



Metro Inner-North Joint Development Assessment Panel Minutes

Meeting Date and Time: Friday, 10 September 2021; 9.00am
Meeting Number: MINJDAP/105
Meeting Venue: City of Subiaco Council Chambers
241 Rokeby Road, Subiaco

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Attendance

DAP Members

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

Officers in attendance

Ms Chantel Weerasekera (City of Subiaco)
Mr Anthony Denholm (City of Subiaco)
Mr Rama Sritharan (City of Subiaco)
Mr Philip Griffiths (City of Subiaco Design Review Panel)

Minute Secretary

Mr Brent Davern (City of Subiaco)
Ms Aoise Noone (City of Subiaco)

Applicants and Submitters

Mr Matt Raymond (element)
Mr Mark Baker (Meyer Shircore)
Mr Jason Eden (Bunnings) - *via teleconference*
Mr Benham Bordbar (Transcore)
Mr Ryan Darby (Hatch Roberts Day)
Mr Michael De Leo
Mr John Carroll
Mr Peter Delaney
Ms Julie Matheson

Members of the Public / Media

There were 33 members of the public in attendance.

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

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:02am on 10 September 2021 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

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



1.1 Announcements by Presiding Member

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

2. Apologies

Cr Derek Nash (Local Government Member, City of Subiaco)
Cr David McMullen (Local Government Member, City of Subiaco)

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 Michael De Leo addressed the DAP against the recommendation for the application at Item 8.1.
- 7.2** Mr John Carroll addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.3** Mr Ryan Darby (Hatch Roberts Day) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.4** Ms Julie Matheson addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.5** Mr Peter Delaney addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.6** Mr Andrew Stephens (Bunnings) responded to questions from the panel in relation to Item 8.1.



- 7.7 Mr Behnam Bordbar (Transcore) addressed the DAP in support of the recommendation for the application at Item 8.1 in response to traffic matters raised in the deputations against the proposal, and responded to questions from the panel.
- 7.8 Mr Matt Raymond (element), Mr Mark Baker (Meyer Shircore) and Mr Jason Eden (Bunnings) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.9 The City of Subiaco Officers addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel and responded to questions from the panel.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 No. 616 (Lot 800) Hay Street, Jolimont

Development Description:	Bulky Goods Showroom
Applicant:	element
Owner:	Bunnings Properties Pty Ltd
Responsible Authority:	City of Subiaco
DAP File No:	DAP/20/01846

REPORT RECOMMENDATION

Moved by: Cr Matt Davis

Seconded by: Mr John Syme

With the agreement of the mover and seconder the following administrative change was made to the preamble:

*Approve DAP Application reference **DAP/20/01846** and accompanying plans dated received 11 June 2021 (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, and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme, subject to the following conditions:*

REASON: to reflect correct application number.

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

1. **Approve** DAP Application reference DAP/20/01846 and accompanying plans dated received 11 June 2021 (**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, and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme, subject to the following conditions:



Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. All stormwater generated on site is to be retained on site. The proposed development is able to contain stormwater within the site and the above ground over flow for 1 in 100 years (1% AEP) storm recurrence interval are maintained within the property boundary. No stormwater will be permitted to enter the City's stormwater drainage system unless otherwise approved.
4. Prior to issue of a Building Permit, the applicant is to demonstrate incorporation of water efficient irrigation systems and water harvesting re-use technologies within the development, to the satisfaction of the City of Subiaco.
5. 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.

