior to the occupation of the development, the new crossover associated with the hereby approved development must receive separate approval from the City of Subiaco.
23. 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.
24. All car parking dimensions, manoeuvring areas, crossovers and driveways shall accord with the Australian Standard AS2890.1 (as amended).
25. 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.
26. 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.
27. Prior to the occupation of the development, a finalised waste management plan shall be submitted to the City of Subiaco for approval. 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 (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 the 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 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/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.*
- vi. *In relation to Environmental Health matters:*
- a. *Laundry provisions must comply with the Health Act (Laundries and Bathrooms) Regulations.*
  - b. *Prior to commencement of the development a noise management plan (NMP) is to be submitted to the City's satisfaction detailing measures that will be undertaken to ensure noise levels are kept within levels prescribed in the Environmental Protection (Noise) Regulations 1997.*
  - c. *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).*
  - d. *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.*
  - 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.*



- vii. *In relation to Building Services 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. *All 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. *The responsible Builder must ensure that the work does not adversely affect land beyond the boundaries of the works land unless notification and consent in the form of a BA20 is provided. The Notice and Request for Consent to Work affecting other land must be accompanied by the plans and specifications showing details of how the notifiable event will affect the land, as well as any technical certificates that are relevant to the notifiable event. If access is required to neighbouring land then prior notice in the form of a BA20a must be provided to the neighbouring property owner.*
  - d. *Fire precautions during construction - NCC - E1.9. In a building under construction, not less than one fire extinguisher to suit Class A, B and C fires and electrical fires must be provided at all times on each storey adjacent to each required exit or temporary stairway or exit.*
  - e. *Access for people with a disability is required to the entrance door of the ground floor units and to the entrance door of each unit on a level served by a lift.*
- viii. *In relation to Waste Services matters:*
- a. *Please note that the City no longer provides discounted Tip passes. Residents will be provided with a residents access pass for the West Metro recycling centre which entitles them to discounted tip fees.*
  - b. *The City will require a minimum of 8 weeks' notice prior to occupation of these premises to allow for procurement and delivery of the bins required for this development.*

#### **AMENDING MOTION 1**

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

**Seconded by:** Mr John Syme

That condition no. 13 be deleted, and the remaining conditions be renumbered accordingly.

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

**REASON:** The deletion of the condition is considered appropriate given the limited floor space of the commercial tenancy and the nature of its likely future use as a small café.



## REPORT RECOMMENDATION (AS AMENDED)

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

**Approve** DAP Application reference DAP/32/01974 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, subject to the following conditions:

### Conditions

#### General

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3. 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 1 in 100 stormwater event. No stormwater will be permitted to enter the City of Subiaco's stormwater drainage system unless otherwise approved.
4. Prior to issue of a building permit, 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 shall be integrated into the design of the building and not be visible from the primary street and or secondary street or otherwise located to not be visually obtrusive 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 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.



8. Prior to occupation of the development, 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 occupation of the development, 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.
10. 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.
11. 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):
  - That residential car parking permits are unlikely to be granted by the City of Subiaco to residents and their visitors with respect to the residential units upon the site.

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.
12. Prior to occupation of the development, the applicant shall submit for approval by the City of Subiaco, public art as indicated on the approved plans. 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.
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.





### Visual Privacy

14. Prior to occupation of the development the balconies to unit types C2, and major openings and balconies to unit types C3 and D2, located on the north elevation shall be screened in accordance with the Residential Design Codes by either:
- fixed obscured or translucent glass to a height of 1.60 metres above floor level; or
  - fixed with vertical screening, with openings not wider than 5cm and with a maximum of 25% perforated surface area, to a minimum height of 1.60 metres above the floor level; or
  - a minimum sill height of 1.60 metres as determined from the internal floor level; or
  - an alternative method of screening approved by the City of Subiaco.
- The required screening shall be thereafter maintained to the satisfaction of the City of Subiaco.

