



Metro Inner-North Joint Development Assessment Panel Minutes

Meeting Date and Time: Tuesday, 8 August 2023; 9:30am
Meeting Number: MINJDAP/194
Meeting Venue: City of Vincent
244 Vincent Street, Leederville

1 Table of Contents

1. Opening of Meeting, Welcome and Acknowledgement.....	3
2. Apologies.....	3
3. Members on Leave of Absence.....	3
4. Noting of Minutes.....	3
5. Declaration of Due Consideration.....	3
6. Disclosure of Interests.....	3
7. Deputations and Presentations.....	4
8. Form 1 – Responsible Authority Reports – DAP Applications.....	5
8.1 Lots 3 & 4 (139 -141) Lake Street, Perth.....	5
9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval	24
Nil.....	24
10. State Administrative Tribunal Applications and Supreme Court Appeals ...	24
10.1 Lot 20 (391) Lord Street, Mount Lawley	24
11. General Business.....	34
12. Meeting Closure	34

Francesca Lefante
Presiding Member, Metro Inner-North JDAP



Attendance

DAP Members

Francesca Lefante (Presiding Member)
Lee O'Donohue (Deputy Presiding Member)
John Syme (Third Specialist Member)
Cr Susan Gontaszewski (Local Government Member, City of Vincent)
Cr Ashley Wallace (Local Government Member, City of Vincent)

Officers in attendance

Jay Naidoo (City of Vincent)
Karsen Reynolds (City of Vincent)
Nick Bertone (City of Vincent)

Minute Secretary

Kylie Tichelaar (City of Vincent)

Applicants and Submitters

Item 8.1

Nathan Maas (Planning Solutions)
Ben Doyle (Planning Solutions)
Sam Klopper (Klopper Davis Architects)
Peter Holcz
Michelle Blakely – Written Submission
Marco Vittino – Written Submission
Rebecca McKeating – Written Submission
Anna Spartalis – Written Submission
John Gavigan – Written Submission
Dan McKeating – Written Submission
Kerry McFarlane – Written Submission
Melissa Beadle – Written Submission
Nicholas Stanley-Cary – Written Submission
Robyn Holcz – Written Submission
Sarah Ballantyne - Written Submission

Item 10.1

David Tomic (CBD Architect)
Petar Mrdja (Urbanista Town Planning)

Members of the Public / Media

There were 14 members of the public in attendance.


Francesca Lefante
Presiding Member, Metro Inner-North JDAP



1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:32 am on 8 August 2023 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 the meeting is being audio recorded 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 Presiding Member granted permission for the minute taker to record proceedings for the purpose of the minutes only.

2. Apologies

Nil

3. Members on Leave of Absence

Nil

4. Noting of Minutes

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

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of Interests

In accordance with section 2.4.10 of the DAP Code of Conduct 2017, DAP Member, Francesca Lefante, declared that they had participated in a State Administrative Tribunal process in relation to the application at item 10.1. However, under section 2.1.3 of the DAP Code of Conduct 2017, Francesca Lefante acknowledged that they are not bound by any confidential discussions that occurred as part of the mediation process and undertakes to exercise independent judgment in relation to any DAP applications before them, which will be considered on its planning merits.


Francesca Lefante
Presiding Member, Metro Inner-North JDAP



7. Deputations and Presentations

- 7.1 Peter Holcz addressed the DAP against the recommendation for the application at Item 8.1.
- 7.2 Michelle Blakely, Marco Vittino, Rebecca McKeating, Anna Spartalis, John Gavigan, Dan McKeating, Kerry McFarlane, Melissa Beadle, Nicholas Stanley-Cary, Robyn Holcz and Sarah Ballantyne provided written submissions against the recommendation and application at item 8.1.
- 7.3 Ben Doyle (Planning Solutions) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.4 Sam Klopper (Klopper Davis Architects) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel
- 7.5 Jay Naidoo (City of Vincent) addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

The presentations at Item 7.1 – 7.5 were heard prior to the application at Item 8.1.

- 7.6 Petar Mrjda (Urbanista) addressed the DAP in support of the recommendation for the application at Item 10.1 and responded to questions from the panel
- 7.7 David Tomic (CBD Architects) addressed the DAP in support of the recommendation for the application at Item 10.1.
- 7.8 Jay Naidoo (City of Vincent) addressed the DAP in relation to the application at Item 10.1 and responded to questions from the panel.

The presentations at Items 7.6 - 7.8 were heard prior to the application at Item 10.1.

PROCEDURAL MOTION

Moved by: John Syme

Seconded by: Cr Ashley Wallace

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

*The meeting was adjourned at 11:26 am.
The meeting was reconvened at 11.32 am.*

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: To allow the panel a comfort break

Francesca Lefante
Presiding Member, Metro Inner-North JDAP



8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lots 3 & 4 (139 -141) Lake Street, Perth

Development Description: Proposed Mixed Use Development
Applicant: Planning Solutions
Owner: WP Pty Ltd
Responsible Authority: City of Vincent
DAP File No: DAP/23/02415

REPORT RECOMMENDATION

Moved by: Cr Susan Gontaszweski

Seconded by: John Syme

That the Metro Inner-North JDAP resolves to:

1. **Approve** DAP Application reference DAP/23/02415 and accompanying plans included in **Attachment 2** in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of City of Vincent Local Planning Scheme No.2, subject to the following conditions:

Conditions

1. General

- 1.1. 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.
- 1.2. This decision constitutes planning approval only and is valid for a period of four 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.
- 1.3. This approval is for Mixed Use Development comprising of 21 Multiple Dwellings and one Restaurant/Café as shown on the approved plans dated 21 July 2023 and as defined in the City of Vincent Local Planning Scheme No. 2. No other development forms part of this approval.
- 1.4. The Restaurant/Café shall be limited to a maximum of 20 patrons on-site at any given time.

2. Building Design

- 2.1. The surface finish of boundary walls facing the adjoining property shall be of a good and clean condition, **prior to the occupation or use of the development**, and thereafter maintained, to the satisfaction of the City. The finish of boundary walls is to be fully rendered or face brick, or material as otherwise approved, to the satisfaction of the City.


