



## Metro-Inner North Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Monday, 5 December 2022; 9:30am  
**Meeting Number:** MINJDAP/167  
**Meeting Venue:** Electronic Means

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

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Ms Lee O'Donohue  
A/Presiding Member, Metro Inner-North JDAP



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## **Attendance**

### **DAP Members**

Ms Lee O'Donohue (A/Presiding Member)  
Ms Gabriela Poezyn (A/Deputy Presiding Member)  
Ms Leigh Gibb (A/Third Specialist Member)  
Cr Gary Kosovich (Local Government Member, City of Subiaco)  
Cr Rick Powell (Local Government Member, City of Subiaco)

### **Officers in attendance**

Mr Anthony Denholm (City of Subiaco)  
Mr Brendan Phillips (City of Subiaco)

### **Minute Secretary**

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

### **Applicants and Submitters**

Mr Matthew Cain (Planning Solutions)  
Mr Lawson Douglas  
Mr Blair Armstrong  
Ms Vicky Kafentzis

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

Ms Sarah Makse from PerthNow and Mr Llyod Gorman from Post Newspapers were in attendance.

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

The A/Presiding Member declared the meeting open at 9:32am on 28 November 2022 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

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

### **1.1 Announcements by Presiding Member**

The A/Presiding Member advised that panel members may refer to technical devices, such as phones and laptops, throughout the meeting to assist them in considering the information before them.

Ms Lee O'Donohue  
A/Presiding Member, Metro Inner-North JDAP



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

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

## **2. Apologies**

Ms Francesca Lefante (Presiding Member)

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

Nil.

## **4. Noting of Minutes**

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

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

All members declared that they had duly considered the documents.

## **6. Disclosure of Interests**

Nil.

## **7. Deputations and Presentations**

- 7.1** Ms Vicky Kafentzis (Stoddart & Co) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.2** Mr Matthew Cain (Planning Solutions) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.3** Mr Lawson Douglas (SH Holdings 1 Pty Ltd) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.4** The City of Subiaco addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

Ms Lee O'Donohue  
A/Presiding Member, Metro Inner-North JDAP



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

### 8.1 No. 455 – 465 (Lots 7 - 12) Hay Street, Subiaco

Development Description: Proposed Extension To Tavern  
Applicant: Planning Solutions  
Owner: SH Holdings 1 Pty Ltd  
Responsible Authority: City of Subiaco  
DAP File No: DAP/22/02310

## REPORT RECOMMENDATION

**Moved by:** Cr Rick Powell

**Seconded by:** Cr Gary Kosovich

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

1. **Approve** DAP Application reference DAP/22/02310 dated 30 August 2022 and accompanying plans dated 30 August 2022 (**Attachment 4**) 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. No stormwater will be permitted to enter the City of Subiaco's stormwater drainage system unless otherwise approved by the City of Subiaco.
4. Prior to the issue of a building permit (but not including a demolition permit or building permit for forward works only), a detailed landscaping plan, including information relating to species selection, reticulation, details of any existing vegetation to be retained, and treatment of landscaped surfaces (i.e. mulch, lawn etc.), shall be submitted to and approved by the City of Subiaco and is to be installed and maintained thereafter.

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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 the issue of a building permit, the applicant shall submit details on a public art concept or contribution of \$25,000 in accordance with *Local Planning Policy 8.3 – Percent for Public Art and Public Realm*, to the satisfaction of the City of Subiaco. Prior to occupation, the endorsed public art or works shall be implemented and maintained thereafter to the satisfaction of the City of Subiaco.
7. Prior to occupation of the development, a minimum of four (4) Class 2 and nine (9) Class 3 bicycle bays shall be provided in accordance with AS2890.3. All Class 2 bicycle bays are to be provided on-site. Class 3 bicycle bays shall be either on-site, or off-site in a suitable alternative location within close proximity to the site as approved by the City, to the satisfaction of the City of Subiaco.
8. Prior to the issue of a building permit, details of the mesh screening at the Hay Street interface are to be provided to the City for approval and shall feature a minimum of 60% visual permeability.
9. Prior to the issue of a building permit, details of any signage to be installed shall be submitted to the City for approval. Signage shall be designed in accordance with *Local Planning Policy 8.2 – Advertising (Signage)* to the satisfaction of the City of Subiaco.
10. Prior to occupation of the development, No's. 455 – 465 (Lots 7 – 12) Hay Street, Subiaco 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 separate lots, to the satisfaction of the City of Subiaco.