6. Prior to occupation of the development, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located or screened so as not to be highly visible from beyond the boundaries of the development site, to the satisfaction of the City of Subiaco.
7. 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.
8. The signage hereby approved shall not contain any flashing or moving light or radio; animation or movement in its design or structure; reflective, retro-reflective or fluorescent materials in its design structure.
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 issue of a Building Permit, the applicant shall prepare a street tree planting plan in consultation with the City of Subiaco, detailing proposed street tree locations and species, ongoing maintenance and any other relevant matters. The plan shall be approved by the City of Subiaco and implemented prior to occupation of the development.
11. All storage and bin enclosure areas are to be screened from view from any public street, to the satisfaction of the City of Subiaco.
12. Prior to occupation of the development, a minimum of:
 - (a) 16 'Class 2' bicycle spaces; and
 - (b) 16 'Class 3' bicycle spaces;shall be provided in accordance with Australian Standard 2890.3, to the satisfaction of the City of Subiaco.
13. Prior to occupation, a minimum of two showers and 32 lockers are to be provided within the development for the use of the tenants, to the satisfaction of the City of Subiaco.
14. Prior to commencement of the development, a Noise Management Plan is to be submitted detailing measures that will be undertaken to ensure all noise levels are kept within levels prescribed in the *Environmental Protection (Noise) Regulations 1997 (as amended)*. The Noise Management Plan shall be prepared by a suitably qualified consultant and shall include the following, but is not limited to:
 - The operation of the Bulky Goods Showroom land use, as well as noise associated with the operation of mechanical equipment, traffic and other operational aspects of the land use;
 - Any sound proofing measures used in the design and construction of the development;
 - Predictions of noise levels;
 - Control measures to be undertaken (including monitoring procedures);
 - A complaint response procedure; and
 - Any other matter deemed relevant by the City of Subiaco.

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.

Demolition and Construction

15. Prior to issue of a Building Permit (but not including a 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*.



16. Prior to the issue of a Building Permit, a Construction Management Plan shall be prepared to the satisfaction of the City of Subiaco. These plans are to address:
- 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:
- a) 1 Price Street, Subiaco;
 - b) 2 Price Street, Subiaco;
 - c) 4 Price Street, Subiaco;
 - d) 6 Price Street, Subiaco;
 - e) 8 Price Street, Subiaco;
 - f) 10 Price Street, Subiaco;
 - g) 12 Price Street Subiaco;
 - h) 14 Price Street, Subiaco;
 - i) 16 Price Street Subiaco;
 - j) 1 Laurino Terrace, Subiaco;
 - k) 3 Laurino Terrace, Subiaco;
 - l) 5 Laurino Terrace, Subiaco;
 - m) 7 Laurino Terrace, Subiaco;
 - n) 9 Laurino Terrace, Subiaco;
 - o) 11 Laurino Terrace, Subiaco;
 - p) 1 Tighe Street, Subiaco;
 - q) 3 Tighe Street, Subiaco;
 - r) 6 Tighe Street, Jolimont;
 - s) 5 Bishop Street, Jolimont;
 - t) 22 Bishop Street, Jolimont
 - u) 591 Hay Street. Jolimont;
 - v) 611A – 611G Hay Street, Jolimont;
 - w) 615 Hay Street, Jolimont;
 - x) 619 Hay Street, Jolimont;
 - y) 621 Hay Street, Jolimont;
 - z) 623 Hay Street, Jolimont;
 - aa) 624 Hay Street, Jolimont; and
 - bb) Footpaths, kerbs, carriageways, and open space areas adjacent to the site.



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. All car parking dimensions, manoeuvring areas, crossovers and driveways shall accord with the Australian Standard AS2890.1 (as amended).
19. All car parking, vehicle access and circulation areas shall be maintained and available for car parking and unloading, vehicle access and circulation on an ongoing basis, to the satisfaction of the City of Subiaco.
20. 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.
21. The under awning signs shall have a minimum headway clearance of 2.4 metres.
22. Prior to the occupation of the development, any redundant crossovers and kerbs shall be removed and the verge reinstated, to the satisfaction of the City of Subiaco and at the expense of the applicant/landowner.
23. Prior to issue of a Building Permit, any required modifications to the road network to facilitate the hereby approved development must receive separate approval from the City of Subiaco and on the advice of any external agencies as required. The approved modifications shall be undertaken to the approved specification and done so at the expense of the applicant, prior to occupation, to the satisfaction of the City of Subiaco.
24. Prior to occupation of the development, any new or modified crossover and tree removal associated with the hereby approved development must receive separate approval from the City of Subiaco.
25. 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.
26. Tree Preservation Zone (TPZ) protective fencing shall be formed around the street trees prior to works commencing and shall be retained for the entirety of the project.