Francesca Lefante
Presiding Member, Metro Inner-North JDAP



- 2.2. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive.
 - 2.3. Doors, windows and adjacent floor areas fronting Lake Street and Church Street shall maintain an active and interactive relationship with the street, darkened obscured, mirrored or tinted glass or other similar materials as considered by the City is prohibited.
 - 2.4. Ground floor glazing and/or tinting shall be a minimum of 70 percent visually permeable to provide unobscured visibility. Darkened, obscured, mirrored or tinted glass or other similar materials as considered by the City is prohibited.
 - 2.5. **Prior to the occupation or use of the development**, all privacy screening devices shown on the approved plans shall be installed in accordance with the details and annotations indicated on the approved plans, the satisfaction of the City.
 - 2.6. Metre boxes, fire boosters and other service utilities shall be located behind the street setback area, not be visible from the street and where integrated into the building, designed and located so as not to be visually obtrusive, to the satisfaction of the City.
3. Colours and Materials
- Prior to the issue of a building permit**, a schedule detailing the colour and texture of the building materials that is consistent with the approved plans and demonstrating that the proposed development complements the surrounding area, shall be submitted to and approved by the City to the satisfaction of the City's Design Review Panel.
- The development must be finished, and thereafter maintained, in accordance with the schedule provided to and approved by the City, **prior to occupation or use of the development**.
4. Landscaping
- 4.1. A detailed landscape and reticulation plan for the development site, the adjoining road verge and Stuart Street Reserve, to the satisfaction of the City, shall be lodged with and approved by the City **prior to the issue of a building permit**.



The plan shall be drawn to a scale of 1:100, be generally in accordance with the landscaping plans dated 30 June 2023 prepared by REALMstudios, and shall show the following:

- The location and type of proposed trees and plants;
- Areas to be irrigated or reticulated;
- The provision of a minimum 3.1 percent deep soil areas, as defined by the Residential Design Codes Volume 2;
- The provision of a minimum of 16.2 percent on-structure planting areas;
- The provision of a minimum of four medium and eight small trees within the deep soil areas and on-structure planting areas provided. The tree species are to be in accordance with the City's recommended tree species list;
- The provision of three new trees within the verge of Lake Street and 13 new trees within the edge of Stuart Street Reserve adjacent to the subject site. The tree species shall be to the City's satisfaction; and
- The provision of a pedestrian pathway along the southern edge of Stuart Street Reserve adjacent to the subject site, with this connecting with the existing footpath along Lake Street, the commercial tenancy, the residential lobby and the existing footpath on the northern edge of Stuart Street Reserve. The location, design and finish of the pathway shall be to the City's satisfaction and specifications.

4.2. All works shown in the approved landscaping plan shall be undertaken in accordance with the approved plans to the satisfaction of the City, **prior to the occupation or use of the development** and maintained thereafter to the satisfaction of the City, at the expense of the owners/occupiers.

5. Car Parking, Access and Bicycle Facilities

5.1. **Prior to the occupation or use of the development**, 21 resident car parking bays, three dedicated visitor car parking bays and one reciprocal non-residential and visitor car parking bay, shall be provided on site and provided in accordance with Australian Standard AS2890.1.

5.2. **Prior to the occupation or use of the development**, the allocation of car parking bays shall be completed as follows, to the satisfaction of the City:

- The car parking spaces provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development; and
- Visitor parking bays shall be permanently marked, always maintained and legally accessible at all times for use exclusively by residential visitors to the property, be clearly visible and suitably sign posted from the street and communal accessways.



- 5.3. All driveways, car parking and manoeuvring area(s) which form part of this approval shall be sealed, drained, paved and line marked in accordance with the approved plans **prior to the occupation or use of the development** and maintained thereafter by the owner/occupier to the satisfaction of the City.
- 5.4. Bicycle racks shall be designed and constructed in accordance with Australian Standards AS2890.3: 2015 Parking Facilities Part 3: Bicycle Parking, and shall be installed **prior to the occupation or use of the development** in the following locations generally in accordance with approved plans, to the satisfaction of the City:
- A minimum of 13 bicycle parking bays provided on-site for the residential component; and
 - A minimum of four bicycle parking bays provided within the adjacent Lake Street verge for residential visitors and the commercial tenancy.
- 5.5. **Prior to the issue of a building permit**, a Parking Management Plan shall be submitted to and approved by the City. The Parking Management Plan is to include details addressing the following, but not limited to:
- The installation of signage along the frontage of the building if required to identify the location of, and access to the on-site car parking bays for residential visitors;
 - The allocation of the car parking bays to ensure that there is a minimum of 21 resident, three dedicated visitor and one reciprocal non-residential and visitor car parking bays provided on site;
 - The specifications and operation details of the turntable on the ground floor and the car stackers on the first floor;
 - Detailed operation and management measures related to the provision of the one reciprocal non-residential and visitor car parking bay so that it is identifiable and available for residential visitors at all times outside of the commercial tenancy operating hours of 6:00am to 3:00pm;
 - The installation, provision and ongoing maintenance of an appropriate traffic management system to the vehicle access ramps and within the car parking areas. This system may include signals, alerts and mirrors and shall be designed to prioritise vehicles entering the site, rather than vehicles in the car parking areas on site waiting to exit. This is to minimise vehicles queueing on Lake Street and Church waiting to enter the site; and
 - The installation of signage and details on the notification of prospective purchasers to identify that car parking bays 19 and 20 are reverse-in only bays.

The approved Parking Management Plan shall be implemented **prior to the occupation or use of the development**, and the development shall be carried out in accordance with the approved Parking Management Plan and approved plans, to the satisfaction of the City at the expense of the owners/occupiers.



6. Cash-in-lieu of Car Parking

Prior to the occupation or use of the development the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:

a) pay a cash-in-lieu contribution of \$10,800 for the equivalent value of two car parking bays, based on the infrastructure cost of \$360 per square metre as set out in the City's Payment in Lieu of Parking Plan, or by entering into a written agreement with the City to pay the cash-in-lieu over an agreed period up to five years;

OR

b) lodge an appropriate assurance bond/ bank guarantee of a value of \$10,800 to the satisfaction of the City. This assurance bond / bank guarantee will only be released to the owner(s) / applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.

7. Acoustic Report

7.1. **Prior to the issue of a building permit** the Acoustic Report (Reverberate Consulting, January 2023) shall be revised then lodged with and approved by the City, in accordance and to demonstrate compliance with the City's Policy No. 7.5.21 – Sound Attenuation and the *Environmental Protection (Noise) Regulations 1997*. The revised acoustic report shall reflect the final detailed design, include details related to mechanical plant, equipment and other potential noise sources, and shall demonstrate that noise impacts from the car stackers and café tenancy to the adjacent apartments will be appropriately mitigated and managed.

7.2. All recommended measures included in the revised approved Acoustic Report shall be implemented **prior to the occupation or use of the development** and be maintained thereafter, to the satisfaction of the City, at the expense of the owners/occupiers.

Written certification from an acoustic consultant shall be provided to the City demonstrating that the recommended measures have been undertaken to the City's satisfaction, **prior to the occupation or use of the development**.

8. Construction Management

8.1. **Prior to the issue of a building permit**, a Construction Management Plan is to be prepared and submitted to the City for approval that details how the construction of the development will be staged and managed to minimise the impact on the surrounding area (including demolition and/or forward works). The Construction Management Plan is required to address the following concerns that relate to any works to take place on the site:



- Public safety, amenity and site security;
- Contact details of essential site personnel;
- Construction operating hours;
- Noise control and vibration management;
- Dilapidation reports of nearby properties;
- Air, sand and dust management;
- Stormwater and sediment control;
- Soil excavation method, dewatering and subsidence management;
- Waste management and materials re-use;
- Traffic and access management;
- Parking arrangements for contractors and subcontractors;
- Consultation plan with nearby properties; and
- Compliance with AS4970-2009 relating to the protection of trees around the development site.

