



Metro Inner-North Joint Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 30 November 2023; 9.30am
Meeting Number: MINJDAP/206
Meeting Venue: City of Vincent
244 Vincent Street, Leederville

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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 Alex Castle (Local Government Member, City of Vincent)

Officers in attendance

Nick Bertone (City of Vincent)
Mitchell Hoad (City of Vincent)
John Corbellini (City of Vincent)
Karsen Reynolds (City of Vincent)
Luke McGuirk (City of Vincent)

Minute Secretary

Kylie Tichelaar (City of Vincent)

Applicants and Submitters

Item 8.1

Matt Evans (Celsius Development)
Andrew Peirce (Celsius Developments)
Felipe Soto (Space Collective Architects)
Ben Doyle (Planning Solutions)
Neil Stacey
Stephanie Elson
Nicola Burton
Peter Roussos
Emily Bird
Mayor Alison Xamon

Item 8.2

Jeremy Hofland (Rowe Group)
Clancy White (Whitehaus Architects)

Members of the Public / Media

There were 8 members of the public in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:31am on 30 November 2023 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

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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

Cr Jonathan Hallett (Local Government Member, City of Vincent)
Cr Ashley Wallace (Local Government Member, City of Vincent)

3. Members on Leave of Absence

Nil

4. Noting of Minutes

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

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of Interests

DAP Member, Cr Alex Castle, declared an impartiality interest in item 8.1. Prior to being appointed to the DAP in October 2023, in Cr Castle's role as a councillor of the City of Vincent, Cr Castle met with the applicant and residents to discuss the application and the JDAP process including the previous application for the subject site. Cr Castle also attended a number of community meetings with residents and City officers, since being appointed as a DAP member no discussions have taken place other than to inform them of the Cr's appointment and brief conversations in relation to the process.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member determined that the member listed above, who had disclosed an impartiality interest, was permitted to participate in the discussion and voting on the item.

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7. Deputations and Presentations

- 7.1 Neil Stacey addressed the DAP against the recommendation for the application at Item 8.1.
- 7.2 Stephanie Elson addressed the DAP against the recommendation for the application at Item 8.1.
- 7.3 Nicola Burton addressed the DAP against the recommendation for the application at Item 8.1.
- 7.4 Peter Roussos addressed the DAP against the recommendation for the application at Item 8.1.
- 7.5 Emily Bird addressed the DAP against the recommendation for the application at Item 8.1.
- 7.6 Mayor Alison Xamon (City of Vincent) addressed the DAP against the recommendation for the application at Item 8.1.
- 7.7 Andrew Peirce (Celsius Developments) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.8 Felipe Soto (Space Collective Architects) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.9 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.
- 7.10 John Corbellini & Luke McGuirk (City of Vincent) addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

The presentation at Item 7.1 – 7.10 were heard prior to the application at Item 8.1.

- 7.11 Clancy White (Whitehaus Architects) addressed the DAP in support of the recommendation for the application at Item 8.2.
- 7.12 Jeremy Hofland (Rowe Group) addressed the DAP in support of the recommendation for the application at Item 8.2.

The presentation at Item 7.11 – 7.12 were heard prior to the application at Item 8.2.

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Presiding Member, Metro Inner-North JDAP



8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Nos.103 (Lot 278) Alma Road & 367-376 (Lots 273-277) Fitzgerald Street, North Perth

Development Description: Proposed Mixed Use Development
Applicant: Celsius Development Pty Ltd
Owner:

- No. 367 Fitzgerald Street: V Milasi
- No. 369 Fitzgerald Street: V & J Milasi
- No. 373 Fitzgerald Street & 103 Alma Road: Alma Road Rise Pty Ltd

Responsible Authority: City of Vincent
DAP File No: DAP/23/02538

REPORT RECOMMENDATION

Moved by: John Syme

Seconded by: Lee O'Donohue

1. **Approve** DAP Application reference DAP/23/02538 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 (LPS2), 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 development 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.

The 'Alma Road streetscape improvements' indicated on the plans do not form part of this approval.

- 1.3. This approval is for a mixed-use development comprising 104 multiple dwellings and non-residential tenancies as shown on the approved plans dated 7 November 2023.
- 1.4. Development within the Fitzgerald Street Other Regional Road reserve the land required for road widening may be used for parking and landscaping on a temporary basis only. Any development within the reserved land shall be removed by the landowner at their own expense if required at the time that Fitzgerald Street is upgraded.

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2. Land Use

- 2.1 This use of the non-residential tenancies shall be in accordance with the following land uses as defined within LPS2:

Plan Reference	Land Use
'F&B'	Restaurant/Café
'Retail'	Shop
'Shop'	Shop
'Office'	Office

The use of the above non-residential tenancies for any other land use may require further development approval subject to the requirements of LPS2.

- 2.2 A maximum of 152 patrons are permitted across the Restaurant/Café tenancies at any one time.