### Demolition and Construction

15. 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.
16. 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.
17. 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:
- 513 Hay Street, Subiaco,
  - 20 Denis Street, Subiaco,
  - 26 Denis Street, Subiaco,
  - 14-16 Forrest Street, Subiaco,
  - 87-89 Rokeby Road, Subiaco,
  - 97 Rokeby Road, Subiaco, and
  - 103 Rokeby Road, 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

18. Prior to issue of a building permit, 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.
19. Prior to issue of a building permit, a Car Parking Management Plan shall be submitted to, and approved by, the City prior to occupation of the development which addresses the following:
  - a. Confirmation of the model of the car stackers and evidence which confirms that the stacker can meet AS2890.1;
  - b. Requirements to enter and exit the parking area in forward gear;
  - c. Accessibility to residential car parking bays and bicycle facilities, including access during the closure of Forrest Street for events; and
  - d. Any other relevant matters.The Parking Management Plan shall be implemented prior to the occupation of the development and shall be maintained thereafter to the satisfaction of the City.
20. Prior to occupation of the development, the existing redundant crossover on Rowland Street shall be removed and the verge/kerb reinstated to the satisfaction of the City of Subiaco and at the expense of the applicant.
21. Prior to the occupation of the development, the new crossover associated with the hereby approved development must receive separate approval from the City of Subiaco.
22. 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.
23. All car parking dimensions, manoeuvring areas, crossovers and driveways shall accord with the Australian Standard AS2890.1 (as amended).
24. 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.
25. 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.





26. Prior to the occupation of the development, a finalised waste management plan shall be submitted to the City of Subiaco for approval. 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 (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 the 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 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.*

vi. *In relation to Environmental Health matters:*

- a. *Laundry provisions must comply with the Health Act (Laundries and Bathrooms) Regulations.*
- b. *Prior to commencement of the development a noise management plan (NMP) is to be submitted to the City's satisfaction detailing measures that will be undertaken to ensure noise levels are kept within levels prescribed in the Environmental Protection (Noise) Regulations 1997.*
- c. *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).*
- d. *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.*
- 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.*

vii. *In relation to Building Services 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. *All 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. *The responsible Builder must ensure that the work does not adversely affect land beyond the boundaries of the works land unless notification and consent in the form of a BA20 is provided. The Notice and Request for Consent to Work affecting other land must be accompanied by the plans and specifications showing details of how the notifiable event will affect the land, as well as any technical certificates that are relevant to the notifiable event. If access is required to neighbouring land then prior notice in the form of a BA20a must be provided to the neighbouring property owner.*
- d. *Fire precautions during construction - NCC - E1.9. In a building under construction, not less than one fire extinguisher to suit Class A, B and C fires and electrical fires must be provided at all times on each storey adjacent to each required exit or temporary stairway or exit.*
- e. *Access for people with a disability is required to the entrance door of the ground floor units and to the entrance door of each unit on a level served by a lift.*

viii. *In relation to Waste Services matters:*

- a. *Please note that the City no longer provides discounted Tip passes. Residents will be provided with a residents access pass for the West Metro recycling centre which entitles them to discounted tip fees.*
- b. *The City will require a minimum of 8 weeks' notice prior to occupation of these premises to allow for procurement and delivery of the bins required for this development.*

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

**REASON:** Panel Members considered the proposal to be a high quality design, with good use of materials and colours. The Panel gave due consideration to variations to the height, setbacks and plot ratio and were of the opinion that the proposal appropriately responds to the planning framework and local context of the site, interface with the adjoining sites, thereby creating a suitable book end to the street in terms of current and future context and character.

The design is considered to be consistent with the activity centre and will add to the vitality of the area whilst the inclusion of landscaping at ground level and on building will frame and enhance the amenity of the area, and provide street activation. Overall the Panel Members considered the discretion sought is justified and can be supported, the building will bring much needed activation to the area.