8.2. The approved Construction Management Plan shall be complied with at all times, for the duration of the construction of the development.

9. Stormwater

Stormwater from all roofed and paved areas shall be collected and contained on site. Stormwater must not affect or be allowed to flow onto or into any other property or road reserve.

10. Signage

All signage is to be in strict accordance with the City's Local Planning Policy: Signs and Advertising, unless further development approval is obtained.

11. Sight Lines and Truncations

11.1. **Prior to the issue of the building permit**, amended plans shall be submitted and approved demonstrating the provision of 1 metre x 1 metre access truncations/wings on both sides of the vehicle access point to Church Street between where the access point and crossover meets the edge of the roadway for the purpose of vehicle manoeuvring, to the satisfaction of the City.

11.2. No walls, letterboxes or fences above 0.75 metres in height are to be constructed within the 1.5 metres of where:

- walls, letterboxes or fences adjoin vehicular access points to the site; or
- a driveway meets a public street; or
- two streets intersect;

unless otherwise approved by the City of Vincent.



11.3. No development (including a building, wall, fence or other form of visual obstruction) greater than 0.75 metres in height measured from the natural ground level at the boundary, is to be placed on the lot within a 3 metre x 3 metre visual truncation at the intersection of Lake Street and Church Street, to the satisfaction of the City.

12. Public Art

12.1. In accordance with the City’s Local Planning Policy – Percent for Art the application is required to make a public art contribution of \$150,000 being one percent of the \$15 million cost of development.

To comply with the Policy, the owner(s) or applicant, on behalf of the owner(s) shall submit a statutory declaration **prior to the issue of a building permit** stipulating the choice of:

Option 1: Owner/Applicant chooses to co-ordinate the Public Art project themselves or by engaging an art consultant

OR

Option 2: Owner/Applicant chooses to pay cash-in-lieu. Owner/Applicants who choose Option 2 will receive a 15% discount on the Percent for Art contribution.

12.2. The owner(s), or the applicant on behalf of the owner(s), shall comply with the City of Vincent Percent for Public Art Policy No. 7.5.13 in conjunction with the above chosen option:

Option 1 – **Prior to the issue of a building permit** for the development, obtain approval for the Public Art Project and associated Artist; and

Prior to the occupation or use of the development, install the approved public art project, and thereafter maintain the art work;

OR

Option 2 – **Prior to the occupation or use of the development** pay the above cash-in-lieu contribution amount.

13. Clothes Drying Facilities

Prior to the occupation or use of the development, each multiple dwelling shall be provided with a clothes drying area screened from the public realm in accordance with the Residential Design Codes Volume 2, to the satisfaction of the City.

Francesca Lefante
Presiding Member, Metro Inner-North JDAP



14. Waste Management

The Waste Management Plan (Talis Consultants, June 2023) shall be implemented **prior to the occupation or use of the development** and the development shall operate in accordance with this plan at all times, to the satisfaction of the City and at the expense of the owners/occupiers, and unless otherwise approved by the City.

Advice Notes

1. All new crossovers to lots are subject to a separate application to be approved by the City. All new crossovers shall be constructed in accordance with the City's Standard Crossover Specifications, which specify that the portion of the existing footpath traversing the proposed crossover must be retained. The proposed crossover levels shall match into the existing footpath levels. Should the footpath not to be in satisfactory condition, it must be replaced with in-situ concrete panels in accordance with the City's specification for reinstatement of concrete paths.
2. The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5m) shall be maintained for all users at all times during construction works. Permits are required for placement of any material within the road reserve.
3. An Infrastructure Protection Bond together with a non-refundable inspection fee shall be lodged with the City by the applicant, prior to the commencement of works, and will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City. An application for the refund of the bond shall be made in writing. The bond is non-transferable.
4. All pedestrian access and vehicle driveway/crossover levels shall match into existing verge, footpath and reserve levels to the satisfaction of the City.
5. All stormwater produced on the subject land shall be retained on site, by suitable means to the full satisfaction of the City. No further consideration shall be given to the disposal of stormwater 'off site' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater 'off site' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings.
6. With reference to boundary walls, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls.



7. With reference to the Construction Management Plan, the owner/applicant may be required to obtain a Work Zone Permit from the City in order to satisfy this Condition due to the location of the site with access constraints. The requirement for, and cost of any such permit shall be determined by the City following the lodgement of a Building Permit.
8. Any external artificial lighting installations, including in carparks and common areas, is to comply with Australian Standard AS 4282-1997 'Control of the obtrusive effects of outdoor lighting' and must not be permitted to shine or reflect into other properties, creating a nuisance.
9. The approved landscaping plan is required to be maintained once implemented and maintenance requirements should be outlined in the strata management plan to ensure landscaping areas within strata properties are suitably maintained. Modifications to the approved landscaping that has been installed on-site at the time of occupancy will require subsequent approval of the City. The City encourages landscaping methods and species selection which do not rely on reticulation.
10. The applicant and landowner are advised that sufficient parking can be provided on the subject site and as such the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the multiple dwellings in accordance with the City's Policy No. 3.9.3 – Parking Permits. This information should be provided to all prospective purchasers and it is recommended that a notice be placed on Sales Contracts to advise purchasers of this restriction.
11. The applicant is advised that any future strata title of the property must be consistent with this approval and the lot sizes demonstrated in the application.
12. The applicant is advised of the following by the City's Health Services:
 - a. Food businesses are proposed on the ground floor tenancies, and the mechanical ventilation plans or type of businesses is not yet known. The City recommends that control of cooking odours/smoke are managed on a worst case scenario, by ensuring that vertically discharging mechanical ventilation systems are built in to the building. Mechanical ventilation systems are required to comply with AS1668.2 - *The use of ventilation and air conditioning in buildings (Part 2: Mechanical ventilation in buildings)* in order to prevent odours/smoke causing a nuisance to the residential apartments above.
 - b. The food business proprietor/s are to submit a Food Business Notification/Registration application form to register the new food premises under the Food Act 2008. The application must be assessed by Health Services and approved prior to opening. For any queries please contact Health Services.



AMENDING MOTION

Moved by: Francesca Lefante

Seconded by: Cr Susan Gontaszweski

The following amendments were made en bloc;

- i. That Condition No. 4.1 bullet point 7 be deleted.

REASON: Use of the park for secondary access to residential and commercial properties requires separate approval from the City and does not form part of this determination.