Advice Notes

- i. *This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or the requirements of any other external agency.*



- ii. *In relation to the term of approval, a further two years is added to the date by which the development shall be substantially commenced, pursuant to Schedule 4, Clause 4.2 of the Clause 78H Notice of Exemption from Planning Requirements During State of Emergency signed by the Minister for Planning on 8 April 2020. For further information regarding the Ministerial direction, please contact the City's Planning Services on 9237 9222 or email city@subiaco.wa.gov.au.*
- iii. *In relation to stormwater management, the proposed development has not submitted any drainage proposal that demonstrates that stormwater runoff from the development catchment is contained within the site. The applicant/landowner is to provide a detailed drainage calculation demonstrating that the proposed development is able to contain stormwater within the site and the above ground over flow for 1 in 100 years (1% AEP) storm recurrence interval are maintained within the property boundary. Water Sensitive Urban design principles and water harvesting techniques may be used as part of the overall drainage design to achieve these requirements. No stormwater will be permitted to enter into the City's drainage network.*
- iv. *Drainage within the laneway at the north of the site should be considered within the laneway catchment. No stormwater should be connected to the City's drainage network from this area.*
- v. *Dilapidation report(s) should address the following matters to satisfy the City of Subiaco:*
 - a) *Dilapidation reports are to clearly identify the name of the organisation and person(s) undertaking the inspection and shall include their relevant qualifications;*
 - b) *Dilapidation reports are to be prepared in accordance with relevant legislation and standards, including Australian Standard AS4349.1 (or equivalent);*
 - c) *A calibration gauge should be used for measurement, in combination with high resolution photos for accurate record keeping;*
 - d) *Landowners of properties requiring dilapidation reports are to be afforded the opportunity by the applicant to identify any existing areas of concern that can be visually identified and recorded in any dilapidation report;*
 - e) *The applicant, in consultation with the owner of the property requiring the dilapidation report, is to ensure that every reasonable effort is made to ensure that they can obtain safe and reasonable access to any and all areas of a property requiring dilapidation reports;*
 - f) *Landowners of properties requiring dilapidation reports are to be provided the same copy and version of the dilapidation report as any submitted to the City of Subiaco as part of any request to clear conditions of development approval as required; and*
 - g) *For the City to be fully satisfied, consideration will be given to written feedback from landowners up to seven days after receipt of the dilapidation report.*
- vi. *The applicant is advised of the following Building matters:*
 - *A Building Permit application is required to be submitted for the development.*
 - *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. Consent from adjoining neighbours in the form of a BA20a form should be sought.*
 - *The Engineering technical details submitted with the 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.

- *It is in the interest of the responsible Registered Builder and neighbouring property owners that Dilapidation Reports are carried out and presented in a consistent format to enable a speedy resolution of any possible future disputes.*
- *The dilapidation inspections should be carried out by a registered practicing building practitioner and in accordance with the General Requirements of Australian Standard 4349.0-2007.*
- *The Construction Management Plan should include details relating to heavy/construction vehicle access and agrees to/from the site, vehicles routes from/to the site, heavy equipment such as tower crane mobilisation and installation, and traffic and pedestrian management plans.*
- *The applicant is required to comply with the Dangerous Goods Safety Act 2004, and Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007.*

Contact the City's Building Services department for further information on these matters.

vii. The applicant is advised of the following Environmental Health matters:

- *A suitable bin enclosure is to be provided in accordance with the City of Subiaco Health Local Laws 1999 which require bin enclosures to be of sufficient size to accommodate all bins used on the premises and serviced with an approved liquid refuse disposal system, have a tap connected to an adequate supply of water, have walls at least 1.8m in height, have an access way of not less than 1.0m in width and have a self-closing gate.*
- *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).*
- *The handling and removal of any asbestos material must be carried out in accordance with the Health (Asbestos) Regulations 1992 (as amended). Safe work procedures are required to be adhered to and all material must be disposed of at an approved land fill facility.*
- *The applicant is to ensure the car park design and construction complies with the Health Act (Carbon Monoxide) Regulations 1975 (as amended).*

Contact the City's Health and Compliance Services department for further information on these matters.

viii. The applicant is advised of the following Transport and Infrastructure matters:

- *All car bays, aisles and circulation for car park areas should be designed and provided for user class 3A in accordance with Australian Standard 2890.1. The car bays must be a minimum 2.6m wide with corresponding aisle width of 6.6m in accordance with Australian Standard 2890.1.*
- *The maximum gradient of all vehicle access ramps to/from Hay Street and Bishop Street should be no more than 1 in 20 (5%) for at least the first 6m into the property. This is to provide a vehicle control point as well as improve pedestrian sightlines.*
- *All footpaths across vehicles access points (crossovers) should be continued though with the same footpath material to maintain pedestrian priority. The*



plans currently indicate that the proposed crossovers at Bishop Street and Hay Street do not provide footpath continuity. The applicant is to provide a detailed crossover design to the City's Transport and Infrastructure Development branch, and have the design approved by the City, prior to commencement of construction.

- *Any work activities that encroach into road reserves adjacent to the site will need to be approved by the City of Subiaco through issue of an obstruction permit.*
- *Appropriate signage and line markings are to be provided for all vehicle entry and exit ramps to provide clear direction to the car parks.*
- *The proposed left turn lane to the development from Hay Street should be designed and constructed in accordance with Austroads requirements. Detailed designs should be submitted to, and approved by, the City prior to commencement of construction. Signs and line marking for this modification should also be submitted to Main Road for approval.*
- *The City acknowledges that a median island as requested by the City is to be constructed on Bishop Street, however, there is inadequate details provided in the drawing (no footpath connectivity and kerb ramps provided). The applicant is to provide a detailed design to the City's Transport and Infrastructure Development branch, and have the design approved by the City, prior to commencement of construction.*

Contact the City's Transport and Infrastructure Development department for further information on these matters.

- ix. *The proposed relocation of the existing bus stop on Hay Street should be undertaken in accordance with Public Transport Authority (PTA) requirements. The applicant/landowner is to consult with PTA in this regard.*
- x. *In relation to Tree Preservation Zones (TPZ):*
- *The TPZ is to be a minimum of two (2) metres extending out from the outer part of the trunk base of the tree or where required, protection may be to the drip line of the tree canopy whichever is greater. If works are required within the TPZ then a City representative must be present on site whilst works are being conducted.*
 - *Provisions to be incorporated into the development to ensure that the awning does not impact in to the City's tree canopies and root systems that are growing adjacent to the boundary are not impacted from the development. The City's street tree policy, protocols and Australian Standard relating to the protection of trees adjacent to development site (AS 4970-2009) to be adhered to at all times.*
 - *The City has no objections to the proposed additional street trees; however further discussions regarding tree species and placement would need to be approved by the City.*

Contact the City's operations and Environment department for further information on these matters.



xi. *In relation to street tree removal:*

- *The removal of the melaleuca quinquenervia located within the Bishop Street road reserve associated with the hereby approved development, must receive separate written approval from the City of Subiaco. Arrangements shall be made for the applicant to compensate the City the value of the tree, for the purpose of recovering the canopy loss within the local area. Prior to the City issuing approval for the removal of the melaleuca quinquenervia, it is required to be re-valued. The City advises that the tree was last valued in 2008 at \$11,500. The valuation shall be conducted by the City's chosen consultant and at the cost of the applicant.*

Contact the City's operations and Environment department for further information on these matters.