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11. Prior to the commencement of works, a dilapidation report prepared by a practising Structural Engineer 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 upon these properties:
- No. 439 (Lot 100) Hay Street, Subiaco; and
  - No. 80 (Lot 13) 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.

#### Noise

12. Prior to the issue of a building permit, a Noise Management Plan is to be submitted detailing measures that will be undertaken to ensure all noise levels are kept within levels prescribed in the *Environmental Protection (Noise) Regulations 1997* (as amended). The 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 land use, as well as noise associated with the operation of mechanical equipment;
  - sound proofing measures used in the design and construction of the development;
  - predictions of noise levels;
  - control measures to be undertaken (including monitoring procedures); and
  - a complaint response procedure.

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

13. Prior to the issue of a building permit, a final Environmental Noise Assessment shall be submitted to the City for approval. The final document shall include predictive modelling with crowd noise. Once approved, the Environmental Noise Assessment shall be adhered to and all recommendations implemented, to the satisfaction of the City.



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Construction

14. Prior to the issue of a demolition and 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.

Verge Infrastructure and Traffic

15. 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.
16. The awning encroaching into the Hay Street Road Reserve shall be setback at minimum of 600mm to the current kerb line/street parking bays.
17. Prior to occupation of the development, all existing redundant crossovers are to be removed and the verge reinstated, to the satisfaction of the City of Subiaco.
18. Prior to occupation of the development, the applicant is to make suitable arrangements for the relocation of the bus stop, bus shelter, electrical box and litter bin where applicable and where required to facilitate this approval and as identified on the approved plans, to the satisfaction of the City of Subiaco.
19. Prior to occupation of the development, the applicant shall prepare and have approved by the City of Subiaco, a Travel Plan. The Travel Plan should specify initiatives and incentives to inform and encourage patrons of the development of the availability of alternative modes of travel other than the private car, to the satisfaction of the City of Subiaco.
20. Prior to the issue of a building permit (but not including a demolition permit or building permit for forward works only), a Traffic Impact Statement is to be prepared and submitted to the City of Subiaco for approval with any recommendations being implemented and adopted thereafter, to the satisfaction of the City of Subiaco.

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A/Presiding Member, Metro Inner-North JDAP



Waste

21. The approved Waste Management Plan shall be implemented and adhered to throughout the life of the development to the satisfaction of the City of Subiaco.

**Advice Notes**

1. In relation to building matters the following apply:
  - a. A building permit is required to be obtained for the proposed building work. The building permit must be issued prior to commencing any works on site.
  - b. An occupancy permit is required.

Please contact the City's Building Services on 9237 9222 for further information.

2. Noise from the development during construction site, before 0700 hours or after 1900 hours on any day, or at any time on Sundays and public holidays, should not exceed the assigned levels prescribed in the *Environmental Protection (Noise) Regulations 1997*.
3. As it is intended to use of this premises as a "public building" as defined in Section 173 of the *Health Act (Miscellaneous Provisions) 1911* (as amended), it is necessary to apply for and receive a Certificate of Approval from the City of Subiaco Environmental Health Services before commencing use as a public building.
4. You will be required to obtain a separate license under the Health (Public Building) Regulations 1992, as amended, for the use of a Public Building. Form 1, 2 & 5 applications will need to be submitted to the City for assessment.
5. Premises selling food as defined under the *Food Act 2008* are required to submit a City of Subiaco Food Business Notification/Registration & Temporary Food Business forms, which includes the proposed onsite Food Vans.
6. Prior to the construction and fit out of the approved food premises, detailed plans and specifications of all internal fixtures, finishes and fittings must be submitted to the City for assessment.
7. 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.
8. The proposed activity must comply with the *Food Act 2008* and the Food Standards Australia New Zealand Code, as amended.
9. The applicant is encouraged to undertake a CPTED assessment to improve safety outcomes at the interface of the development with Kenworthy Lane to the rear.