- ii. That a new Advice Note No. 13 be added to read as follows:

The Applicant and/or Landowner is advised that this determination does not issue any approval for development located on Stuart Street Reserve. The Applicant and/or Landowner are required to seek separate approval from the City for all works located on Stuart Street Reserve.

REASON: This advice note replaces deleted Condition 4.1 bullet point 7. To clarify that access to residential and commercial properties are capable from the public domain. The use of park is subject to separate approval from the City and does not form part of this determination.

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

For: Francesca Lefante
Lee O'Donohue
Cr Susan Gontaszweski
Cr Ashley Wallace

Against: John Syme

REPORT RECOMMENDATION (AS AMENDED)

That the Metro Inner-North JDAP resolves to:

1. **Approve** DAP Application reference DAP/23/02415 and accompanying plans included in **Attachment 2** in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of City of Vincent Local Planning Scheme No.2, subject to the following conditions:

Francesca Lefante
Presiding Member, Metro Inner-North JDAP



Conditions

1. General

- 1.1. 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.
- 1.2. This decision constitutes planning approval only and is valid for a period of four 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.
- 1.3. This approval is for Mixed Use Development comprising of 21 Multiple Dwellings and one Restaurant/Café as shown on the approved plans dated 21 July 2023 and as defined in the City of Vincent Local Planning Scheme No. 2. No other development forms part of this approval.
- 1.4. The Restaurant/Café shall be limited to a maximum of 20 patrons on-site at any given time.

2. Building Design

- 2.1. The surface finish of boundary walls facing the adjoining property shall be of a good and clean condition, **prior to the occupation or use of the development**, and thereafter maintained, to the satisfaction of the City. The finish of boundary walls is to be fully rendered or face brick, or material as otherwise approved, to the satisfaction of the City.
- 2.2. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive.
- 2.3. Doors, windows and adjacent floor areas fronting Lake Street and Church Street shall maintain an active and interactive relationship with the street, darkened obscured, mirrored or tinted glass or other similar materials as considered by the City is prohibited.
- 2.4. Ground floor glazing and/or tinting shall be a minimum of 70 percent visually permeable to provide unobscured visibility. Darkened, obscured, mirrored or tinted glass or other similar materials as considered by the City is prohibited.
- 2.5. **Prior to the occupation or use of the development**, all privacy screening devices shown on the approved plans shall be installed in accordance with the details and annotations indicated on the approved plans, the satisfaction of the City.



2.6. Metre boxes, fire boosters and other service utilities shall be located behind the street setback area, not be visible from the street and where integrated into the building, designed and located so as not to be visually obtrusive, to the satisfaction of the City.

3. Colours and Materials

Prior to the issue of a building permit, a schedule detailing the colour and texture of the building materials that is consistent with the approved plans and demonstrating that the proposed development complements the surrounding area, shall be submitted to and approved by the City to the satisfaction of the City's Design Review Panel.

The development must be finished, and thereafter maintained, in accordance with the schedule provided to and approved by the City, **prior to occupation or use of the development**.

4. Landscaping

4.1. A detailed landscape and reticulation plan for the development site, the adjoining road verge and Stuart Street Reserve, to the satisfaction of the City, shall be lodged with and approved by the City **prior to the issue of a building permit**.

The plan shall be drawn to a scale of 1:100, be generally in accordance with the landscaping plans dated 30 June 2023 prepared by REALMstudios, and shall show the following:

- The location and type of proposed trees and plants;
- Areas to be irrigated or reticulated;
- The provision of a minimum 3.1 percent deep soil areas, as defined by the Residential Design Codes Volume 2;
- The provision of a minimum of 16.2 percent on-structure planting areas;
- The provision of a minimum of four medium and eight small trees within the deep soil areas and on-structure planting areas provided. The tree species are to be in accordance with the City's recommended tree species list;
- The provision of three new trees within the verge of Lake Street and 13 new trees within the edge of Stuart Street Reserve adjacent to the subject site. The tree species shall be to the City's satisfaction; and

4.2. All works shown in the approved landscaping plan shall be undertaken in accordance with the approved plans to the satisfaction of the City, **prior to the occupation or use of the development** and maintained thereafter to the satisfaction of the City, at the expense of the owners/occupiers.



5. Car Parking, Access and Bicycle Facilities

- 5.1. **Prior to the occupation or use of the development**, 21 resident car parking bays, three dedicated visitor car parking bays and one reciprocal non-residential and visitor car parking bay, shall be provided on site and provided in accordance with Australian Standard AS2890.1.
- 5.2. **Prior to the occupation or use of the development**, the allocation of car parking bays shall be completed as follows, to the satisfaction of the City:
- The car parking spaces provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development; and
 - Visitor parking bays shall be permanently marked, always maintained and legally accessible at all times for use exclusively by residential visitors to the property, be clearly visible and suitably sign posted from the street and communal accessways.
- 5.3. All driveways, car parking and manoeuvring area(s) which form part of this approval shall be sealed, drained, paved and line marked in accordance with the approved plans **prior to the occupation or use of the development** and maintained thereafter by the owner/occupier to the satisfaction of the City.
- 5.4. Bicycle racks shall be designed and constructed in accordance with Australian Standards AS2890.3: 2015 Parking Facilities Part 3: Bicycle Parking, and shall be installed **prior to the occupation or use of the development** in the following locations generally in accordance with approved plans, to the satisfaction of the City:
- A minimum of 13 bicycle parking bays provided on-site for the residential component; and
 - A minimum of four bicycle parking bays provided within the adjacent Lake Street verge for residential visitors and the commercial tenancy.
- 5.5. **Prior to the issue of a building permit**, a Parking Management Plan shall be submitted to and approved by the City. The Parking Management Plan is to include details addressing the following, but not limited to:
- The installation of signage along the frontage of the building if required to identify the location of, and access to the on-site car parking bays for residential visitors;
 - The allocation of the car parking bays to ensure that there is a minimum of 21 resident, three dedicated visitor and one reciprocal non-residential and visitor car parking bays provided on site;
 - The specifications and operation details of the turntable on the ground floor and the car stackers on the first floor;



- Detailed operation and management measures related to the provision of the one reciprocal non-residential and visitor car parking bay so that it is identifiable and available for residential visitors at all times outside of the commercial tenancy operating hours of 6:00am to 3:00pm;
- The installation, provision and ongoing maintenance of an appropriate traffic management system to the vehicle access ramps and within the car parking areas. This system may include signals, alerts and mirrors and shall be designed to prioritise vehicles entering the site, rather than vehicles in the car parking areas on site waiting to exit. This is to minimise vehicles queueing on Lake Street and Church waiting to enter the site; and
- The installation of signage and details on the notification of prospective purchasers to identify that car parking bays 19 and 20 are reverse-in only bays.

The approved Parking Management Plan shall be implemented **prior to the occupation or use of the development**, and the development shall be carried out in accordance with the approved Parking Management Plan and approved plans, to the satisfaction of the City at the expense of the owners/occupiers.