xii. *In relation to the parking of vehicles associated with the construction of the development, parking time restrictions apply to on-street parking. Consideration should be given to making an Application for Commercial Parking Permits to the City's Compliance Services.*

xiii. *Illumination associated with the development is to comply with the requirements of AS 4282-1997, including compliance with the recommended maximum values of light technical parameters for the control of obtrusive light and the maximum luminous intensity per luminaire for pre-curfew and curfewed hours. The pre-curfewed hours shall be limited to daylight hours.*

AMENDING MOTION

Moved by: Ms Francesca Lefante

Seconded by: Ms Lee O'Donohue

That a new Condition No. 2 be added, and the remaining conditions be renumbered accordingly, to read as follows:

Tenancy one (1) is hereby approved as a 'local shop' land use and tenancy two (2) is hereby approved as a 'restaurant café' land use, unless otherwise approved by the City of Subiaco.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: to reflect the uses within the tenancies the subject of this application.



REPORT RECOMMENDATION (AS AMENDED)

1. **Approve** DAP Application reference DAP/20/01846 and accompanying plans dated received 11 June 2021 (**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, and pursuant to clause 24(1) and 26 of the Metropolitan region Scheme, subject to the following conditions:

Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. Tenancy one (1) is hereby approved as a 'local shop' land use and tenancy two (2) is hereby approved as a 'restaurant café' land use, unless otherwise approved by the City of Subiaco.
3. 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.
4. All stormwater generated on site is to be retained on site. The proposed development is able to contain stormwater within the site and the above ground over flow for 1 in 100 years (1% AEP) storm recurrence interval are maintained within the property boundary. No stormwater will be permitted to enter the City's stormwater drainage system unless otherwise approved.
5. Prior to issue of a Building Permit, the applicant is to demonstrate incorporation of water efficient irrigation systems and water harvesting re-use technologies within the development, to the satisfaction of the City of Subiaco.
6. Prior to occupation of the development, brickwork and finishes on or adjacent to boundaries, including exposed parapet walls, are to be finished externally to the same standard as the rest of the development in either:
 - Face brick;
 - Painted render;
 - Painted brickwork; or
 - Other clean material,

And are to be thereafter maintained to the satisfaction of the City of Subiaco.

7. Prior to occupation of the development, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located or screened so as not to be highly visible from beyond the boundaries of the development site, to the satisfaction of the City of Subiaco.
8. 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.



9. The signage hereby approved shall not contain any flashing or moving light or radio; animation or movement in its design or structure; reflective, retro-reflective or fluorescent materials in its design structure.
10. Prior to occupation, landscaping shall be completed in accordance with the approved plans or any approved modifications thereto, to the satisfaction of the City of Subiaco. All landscaped areas are to be maintained on an ongoing basis for the life of the development on the site to the satisfaction of the City of Subiaco.
11. Prior to issue of a Building Permit, the applicant shall prepare a street tree planting plan in consultation with the City of Subiaco, detailing proposed street tree locations and species, ongoing maintenance and any other relevant matters. The plan shall be approved by the City of Subiaco and implemented prior to occupation of the development.
12. All storage and bin enclosure areas are to be screened from view from any public street, to the satisfaction of the City of Subiaco.
13. Prior to occupation of the development, a minimum of:
 - (a) 16 'Class 2' bicycle spaces; and
 - (b) 16 'Class 3' bicycle spaces;shall be provided in accordance with Australian Standard 2890.3, to the satisfaction of the City of Subiaco.
14. Prior to occupation, a minimum of two showers and 32 lockers are to be provided within the development for the use of the tenants, to the satisfaction of the City of Subiaco.
15. Prior to commencement of the development, a Noise Management Plan is to be submitted detailing measures that will be undertaken to ensure all noise levels are kept within levels prescribed in the *Environmental Protection (Noise) Regulations 1997 (as amended)*. The Noise Management Plan shall be prepared by a suitably qualified consultant and shall include the following, but is not limited to:
 - The operation of the Bulky Goods Showroom land use, as well as noise associated with the operation of mechanical equipment, traffic and other operational aspects of the land use;
 - Any sound proofing measures used in the design and construction of the development;
 - Predictions of noise levels;
 - Control measures to be undertaken (including monitoring procedures);
 - A complaint response procedure; and
 - Any other matter deemed relevant by the City of Subiaco.