## 8.2 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 of a six-storey mixed use development (62 Multiple Dwellings and one commercial tenancy (Restaurant/Café))

Applicant: element

Owner: MW Investments Pty Ltd

Responsible Authority: City of Subiaco

DAP File No: DAP/20/01923

### REPORT RECOMMENDATION

**Moved by:** Cr Rick Powell

**Seconded by:** Mr John Syme

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

**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. The proposal is inconsistent with Element Objective O2.2.1 and O2.2.4 of Element 2.2 *Building height of State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments* as the height of the development does not respond to the desired future scale and character of the street and local area, and does not recognise the need for daylight and solar access to adjoining residential development.
2. The proposal is inconsistent with Element Objective O2.3.1 of Element 2.3 *Street setbacks of State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments* as the setback of the development from the street does not reinforce or complement the existing or proposed landscape character of the street.
3. The proposal is inconsistent with Element Objective O2.4.1 and O2.4.2 of Element 2.4 *Side and rear setbacks of State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments* as building boundary setbacks do not provide for adequate separation between neighbouring properties and are not consistent with the existing streetscape pattern or desired streetscape character.
4. The proposal is inconsistent with Element Objective O2.5.1 of Element 2.5 *Plot ratio of State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments* as the overall bulk and scale is not appropriate for the existing or planned character of the area.



5. The proposal is inconsistent with Element Objective O2.7.1 and O2.7.3 of Element 2.7 *Building separation* of *State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments* as the development does not support the desired future streetscape character and is not separated sufficiently to provide for residential amenity for adjoining properties, particularly with respect to overshadowing.
6. The proposal is inconsistent with Element Objective O2.3.2 of Element 3.2 *Orientation* of *State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments* as the building form and orientation does not minimise overshadowing of open space of neighbouring properties during mid-winter.
7. The proposal is inconsistent with the Aims of the City of Subiaco Local Planning Scheme No. 5 set out in clause 9, in that the development would not positively contribute to the visual and social amenity of the City (contrary to Aims (f)(iv) and (vi)).
8. The proposal is inconsistent with objective (b) of the Residential zone “To facilitate and encourage high quality design, built form and streetscapes throughout residential areas”, as set out in Clause 16, Table 2 of the City of Subiaco Local Planning Scheme No. 5.
9. The proposal is inconsistent with objective (d) of the Residential zone “To maintain the compatibility with the general streetscape for all new buildings in terms of human scale, height, style, materials, street alignment and design of facades”, as set out in Clause 16, Table 2 of the City of Subiaco Local Planning Scheme No. 5.
10. The proposal is inconsistent with objective (e) of the Residential zone “To ensure that the amenity of residential areas is protected from incompatible uses and disproportionate or excessive development”, as set out in Clause 16, Table 2 of the City of Subiaco Local Planning Scheme No. 5.
11. The proposal is inconsistent with objective (f) of the Residential zone “To enhance established neighbourhood character by ensuring that new development is respectful of, and responds to, the key features of the surrounding area”, as set out in Clause 16, Table 2 of the City of Subiaco Local Planning Scheme No. 5.
12. The proposal is inconsistent with objective (j) of the Residential zone “To ensure that the built form of new development is designed to provide an effective transition between higher and lower density land in a manner that considers and preserves amenity, and is at a similar scale to existing development in the surrounding area”, as set out in Clause 16, Table 2 of the City of Subiaco Local Planning Scheme No. 5.
13. The proposal is inconsistent with objective (b) of *Local Planning Policy 1.2 Residential Development – Apartments* “To ensure new development positively contributes to the desired future character of residential areas”.
14. The proposal is inconsistent with objective (c) of *Local Planning Policy 1.2 Residential Development – Apartments* “To ensure new development is respectful to the context and amenity of existing residential areas”.





15. The proposal is inconsistent with objective (d) of *Local Planning Policy 1.2 Residential Development – Apartments* “To shift the building bulk of new apartment development away from any adjoining low density residential areas”.
16. The proposal is inconsistent with objective (g) of *Local Planning Policy 1.2 Residential Development – Apartments* “To protect the amenity and streetscape character of adjoining low density residential areas and any heritage areas by providing for an appropriate interface between different densities”.