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10. In relation to the condition requiring relocation of infrastructure within the road reserve, this may also require separate approval. Advice should be sought from PTA and Western Power before undertaking any relocation works. Relocation of services should be undertaken in a manner that ensures minimal disruption to service provision. In relation to the bus stop, the new location should be as close to the existing as possible.
11. In relation to the condition requiring a Travel Plan, the Travel Plan should address the following:
  - a. appropriate objectives and solutions specific to the proposed land use;
  - b. reduction of vehicle trips and promotion of alternative forms of transport for journeys;
  - c. detail initiatives to actively reduce car travel and parking demand; and
  - d. ongoing monitoring / compliance to ensure its objectives are met and that it remains relevant to the prevailing conditions of the time.
12. In relation to the condition requiring a Traffic Impact Statement, the Traffic Impact Statement shall address the following:
  - a. Integration of existing and proposed development (includes both Subiaco Hotel and the existing carpark), with surrounding developments;
  - b. Vehicular access and parking – access arrangements, service vehicles, loading/unloading facilities and parking demand and management;
  - c. Expected development trip generation and distribution;
  - d. Impact on surrounding roads and intersections;
  - e. Impact on neighbouring area;
  - f. Any Traffic/Road Safety improvements;
  - g. Assessment of alternative mode of transport and facilities; and
  - h. Assessment of pedestrian and cycling access/ amenity.
13. In relation to the condition requiring the provision of bicycle parking bays, should any of the bays be provided off-site, that shall be provided as near as practicable to the Hay Street or Rokeby Road frontage of the site, unless otherwise agreed with the City of Subiaco.
14. In relation to the condition requiring the provision of bicycle parking bays, the applicant is strongly encouraged to explore and implement charging facilities for E-Bikes within close proximity to any on-site bays provided for staff and visitors.
15. In relation to the public art contribution, the City's preference is for art to be provided by the applicant to ensure maximum benefit to the site from the artwork.

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16. In relation to the condition requiring a dilapidation report(s), this should address the following matters to satisfy the City of Subiaco:
- Dilapidation reports are to clearly identify the name of the organisation and person(s) undertaking the inspection and shall include their relevant qualifications;
  - Dilapidation reports are to be prepared in accordance with relevant legislation and standards, including Australian Standard AS4349.1 (or equivalent);
  - A calibration gauge should be used for measurement, in combination with high resolution photos for accurate record keeping;
  - 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;
  - 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; and
  - 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.

For the City to be fully satisfied, consideration will be given to written feedback from landowners up to 7 days after receipt of the dilapidation report

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

**REASON:** The panel supported the proposal on the basis that it will make a positive contribution to this part of Hay Street by facilitating further activation through the expansion of an existing venue. Issues around noise and traffic will be addressed through conditions of approval and whilst the proponent's request to delete Conditions 7, 12, 13 and 20 was considered, the panel did not consider there was sufficient justification to do so. Overall the development was considered to be well designed and suitable for approval given its location, quality of design and the requirements of the planning framework.

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

Nil.

Ms Lee O'Donohue  
A/Presiding Member, Metro Inner-North JDAP



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

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## **11. General Business**

The A/Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2020 only the A/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 A/Presiding Member declared the meeting closed at 11:42am.

A handwritten signature in blue ink, reading "Lee O'Donohue".

**Ms Lee O'Donohue**  
A/Presiding Member, Metro Inner-North JDAP