6. Cash-in-lieu of Car Parking

Prior to the occupation or use of the development the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:

a) pay a cash-in-lieu contribution of \$10,800 for the equivalent value of two car parking bays, based on the infrastructure cost of \$360 per square metre as set out in the City's Payment in Lieu of Parking Plan, or by entering into a written agreement with the City to pay the cash-in-lieu over an agreed period up to five years;

OR

b) lodge an appropriate assurance bond/ bank guarantee of a value of \$10,800 to the satisfaction of the City. This assurance bond / bank guarantee will only be released to the owner(s) / applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.

7. Acoustic Report

7.1. **Prior to the issue of a building permit** the Acoustic Report (Reverberate Consulting, January 2023) shall be revised then lodged with and approved by the City, in accordance and to demonstrate compliance with the City's Policy No. 7.5.21 – Sound Attenuation and the *Environmental Protection (Noise) Regulations 1997*. The revised acoustic report shall reflect the final detailed design, include details related to mechanical plant, equipment and other potential noise sources, and shall demonstrate that noise impacts from the car stackers and café tenancy to the adjacent apartments will be appropriately mitigated and managed.

Francesca Lefante
Presiding Member, Metro Inner-North JDAP



- 7.2. All recommended measures included in the revised approved Acoustic Report shall be implemented **prior to the occupation or use of the development** and be maintained thereafter, to the satisfaction of the City, at the expense of the owners/occupiers.

Written certification from an acoustic consultant shall be provided to the City demonstrating that the recommended measures have been undertaken to the City's satisfaction, **prior to the occupation or use of the development**.

8. Construction Management

- 8.1. **Prior to the issue of a building permit**, a Construction Management Plan is to be prepared and submitted to the City for approval that details how the construction of the development will be staged and managed to minimise the impact on the surrounding area (including demolition and/or forward works). The Construction Management Plan is required to address the following concerns that relate to any works to take place on the site:

- Public safety, amenity and site security;
- Contact details of essential site personnel;
- Construction operating hours;
- Noise control and vibration management;
- Dilapidation reports of nearby properties;
- Air, sand and dust management;
- Stormwater and sediment control;
- Soil excavation method, dewatering and subsidence management;
- Waste management and materials re-use;
- Traffic and access management;
- Parking arrangements for contractors and subcontractors;
- Consultation plan with nearby properties; and
- Compliance with AS4970-2009 relating to the protection of trees around the development site.

- 8.2. The approved Construction Management Plan shall be complied with at all times, for the duration of the construction of the development.

9. Stormwater

Stormwater from all roofed and paved areas shall be collected and contained on site. Stormwater must not affect or be allowed to flow onto or into any other property or road reserve.

10. Signage

All signage is to be in strict accordance with the City's Local Planning Policy: Signs and Advertising, unless further development approval is obtained.



11. Sight Lines and Truncations

- 11.1. **Prior to the issue of the building permit**, amended plans shall be submitted and approved demonstrating the provision of 1 metre x 1 metre access truncations/wings on both sides of the vehicle access point to Church Street between where the access point and crossover meets the edge of the roadway for the purpose of vehicle manoeuvring, to the satisfaction of the City.
- 11.2. No walls, letterboxes or fences above 0.75 metres in height are to be constructed within the 1.5 metres of where:
- walls, letterboxes or fences adjoin vehicular access points to the site; or
 - a driveway meets a public street; or
 - two streets intersect;
- unless otherwise approved by the City of Vincent.
- 11.3. No development (including a building, wall, fence or other form of visual obstruction) greater than 0.75 metres in height measured from the natural ground level at the boundary, is to be placed on the lot within a 3 metre x 3 metre visual truncation at the intersection of Lake Street and Church Street, to the satisfaction of the City.

12. Public Art

- 12.1. In accordance with the City's Local Planning Policy – Percent for Art the application is required to make a public art contribution of \$150,000 being one percent of the \$15 million cost of development.

To comply with the Policy, the owner(s) or applicant, on behalf of the owner(s) shall submit a statutory declaration **prior to the issue of a building permit** stipulating the choice of:

Option 1: Owner/Applicant chooses to co-ordinate the Public Art project themselves or by engaging an art consultant

OR

Option 2: Owner/Applicant chooses to pay cash-in-lieu. Owner/Applicants who choose Option 2 will receive a 15% discount on the Percent for Art contribution.

- 12.2. The owner(s), or the applicant on behalf of the owner(s), shall comply with the City of Vincent Percent for Public Art Policy No. 7.5.13 in conjunction with the above chosen option:

Option 1 –

Prior to the issue of a building permit for the development, obtain approval for the Public Art Project and associated Artist; and



Prior to the occupation or use of the development, install the approved public art project, and thereafter maintain the art work;

OR

Option 2 –

Prior to the occupation or use of the development pay the above cash-in-lieu contribution amount.

13. Clothes Drying Facilities

Prior to the occupation or use of the development, each multiple dwelling shall be provided with a clothes drying area screened from the public realm in accordance with the Residential Design Codes Volume 2, to the satisfaction of the City.

14. Waste Management

The Waste Management Plan (Talis Consultants, June 2023) shall be implemented **prior to the occupation or use of the development** and the development shall operate in accordance with this plan at all times, to the satisfaction of the City and at the expense of the owners/occupiers, and unless otherwise approved by the City.

Advice Notes

1. All new crossovers to lots are subject to a separate application to be approved by the City. All new crossovers shall be constructed in accordance with the City's Standard Crossover Specifications, which specify that the portion of the existing footpath traversing the proposed crossover must be retained. The proposed crossover levels shall match into the existing footpath levels. Should the footpath not to be in satisfactory condition, it must be replaced with in-situ concrete panels in accordance with the City's specification for reinstatement of concrete paths.
2. The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5m) shall be maintained for all users at all times during construction works. Permits are required for placement of any material within the road reserve.
3. An Infrastructure Protection Bond together with a non-refundable inspection fee shall be lodged with the City by the applicant, prior to the commencement of works, and will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City. An application for the refund of the bond shall be made in writing. The bond is non-transferable.
4. All pedestrian access and vehicle driveway/crossover levels shall match into existing verge, footpath and reserve levels to the satisfaction of the City.