3. Building Design

- 3.1. 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), shall be designed integrally with the building, and shall be located so as not to be visually obtrusive.
- 3.2. Doors and windows and adjacent floor areas to all building frontages 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. 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.
- 3.3. Metre boxes and fire hydrant boosters shall be located so as to not be visible from the street or be integrated into the development, to the satisfaction of the City.

4. Colours and Materials

Prior to the issuing of a building permit, a schedule shall be submitted to and approved by the City detailing the colour and texture of the building materials consistent with the approved plans and demonstrating that the proposed development complements the surrounding area.

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

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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 issuing of a Building Permit**. The plan shall be drawn to a scale of 1:100 and show the following:

- Areas to be irrigated or reticulated;
- The provision of a minimum of 36.8m² of deep soil area on the site as defined by the Residential Design Codes Volume 2 – Apartments, consistent with the locations shown on the approved plans;
- The provision of a minimum of 211.2m² of planting within the adjoining right of way, consistent with the locations shown on the approved plans;
- The provision of a minimum of 1,109.4m² of on-structure planting, consistent with the locations shown on the approved plans;
- The provision of small, medium and large trees in accordance with the species, location and sizes specified in the approved plans, with the exception of the western section of the right of way;
- Updated tree species are to be provided and approved by the City for the western portion of the right of way which are evergreen and non-invasive. These trees shall be planted within the western portion of the right of way in accordance with the size and location specified in the approved plans;
- The retention of all existing verge trees adjacent to the development, except for the western-most existing verge tree to Alma Road; and
- The provision of verge planting and five new trees within the Fitzgerald Street, four new trees within the verge of Alma Road and two new trees within the verge of Raglan Road adjoining the development site. The tree species shall be approved by the City.

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

5.3. No verge trees, with the exception of the western-most verge tree on Alma Road, shall be removed without the prior written approval of the City.

Verge trees shall be retained and protected from damage including unauthorised pruning to the satisfaction of the City. Prior to any pruning of verge trees, an arborist report shall be prepared by the landowner and submitted to the City.

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6. Car Parking, Access and Bicycle Facilities

6.1. **Prior to occupation or use of the development**, a minimum of:

- 179 resident car parking bays;
- 15 visitor car parking bays;
- 45 public parking bays on the ground floor; and
- 38 non-residential car parking bays for use by staff, tenants and/or customers

shall be provided on site and are to be permanently marked for the exclusive use of the mixed-use development car parking in accordance with Australian Standard AS2890.1.

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

- a) 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;
- b) Visitor car parking bays shall be permanently marked, always maintained and legally accessible for use by residential visitors to the property, be clearly visible or suitably sign posted from the communal accessways;
- c) A minimum of two non-residential parking bays shall be provided as electric vehicle bays in accordance with the City's Local Planning Policy: Non-Residential Parking. The electric vehicle charging systems shall be maintained and remain operation thereafter to the satisfaction of the City.

Electrical infrastructure shall be installed to allow for future electric vehicle charging to all parking bays within the development. Certification by a qualified installer that this infrastructure has been installed shall be submitted to the City.

6.3. 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 occupation or use of the development** and maintained thereafter by the owner/occupier to the satisfaction of the City.

6.4. **Prior to 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.

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6.5. 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 occupation or use of the development** in the following locations, to the satisfaction of the City:

- A minimum of 52 resident and 20 non-residential long-term bicycle spaces provided within the development site; and
- A minimum of 62 visitor and short-term bicycle spaces provided on the verge areas generally in locations shown on the approved plans.

6.6. **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 details addressing the following, but not limited to:

- Detailed management measures for the operation of the vehicular entry gate/s, to ensure access is readily available for owners/visitors/tenants to the residential and non-residential uses at all times;
- 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 area;
- The allocation of the car parking bays to ensure that there is a minimum of 179 resident, 15 visitor and 83 non-residential car parking bays provided on site. Where provided tandem parking bays are to be allocated to the same units or commercial tenancies.

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.

6.7. **Prior to the occupation or use of the development** engineering specifications shall be submitted to and approved by the City for the modification of the on-street car parking bays within the Raglan Road verge areas adjacent to the subject site.

Works shall be completed in accordance with the approved engineering specifications **prior to the occupation or use of the development**, to the satisfaction of the City. All costs associated with these works shall be at the expense of the owners/occupiers.

7. Delivery Management Plan

A management plan for the delivery and service vehicle movements for the development shall be submitted to the City for its approval **prior to the occupation of use of the development**. The plan shall address the following:

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- Hours of delivery and service and attending the site to ensure that these are in accordance with the *Environmental Protection (Noise) Regulations 1997*, do not occur at times that would impact on residential amenity or conflict with peak hours of the development. Deliveries and servicing are not permitted to be undertaken outside of the hours of 7am and 7pm;
- The number of vehicles of vehicles attending the site each day to ensure that no more than two would be on-site at any one time;
- Movements and size of delivery and service vehicles to ensure that they do not obstruct the vehicle movements on adjoining and surrounding residential streets. Delivery and service vehicles shall only enter from Alma Road and shall not reverse or idle within the right of way; and
- Delivery and service vehicles attending the site are to be fitted with broadband alarms to the satisfaction of the City.