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.



Demolition and Construction

16. Prior to issue of a Building Permit (but not including a 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.
17. Prior to the issue of a Building Permit, a Construction Management Plan shall be prepared to the satisfaction of the City of Subiaco. These plans are to address:
 - 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.

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:
 - a) 1 Price Street, Subiaco;
 - b) 2 Price Street, Subiaco;
 - c) 4 Price Street, Subiaco;
 - d) 6 Price Street, Subiaco;
 - e) 8 Price Street, Subiaco;
 - f) 10 Price Street, Subiaco;
 - g) 12 Price Street Subiaco;
 - h) 14 Price Street, Subiaco;
 - i) 16 Price Street Subiaco;
 - j) 1 Laurino Terrace, Subiaco;
 - k) 3 Laurino Terrace, Subiaco;
 - l) 5 Laurino Terrace, Subiaco;
 - m) 7 Laurino Terrace, Subiaco;
 - n) 9 Laurino Terrace, Subiaco;
 - o) 11 Laurino Terrace, Subiaco;
 - p) 1 Tighe Street, Subiaco;
 - q) 3 Tighe Street, Subiaco;
 - r) 6 Tighe Street, Jolimont;
 - s) 5 Bishop Street, Jolimont;
 - t) 22 Bishop Street, Jolimont
 - u) 591 Hay Street. Jolimont;
 - v) 611A – 611G Hay Street, Jolimont;
 - w) 615 Hay Street, Jolimont;



- x) 619 Hay Street, Jolimont;
- y) 621 Hay Street, Jolimont;
- z) 623 Hay Street, Jolimont;
- aa) 624 Hay Street, Jolimont; and
- bb) Footpaths, kerbs, carriageways, and open space areas adjacent to the site.

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. All car parking dimensions, manoeuvring areas, crossovers and driveways shall accord with the Australian Standard AS2890.1 (as amended).
- 20. All car parking, vehicle access and circulation areas shall be maintained and available for car parking and unloading, vehicle access and circulation on an ongoing basis, to the satisfaction of the City of Subiaco.
- 21. 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.
- 22. The under awning signs shall have a minimum headway clearance of 2.4 metres.
- 23. Prior to the occupation of the development, any redundant crossovers and kerbs shall be removed and the verge reinstated, to the satisfaction of the City of Subiaco and at the expense of the applicant/landowner.
- 24. Prior to issue of a Building Permit, any required modifications to the road network to facilitate the hereby approved development must receive separate approval from the City of Subiaco and on the advice of any external agencies as required. The approved modifications shall be undertaken to the approved specification and done so at the expense of the applicant, prior to occupation, to the satisfaction of the City of Subiaco.
- 25. Prior to occupation of the development, any new or modified crossover and tree removal 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. Tree Preservation Zone (TPZ) protective fencing shall be formed around the street trees prior to works commencing and shall be retained for the entirety of the project.