Francesca Lefante
Presiding Member, Metro Inner-North JDAP



5. All stormwater produced on the subject land shall be retained on site, by suitable means to the full satisfaction of the City. No further consideration shall be given to the disposal of stormwater 'off site' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater 'off site' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings.
6. With reference to boundary walls, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls.
7. With reference to the Construction Management Plan, the owner/applicant may be required to obtain a Work Zone Permit from the City in order to satisfy this Condition due to the location of the site with access constraints. The requirement for, and cost of any such permit shall be determined by the City following the lodgement of a Building Permit.
8. Any external artificial lighting installations, including in carparks and common areas, is to comply with Australian Standard AS 4282-1997 'Control of the obtrusive effects of outdoor lighting' and must not be permitted to shine or reflect into other properties, creating a nuisance.
9. The approved landscaping plan is required to be maintained once implemented and maintenance requirements should be outlined in the strata management plan to ensure landscaping areas within strata properties are suitably maintained. Modifications to the approved landscaping that has been installed on-site at the time of occupancy will require subsequent approval of the City. The City encourages landscaping methods and species selection which do not rely on reticulation.
10. The applicant and landowner are advised that sufficient parking can be provided on the subject site and as such the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the multiple dwellings in accordance with the City's Policy No. 3.9.3 – Parking Permits. This information should be provided to all prospective purchasers and it is recommended that a notice be placed on Sales Contracts to advise purchasers of this restriction.
11. The applicant is advised that any future strata title of the property must be consistent with this approval and the lot sizes demonstrated in the application.
12. The applicant is advised of the following by the City's Health Services:



- a. Food businesses are proposed on the ground floor tenancies, and the mechanical ventilation plans or type of businesses is not yet known. The City recommends that control of cooking odours/smoke are managed on a worst case scenario, by ensuring that vertically discharging mechanical ventilation systems are built in to the building. Mechanical ventilation systems are required to comply with AS1668.2 - *The use of ventilation and air conditioning in buildings (Part 2: Mechanical ventilation in buildings)* in order to prevent odours/smoke causing a nuisance to the residential apartments above.
 - b. The food business proprietor/s are to submit a Food Business Notification/Registration application form to register the new food premises under the Food Act 2008. The application must be assessed by Health Services and approved prior to opening. For any queries please contact Health Services.
13. The Applicant and/or Landowner is advised that this determination does not issue any approval for development located on Stuart Street Reserve. The Applicant and/or Landowner are required to seek separate approval from the City for all works located on Stuart Street Reserve.

The Report Recommendation (as amended) was put and CARRIED (3/2).

For: Francesca Lefante
Lee O'Donohue
John Syme

Against: Cr Susan Gontaszweski
Cr Ashley Wallace

REASON: The panel members were of the opinion that the proposal is well-designed development which is consistent with the strategic and statutory planning provisions. Due consideration was given to the proposal, planning framework, submission received, agency comments and presentations in reaching a decision on this proposal. The majority of panel members were satisfied the proposed development is consistent with the planning framework.

The design / exterior architecture and materials are appropriate within the local character, streetscape, and size planning provisions. The extent of discretion being sought is appropriate given the design includes the building form, bulk and scale, aesthetic and mix of materials reflects the location of the site, current and emerging character of the area and adjoining park. The inclusion of ground floor commercial tenancies provides positive street interaction and view over the park use which is consistent with planning framework.

Parking and access is supported within the road network and site characteristics which include two street frontage and one way movement on Church Street.

On balance the majority of panel members supported the proposal consistent with the recommendation inclusive of minor condition changes, for the reasons outlined in the RAR.

Francesca Lefante
Presiding Member, Metro Inner-North JDAP



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

Nil

10. State Administrative Tribunal Applications and Supreme Court Appeals

10.1 Lot 20 (391) Lord Street, Mount Lawley

Development Description: Proposed Mixed Use Development
Summary of Modifications: Modifications to Building Design
Applicant: Urbanista Town Planning
Owner: Mariano Siano
Responsible Authority: City of Vincent
DAP File No: DAP/22/02191 (DR 192/2022)

REPORT RECOMMENDATION

Moved by: Cr Ashley Wallace

Seconded by: Lee O'Donohue

That the Metro Inner-North JDAP, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application resolves to:

1. **Reconsider** its decision dated 19 October 2022 and **Approve** DAP Application reference DAP/22/02191 and accompanying plans included in **Attachment 2** 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 Vincent Local Planning Scheme No. 2, subject to the following conditions:

Conditions

1. General

- 1.1. 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.
- 1.2. This decision constitutes planning approval only and is valid for a period of four 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.
- 1.3. This development approval is for a Mixed Use Development comprising of eight Multiple Dwellings and one Restaurant/Cafe as shown on the approved plans dated 28 July 2023. No other development forms part of this approval.

Francesca Lefante
Presiding Member, Metro Inner-North JDAP



2. Land Use

- 2.1. The ground floor tenancy shall only be used in accordance with the definition of Restaurant/Cafe within the City of Vincent Local Planning Scheme No. 2 as follows:

Restaurant/Café means premises primarily used for the preparation, sale and serving of food and drinks for the consumption on the premises by customers for whom seating is provided, including premises that are licenced under the Liquor Control Act 1986.

The use of this tenancy for any other purpose shall require further development approval.

- 2.2. The use of the Restaurant/Café shall be limited to external service and shall not be permitted indoor seating unless further development approval is obtained.

3. Building Design

- 3.1. The surface finish of boundary walls facing adjoining property shall be of a good and clean condition, **prior to the occupation or use of the development**, and thereafter maintained, to the satisfaction of the City. The finish of boundary walls is to be fully rendered or face brick, or material as otherwise approved, to the satisfaction of the City.
- 3.2. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive.
- 3.3. Doors and windows and adjacent floor areas fronting Harold Street and Lord Street shall maintain an active and interactive relationship with this street, darkened obscured, mirrored or tinted glass or other similar materials as considered by the City is prohibited.
- 3.4. Ground floor glazing and/or tinting shall be a minimum of 70 percent visually permeable to provide unobscured visibility. Darkened, obscured, mirrored or tinted glass or other similar materials as considered by the City is prohibited.
- 3.5. Metre boxes shall be located behind the primary street setback area, not be visible from the street or be integrated into the building, to the satisfaction of the City.
- 3.6. The fire hydrant booster shall be integrated into the design of the building, to the satisfaction of the City.
- 3.7. The awning within the Lord Street road reservation attached to the façade of the building shall be designed to be removable, to the satisfaction of the City.



- 3.8. The storerooms shall be reallocated to ensure that those allocated to three-bedroom units have a minimum area of 5 square metres and those allocated to two-bedroom units have a minimum area of 4 square metres, to the satisfaction of the City and **prior to the occupation or use of the development.**

4. Colours and Materials

Prior to the issue of a building permit, a schedule detailing the colour and texture of the building materials that is consistent with the approved plans and demonstrating that the proposed development complements the surrounding area, shall be submitted to and approved by the City to the satisfaction of the City's Design Review Panel.