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

For: Mr John Syme  
Cr Rick Powell

Against: Ms Francesca Lefante  
Ms Lee O'Donohue  
Cr Derek Nash

**ALTERNATE MOTION**

**Moved by:** Cr Derek Nash

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

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

1. **Approve** DAP Application reference DAP/20/01923 and accompanying plans dated 5 May 2021 (DA 200 rev. A; DA 201 rev. B; DA 202 rev. D; DA 203 rev. D; DA 204 rev. D; DA 205 rev. D; DA 206 rev. D; DA 207 rev. D; DA 208 rev. C; DA 209 rev. D; DA 210 rev. D; DA 211 rev. D; DA 212 rev. D; DA 213 rev. D; DA 214 rev. D; DA 215 rev. C; DA 216 rev. C; DA 217 rev. D; DA 218 rev. D; DA 219 rev. D; DA 220 rev. D; DA 221 rev. C; DA 222; DA 300 rev. C; DA 301 rev. D; DA 302 rev. C; DA 303 rev. C; DA 304 rev. B; DA 305 rev. B; DA 306 rev. B; SK01-F; SK02-F; SK03-F; SK04-F; SK05-F; SK06-F; SK07-F; SK08-F; SK09-F) 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

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 four (4) year period, the approval shall lapse and be of no further effect.



3. 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 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).
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 the issue of a building permit, the applicant is to submit an amended landscaping plan which shall demonstrate how all landscaped areas can be accessed and maintained. The plan may be subject to review by the City of Subiaco Design Review Panel.
9. 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.
10. 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.



11. The trading hours of the Restaurant/café are permitted to occur between:
  - 7:00am – 7:00pm Monday to Saturday; and
  - 9:00am – 7:00pm Sunday.
12. 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.
13. 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.
14. Within 12 months of completion of the development, the applicant is to submit to the City of Subiaco documentation confirming that the initiatives identified in the Green Star equivalent plan have been implemented, to the satisfaction of the City of Subiaco.

#### Noise

15. Prior to the issue of a building permit, the applicant shall submit and have approved by the City of Subiaco, a detailed noise management plan demonstrating that potential noise from the proposed development will comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*. The plan is to be prepared by a suitably qualified consultant and is to address matters including, but not limited to:
  - Type and specifications of selected mechanical plant and equipment and screening;
  - Delivery and on site operations associated with the restaurant/café;
  - Predictions of noise levels;
  - Sound proofing measures used in the design and construction of the development;
  - Control measures to be undertaken (including monitoring procedures); and
  - A complaint response procedure.The approved plan and its recommendations, as well as any additional requirements by the City, shall be implemented prior to occupancy of the development and adhered to at all times, to the satisfaction of the City of Subiaco.
16. Prior to the issue of a building permit, the applicant shall submit and have approved a detailed transport acoustic report demonstrating 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:

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.

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:
- 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; 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.



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 7:00am-7:00pm Monday to Saturday and 9:00am-7:00pm Sunday and public holidays, or alternatively a noise management plan is to be 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. The applicant is to liaise with the City's Operations and Environment branch regarding the proposed planting of street trees and on the choice of tree species.*
  - b. Once redundant crossovers have been removed and verge areas reinstated, the City may plant a number of trees within the verge areas at identified potential locations on Evans Street, Railway Road and Onslow Road. Tree species will be chosen from the City's street tree master plan and then trees will be planted once development has been completed.*



- c. *The City would not be supportive of paving of the bin collection area on the Onslow Road verge.*
  - d. *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.*
  - e. *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.*
  - f. *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.*
- 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).*

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

For: Ms Francesca Lefante  
Ms Lee O'Donohue  
Cr Derek Nash

Against: Mr John Syme  
Cr Rick Powell





**REASON:** The majority of the JDAP members were satisfied the proposal is consistent with the planning framework. Overall the proposal is good with the design considered excellent and achieving DRP support on all design considerations. The building form, scale and height were considered against various R-Code provisions. Due consideration was given to the local planning policies, character and context of the site, the sites proximity to the railway station, density provisions, and the surrounding streetscape. The design, incorporates a variety of building types within two separate buildings and varying boundary setbacks. The proposed building form is considered an appropriate interface to the different streetscapes and adjoining sites. The single crossover improves pedestrian movement and environment at street level which is enhance through additional street tree planting. On balance the proposal building within a landscaped setting is supported.

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

Nil

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

11. Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
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

Finalised SAT Applications*				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Finalised
DAP/15/00712 DR21/2021	City of Bayswater	Lot 100, 293 Guildford Road, Maylands	Mixed Use Development	01/07/2021

\* Matters finalised during the last meeting cycle.



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## **12. 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.

## **13. Meeting Closure**

There being no further business, the Presiding Member declared the meeting closed at 1.06pm.