Advice Notes

- i. *This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or the requirements of any other external agency.*
- ii. *In relation to the term of approval, a further two years is added to the date by which the development shall be substantially commenced, pursuant to Schedule 4, Clause 4.2 of the Clause 78H Notice of Exemption from Planning Requirements During State of Emergency signed by the Minister for Planning on 8 April 2020. For further information regarding the Ministerial direction, please contact the City's Planning Services on 9237 9222 or email city@subiaco.wa.gov.au.*
- iii. *In relation to stormwater management, the proposed development has not submitted any drainage proposal that demonstrates that stormwater runoff from the development catchment is contained within the site. The applicant/landowner is to provide a detailed drainage calculation demonstrating that the proposed development is able to contain stormwater within the site and the above ground over flow for 1 in 100 years (1% AEP) storm recurrence interval are maintained within the property boundary. Water Sensitive Urban design principles and water harvesting techniques may be used as part of the overall drainage design to achieve these requirements. No stormwater will be permitted to enter into the City's drainage network.*
- iv. *Drainage within the laneway at the north of the site should be considered within the laneway catchment. No stormwater should be connected to the City's drainage network from this area.*
- v. *Dilapidation report(s) should address the following matters to satisfy the City of Subiaco:*
 - h) *Dilapidation reports are to clearly identify the name of the organisation and person(s) undertaking the inspection and shall include their relevant qualifications;*
 - i) *Dilapidation reports are to be prepared in accordance with relevant legislation and standards, including Australian Standard AS4349.1 (or equivalent);*
 - j) *A calibration gauge should be used for measurement, in combination with high resolution photos for accurate record keeping;*
 - k) *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;*
 - l) *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;*
 - m) *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*
 - n) *For the City to be fully satisfied, consideration will be given to written feedback from landowners up to seven days after receipt of the dilapidation report.*



- vi. *The applicant is advised of the following Building matters:*
- *A Building Permit application is required to be submitted for the development.*
 - *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. Consent from adjoining neighbours in the form of a BA20a form should be sought.*
 - *The Engineering technical details submitted with the 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.*
 - *It is in the interest of the responsible Registered Builder and neighbouring property owners that Dilapidation Reports are carried out and presented in a consistent format to enable a speedy resolution of any possible future disputes.*
 - *The dilapidation inspections should be carried out by a registered practicing building practitioner and in accordance with the General Requirements of Australian Standard 4349.0-2007.*
 - *The Construction Management Plan should include details relating to heavy/construction vehicle access and agrees to/from the site, vehicles routes from/to the site, heavy equipment such as tower crane mobilisation and installation, and traffic and pedestrian management plans.*
 - *The applicant is required to comply with the Dangerous Goods Safety Act 2004, and Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007.*

Contact the City's Building Services department for further information on these matters.

- vii. *The applicant is advised of the following Environmental Health matters:*
- *A suitable bin enclosure is to be provided in accordance with the City of Subiaco Health Local Laws 1999 which require bin enclosures to be of sufficient size to accommodate all bins used on the premises and serviced with an approved liquid refuse disposal system, have a tap connected to an adequate supply of water, have walls at least 1.8m in height, have an access way of not less than 1.0m in width and have a self-closing gate.*
 - *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).*
 - *The handling and removal of any asbestos material must be carried out in accordance with the Health (Asbestos) Regulations 1992 (as amended). Safe work procedures are required to be adhered to and all material must be disposed of at an approved land fill facility.*
 - *The applicant is to ensure the car park design and construction complies with the Health Act (Carbon Monoxide) Regulations 1975 (as amended).*

Contact the City's Health and Compliance Services department for further information on these matters.



- viii. *The applicant is advised of the following Transport and Infrastructure matters:*
- *All car bays, aisles and circulation for car park areas should be designed and provided for user class 3A in accordance with Australian Standard 2890.1. The car bays must be a minimum 2.6m wide with corresponding aisle width of 6.6m in accordance with Australian Standard 2890.1.*
 - *The maximum gradient of all vehicle access ramps to/from Hay Street and Bishop Street should be no more than 1 in 20 (5%) for at least the first 6m into the property. This is to provide a vehicle control point as well as improve pedestrian sightlines.*
 - *All footpaths across vehicles access points (crossovers) should be continued though with the same footpath material to maintain pedestrian priority. The plans currently indicate that the proposed crossovers at Bishop Street and Hay Street do not provide footpath continuity. The applicant is to provide a detailed crossover design to the City's Transport and Infrastructure Development branch, and have the design approved by the City, prior to commencement of construction.*
 - *Any work activities that encroach into road reserves adjacent to the site will need to be approved by the City of Subiaco through issue of an obstruction permit.*
 - *Appropriate signage and line markings are to be provided for all vehicle entry and exit ramps to provide clear direction to the car parks.*
 - *The proposed left turn lane to the development from Hay Street should be designed and constructed in accordance with Austroads requirements. Detailed designs should be submitted to, and approved by, the City prior to commencement of construction. Signs and line marking for this modification should also be submitted to Main Road for approval.*
 - *The City acknowledges that a median island as requested by the City is to be constructed on Bishop Street, however, there is inadequate details provided in the drawing (no footpath connectivity and kerb ramps provided). The applicant is to provide a detailed design to the City's Transport and Infrastructure Development branch, and have the design approved by the City, prior to commencement of construction.*