The development must be finished, and thereafter maintained, in accordance with the schedule provided to and approved by the City, **prior to occupation or use of the development.**

5. Landscaping

- 5.1. A detailed landscape and reticulation plan for the development site and adjoining road verge, to the satisfaction of the City, shall be lodged with and approved by the City **prior to commencement of the development.**

The plan shall be drawn to a scale of 1:100, be generally in accordance with the landscaping plan dated 16 May 2023 prepared by Kelsie Davies Landscape Architect and show the following:

- The location and type of existing and proposed trees and plants;
- Areas to be irrigated or reticulated;
- Selected tree species are to be in accordance with the City's recommended tree species list;
- Landscaping within the verge shall be maintained at a maximum height of 0.75 metres to ensure that adequate sightlines are provided at the intersection of Harold Street and Lord Street;
- The installation of planting along the southern balcony area of Unit 1 with a minimum height of 1.6 metres and be of a to provide screening to the adjacent property to the west; and
- The installation of landscaping within the planter boxes adjacent to the balconies of Units 2, 4, 6, 7 and 8.

- 5.2. All works shown in the approved landscaping plan shall be undertaken in accordance with the approved plans to the satisfaction of the City, **prior to occupancy or use of the development** and maintained thereafter to the satisfaction of the City, at the expense of the owners/occupiers.



6. Car Parking, Access and Bicycle Facilities

- 6.1. **Prior to the first occupation or use of the development**, a minimum of 10 resident bays and one non-residential bay located within the car stackers, and one bay for visitors to the apartments shall be provided on site and are to be permanently marked for the exclusive use of the mixed use development in accordance with Australian Standard AS2890.1.
- 6.2. **Prior to the first occupation or use of the development**, the car parking spaces provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development.
- 6.3. One visitor parking bay shall be permanently marked, maintained and legally accessible at all times for use exclusively by visitors to the apartments, and be clearly visible or suitably sign posted from the street.
- 6.4. All driveways, car parking and manoeuvring area(s) which form part of this approval shall be sealed, drained, paved and line marked in accordance with the approved plans **prior to the first occupation or use of the development** and maintained thereafter by the owner/occupier to the satisfaction of the City.
- 6.5. A 2.5 metre by 2.5 metre truncation shall be provided at the junction of Lord Street and Phelps Lane.
- 6.6. **Prior to the first occupation or use of the development**, redundant or “blind” crossovers shall be removed and the verge and kerb made good to the satisfaction of the City, at the applicant/owner’s full expense.
- 6.7. A minimum of five long term bicycle racks and three short term bicycle racks, shall be provided within the development, and designed and constructed in accordance with Australian Standards AS2890.3: 2015 Parking Facilities Part 3: Bicycle Parking. All bicycle racks shall be installed **prior to occupancy or use of the development** within the site, to the satisfaction of the City.
- 6.8. **Prior to the occupation or use of the development**, a Parking Management Plan shall be submitted to and approved by the City. The Parking Management Plan is to include, but not limited to, addressing the following:
 - Detailed management measures for the operation of the vehicular entry gate/s, to ensure access is readily available for owners and tenants to the residential and non-residential units at all times;
 - The allocation of the car parking bays to ensure that there is a minimum of 10 resident bays and one non-residential bay located within the car stackers and one bay for visitors to the apartments;
 - Car stacker specifications including safety information related to gates; and



- The installation of signage and details on the notification of prospective purchasers to identify that the car stacker has been designed to accommodate B85 vehicles, and larger B99 vehicles may have constrained or restricted access to the on-site parking provided within the development.

The approved Parking Management Plan shall be implemented, and the development shall be carried out in accordance with the approved Parking Management Plan and approved plans, to the satisfaction of the City at the expense of the owners/occupiers.

7. Acoustic Report and Noise Management

- 7.1. **Prior to the issue of the building permit** a revised Acoustic Report shall be lodged with and approved by the City, in accordance with the City's Policy No. 7.5.21 – Sound Attenuation. The revised acoustic report shall include details related to mechanical and plant equipment (including air conditioners and car stackers) and operating hours of the Restaurant/Café tenancy.
- 7.2. All recommended measures included in the approved revised Acoustic Report and the SPP5.4 Road Noise Assessment (dated 6 September 2022) shall be implemented **prior to the occupation or use of the development** and be maintained thereafter, to the satisfaction of the City, at the expense of the owners/occupiers.

Written certification from an acoustic consultant shall be provided to the City demonstrating that the recommended measures have been undertaken to the City's satisfaction, **prior to occupancy or use of the development.**

- 7.3. A Notification under Section 70A of the *Transfer of Land Act 1893* must be registered over the certificate of title to the land the subject of the proposed development. The notification shall notify owners and prospective purchasers of the property as follows:

"This lot is in the vicinity of a transport corridor and is affected, or may in the future be affected, by road and rail transport noise from Lord Street and the Midland Train line. Road and rail transport noise levels may rise or fall over time depending on the type and volume of traffic."

This notification shall be lodged and registered **prior to the occupation or use of the development.**

8. Construction Management

- 8.1. **Prior to the issue of a Building Permit**, a Construction Management Plan is to be prepared and submitted to the City that details how the construction of the development will be staged and managed to minimise the impact on the surrounding area (including demolition and/or forward works). The Construction Management Plan is required to address the following concerns that relate to any works to take place on the site:



- Public safety, amenity and site security;
- Contact details of essential site personnel;
- Construction operating hours;
- Noise control and vibration management;
- Dilapidation reports of nearby properties;
- Air, sand and dust management;
- Stormwater and sediment control;
- Soil excavation method;
- Waste management and materials re-use;
- Traffic and access management;
- Parking arrangements for contractors and subcontractors; and
- Consultation plan with nearby properties.

8.2. The approved Construction Management Plan shall be complied with at all times, for the duration of the construction of the development.

9. Stormwater

Stormwater from all roofed and paved areas shall be collected and contained on site. Stormwater must not affect or be allowed to flow onto or into any other property or road reserve.

10. Signage

All signage is to be in strict accordance with the City's Local Planning Policy Signs and Advertising, unless further development approval is obtained.

11. Sight Lines

No walls, letterboxes or fences above 0.75 metres in height to be constructed within the 1.5 metre of where:

- walls, letterboxes or fences adjoin vehicular access points to the site; or
- a driveway meets a public street; or
- two streets intersect;

unless otherwise approved by the City of Vincent.

12. Public Art

12.1. In accordance with the City's Policy No. 7.5.13 - Percent for Art the application is required to make a public art contribution of \$23,000 being one percent of the \$2.3 million cost of development.

To comply with the Policy, the owner(s) or applicant, on behalf of the owner(s) shall submit a statutory declaration **prior to the lodgement of a Building Permit** stipulating the choice of:

Option 1: Owner/Applicant chooses to co-ordinate the Public Art project themselves or by engaging an art consultant

OR



Option 2: Owner/Applicant chooses to pay cash-in-lieu. Owner/Applicants who choose Option 2 will receive a 15% discount on the Percent for Art contribution.

- 12.2. The owner(s), or the applicant on behalf of the owner(s), shall comply with the City of Vincent Percent for Public Art Policy No. 7.5.13 in conjunction with the above chosen option:

Option 1 –

Prior to the issue of a Building Permit for the development, obtain approval for the Public Art Project and associated Artist; and

Prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work;

OR

Option 2 –

Prior to the issue of an Occupancy Permit pay the above cash-in-lieu contribution amount.

13. Clothes Drying Facilities

Prior to the occupation or use of the development, each multiple dwelling shall be provided with a clothes drying area screened from the public realm in accordance with the Residential Design Codes Volume 2, to the satisfaction of the City.

14. Waste Management

14.1. **Prior to the issue of a Building Permit** an amended Waste Management Plan must be submitted to and approved by the City. The plan must include the following details to the satisfaction and specification of the City:

- Details of private waste collection for the residential and non-residential units; and
- The provision of residential bins in accordance with the City's Waste Guidelines, including
 - Four x 240L general waste bins;
 - Three x 360L recycling bins; and
 - Three x 240L FOGO bins.

14.2. The approved Waste Management Plan shall be complied with at all times, for the duration of the construction of the development.

14.3. Waste and refuse generated on the site by of the multiple dwellings shall be collected by a private contractor at the expense of the applicant/landowner.



Advice Notes

1. All new crossovers to lots are subject to a separate application to be approved by the City. All new crossovers shall be constructed in accordance with the City's Standard Crossover Specifications, which specify that the portion of the existing footpath traversing the proposed crossover must be retained. The proposed crossover levels shall match into the existing footpath levels. Should the footpath not be in satisfactory condition, it must be replaced with in-situ concrete panels in accordance with the City's specification for reinstatement of concrete paths.
2. The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5m) shall be maintained for all users at all times during construction works. Permits are required for placement of any material within the road reserve.
3. All stormwater produced on the subject land shall be retained on site, by suitable means to the full satisfaction of the City. No further consideration shall be given to the disposal of storm water 'off site' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of storm water 'off site' be subsequently provided, detailed design drainage plans and associated calculations for the proposed storm water disposal shall be lodged together with the building permit application working drawings.
4. With reference to boundary walls, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls.
5. In reference the Construction Management Plan, the owner/applicant is advised:
 - A Work Zone Permit may be required from the City in order to satisfy this Condition due to the location of the site with access constraints. The requirement for, and cost of any such permit shall be determined by the City following the lodgement of a Building Permit; and
 - In accordance with the City's Policy No 7.5.23 - Construction Management Plans the City does not support the use of Sheet Piling for developments.
6. Any external artificial lighting installations, including in carparks and common areas, is to comply with Australian Standard AS 4282-1997 'Control of the obtrusive effects of outdoor lighting' and must not be permitted to shine or reflect into other properties, creating a nuisance.
7. The food business proprietor/s are to comply with the *Food Act 2008*, Food Regulations 2009 and the Australia New Zealand Food Standards Code. The applicant must register with the City's Health Services prior to operation of the food business. Please contact Health Services to discuss the requirements further with an Environmental Health Officer.


Francesca Lefante
Presiding Member, Metro Inner-North JDAP



8. Food businesses are proposed on the ground floor tenancies, and the mechanical ventilation plans or type of businesses is not yet known. The City recommends that control of cooking odours/smoke are managed on a worst case scenario, by ensuring that vertically discharging mechanical ventilation systems are built in to the building. Mechanical ventilation systems are required to comply with AS1668.2 - *The use of ventilation and air conditioning in buildings (Part 2: Mechanical ventilation in buildings)* in order to prevent odours/smoke causing a nuisance to the residential apartments above.
9. Visually permeable is defined as *"in reference to a wall, gate, door or fence that the vertical surface has continuous vertical or horizontal gaps of 50mm or greater width occupying not less than one third of the total surface area; continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate; or a surface offering equal or lesser obstruction to view; as viewed directly from the street"*.
10. The approved landscaping plan is required to be maintained once implemented and maintenance requirements should be outlined in the strata management plan to ensure landscaping areas within strata properties are suitably maintained. Modifications to the approved landscaping that has been installed on site at the time of occupancy will require subsequent approval of the City.
11. The applicant and landowner are advised that sufficient parking can be provided on the subject site and as such the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential dwellings. This information should be provided to all prospective purchasers and it is recommended that a notice be placed on Sales Contracts to advise purchasers of this restriction.
12. The applicant is advised that any future strata title of the property must be consistent with this approval and the lot sizes demonstrated in the application.

The Report Recommendation was put and CARRIED (4/1).

For: Cr Ashley Wallace
Lee O'Donohue
Francesca Lefante
John Syme

Against: Cr Susan Gontaszweski

REASON: The majority of Panel Members considered that the revised application as submitted, following mediation at SAT, addressed the issues associated with site interface, ground floor activation and streetscape design resulting in the proposal being consistent with the planning framework and scheme provisions.

The building design response in terms of form, scale and height focusses the bulk height and bulk to Lord Street and transitions to the lower zoned site on Harold Street by increased setbacks and separation. The inclusion of a café to Harold Street frontage, of a flexible design and area is consistent with the zoning, appropriate in the site context and enhances the streetscape interaction.


Francesca Lefante
Presiding Member, Metro Inner-North JDAP



Parking configuration is supported, given site location, alternate transport and street parking, including the outcomes the City's recent parking survey undertaken in the immediate area.

On balance, the majority of members supported the building design and height within the location context, having regard to the above and the reasons as given in the RAR.

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/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/22/02219 DR154/2022	City of Bayswater	589-591 (Lot 160-161) Morley Drive, Morley	Proposed Childcare Centre	14/09/2022
DAP/22/02229 DR172/2022	Town of Cambridge	413 (Lot 11) Vincent Street West, West Leederville	Two-Storey Childcare Centre	04/10/2022
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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Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/22/02218 DR216/2022	City of Subiaco	No. 414 (Lot 27) Rokeby Road, Subiaco	Demolition Of Existing Building and Construction of a Six Storey Mixed Use Development (Ten Multiple Dwellings and Three Office Tenancies)	07/12/2022
DAP/22/02366 DR74/2023	City of Stirling	House Numbers 432, 438 And 440 (Lots 23, 15 And 351) Scarborough Beach Road and House Number 57 (Lot 31) Howe Street, Osborne Park	Additions - Motor Vehicle, Boat or Caravan Sales and Motor Vehicle Repair to existing Automotive Sales	22/05/2023
DAP/22/02364 DR75/2023	City of Bayswater	504A & 504-508 (Lot 30,4) Guildford Road, Bayswater	Proposed service station, fast food outlet and showroom development	23/05/2023
DAP/22/02248	City of Vincent	No. 129 (Lot: 62; D/P: 956) Loftus Street, Leederville	Proposed Child Care Premises	24/05/2023
DAP/22/02317 DR81/2023	City of Vincent	41-43 and 45 Angove Street, North Perth	Proposed Service Station	31/05/2023

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 11:57 am.


Francesca Lefante
Presiding Member, Metro Inner-North JDAP