Contact the City's Transport and Infrastructure Development department for further information on these matters.

- ix. *The proposed relocation of the existing bus stop on Hay Street should be undertaken in accordance with Public Transport Authority (PTA) requirements. The applicant/landowner is to consult with PTA in this regard.*
- x. *In relation to Tree Preservation Zones (TPZ):*
- *The TPZ is to be a minimum of two (2) metres extending out from the outer part of the trunk base of the tree or where required, protection may be to the drip line of the tree canopy whichever is greater. If works are required within the TPZ then a City representative must be present on site whilst works are being conducted.*
 - *Provisions to be incorporated into the development to ensure that the awning does not impact in to the City's tree canopies and root systems that are growing adjacent to the boundary are not impacted from the development. The City's street tree policy, protocols and Australian Standard relating to the protection of trees adjacent to development site (AS 4970–2009) to be adhered to at all times.*



- *The City has no objections to the proposed additional street trees; however further discussions regarding tree species and placement would need to be approved by the City.*

Contact the City's operations and Environment department for further information on these matters.

xi. In relation to street tree removal:

- *The removal of the melaleuca quinquenervia located within the Bishop Street road reserve associated with the hereby approved development, must receive separate written approval from the City of Subiaco. Arrangements shall be made for the applicant to compensate the City the value of the tree, for the purpose of recovering the canopy loss within the local area. Prior to the City issuing approval for the removal of the melaleuca quinquenervia, it is required to be re-valued. The City advises that the tree was last valued in 2008 at \$11,500. The valuation shall be conducted by the City's chosen consultant and at the cost of the applicant.*

Contact the City's operations and Environment department for further information on these matters.

xii. In relation to the parking of vehicles associated with the construction of the development, parking time restrictions apply to on-street parking. Consideration should be given to making an Application for Commercial Parking Permits to the City's Compliance Services.

xiii. Illumination associated with the development is to comply with the requirements of AS 4282-1997, including compliance with the recommended maximum values of light technical parameters for the control of obtrusive light and the maximum luminous intensity per luminaire for pre-curfew and curfewed hours. The pre-curfewed hours shall be limited to daylight hours.

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

REASON: The panel considered the proposal, giving due consideration of the scheme provisions, zoning and Deemed provisions – Clause 67 and submissions received and RAR report, and formed the opinion the proposal is consistent with the Planning framework. The design is considered high quality, with street interface and facade treatments respecting the different streetscapes, by way of provision of a café on the corner, screening treatment to the parking area and landscaping. The use is considered appropriate within character and context of the location, which is reflected in the provision of the zone and the nature, history and mix of development in the area.

The panel were satisfied that the traffic generated by the proposal is within the capacity of the street. Consideration was given to the context of the information presented, City Officer technical response, location of vehicle access, traffic treatments including slip lane and provision of pedestrian islands all of which are considered to resolve concerns raised regarding traffic, pedestrian access, noise and light spill.

Overall, the panel supported the proposal, which is considered to be consistent with planning framework, appropriate development within the local area and for the reasons contained in the RAR. The proposal was approved, with minor modification to conditions.



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

Nil

10. State Administrative Tribunal Applications and Supreme Court Appeals

The Presiding Member noted the following SAT Applications –

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

11. General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2020 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

12. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 12:20pm.