8. Acoustic Report and Noise Management

- 8.1. **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 and an assessment of the sixth floor communal open space areas.

- 8.2. All recommended measures included in the 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 occupation or use of the development**.

- 8.3. **Prior to the occupation or use of each tenancy**, an Operations Noise Management Plan shall be lodged with and approved by the City and shall include, but not be limited to, the measures required to mitigate noise from:

- The timing and management of deliveries and waste collection;
- Patron/Customer numbers;
- Control and management of noise and implementation of any noise mitigation treatments/strategies; and
- Complaint management.

The approved Operations Noise Management Plan shall be implemented and maintained thereafter, to the satisfaction of the City.

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- 8.4. 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:

"The lot is situated in the vicinity of a transport corridor and in close proximity to commercial and non-residential activities. The use or enjoyment of the property may be affected by increased noise levels resulting from live and/or amplified music, traffic, car parking and other impacts associated with nearby commercial and non-residential activities within the transport corridor."

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

9. Construction Management

- 9.1. **Prior to development commencing**, 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, including but not limited to heritage listed properties at Nos. 105, 107 and 109 Alma Road, North Perth;
- 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;
- Consultation plan with nearby properties; and
- The protection of existing street trees within the Fitzgerald Street, Alma Road and Raglan Road verges.

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

10. Stormwater and Drainage

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, to the satisfaction of the City.

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11. Sight Lines

No walls, letterboxes or fences above 0.75 metres in height are 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 Local Planning Policy: Percent for Public Art the application is required to make a public art contribution of \$650,000 being one percent of the \$65 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 commencement of development** 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's Local Planning Policy: Percent for Public Art in conjunction with the above chosen option:

Option 1:

Prior to occupation of the development, obtain approval for the Public Art Project and associated Artist, install the approved public art project, and thereafter maintain the art work;

OR

Option 2:

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

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13. Clothes Drying Facilities

Prior to the occupation or use of the development, each multiple dwelling shall be provided with access to a clothes dryer or 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. Waste and refuse generated on the site by all tenancies shall be collected by a private contractor at the expense of the landowner and approved by the City.

14.2. Waste management for the development shall always comply with the approved Waste Management Plan (Talis, August 2023) to the City's satisfaction, unless otherwise approved by the City.

15. Amalgamation

Prior to occupation or use of the development, the subject land (Lots 273, 274, 275, 276, 277 and 278) shall be amalgamated into a single lot on the Certificate of Title.

16. Right of Way Upgrade and Maintenance

16.1. A detailed laneway upgrade plan shall be lodged with and approved by the City **prior to commencement of the development**. The plan shall provide for engineering specifications and be generally consistent with the approved plans and the Traffic Impact Statement (Stantec, 10 November 2023) addressing the following:

- Upgrade of the laneway construction abutting the subject site between Alma Road and Raglan Road for its full width to the City's satisfaction;
- The provision of lighting to portions of the laneway adjacent to the subject site, to the City's specifications;
- Appropriate regulatory road markings and signage, provision for one-way direction through right-of-way as per Main Roads WA standards and specifications. Signs and lines drawings shall be submitted to Main Roads WA for approval and the approved Main Road WA signs and lines drawings shall be sent to the City of Vincent for record purposes;
- Instillation of traffic management devices and treatments, as per Main Roads Western Australia standards, guidelines and code of practises and to the City's satisfaction; and
- All engineering related quality documentation regarding to the right-of-way upgrade including material docketts, test certificates and survey information to be formally handed over to the City of Vincent at the practical completion stage of the works.

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The works required by this condition must be completed by the applicant/landowners and at the owners/occupiers expense **prior to the first occupation or use of the development.**

16.2. Following the completion of construction works and installation of landscaping within the right of way set out above, the cost of the maintenance and renewal of the right of way shall be as follows:

- The City is responsible for the carriageway and the landscaping within the western portion of the right of way; and
- The landowner is responsible for the landscaping within the eastern portion of the right of way.

Advice Notes

1. This is a development approval only and is issued under the City of Vincent's Local Planning Scheme No. 2 only. It is the responsibility of the applicant/owner to obtain any other necessary approvals and to commence and carry out development in accordance with any other laws.
2. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005*, Part 14. An application must be made within 28 days of the determination.
3. 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.
4. An Infrastructure Protection Bond for the sum of \$3,000 together with a non-refundable inspection fee of \$100 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.
5. 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.
6. All pedestrian access and vehicle driveway/crossover levels shall match into existing verge, footpath and right of way levels to the satisfaction of the City.

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7. All storm water 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.
8. In 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.
9. 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.
10. 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.
11. 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*. For further information and to download a form please visit: <https://www.vincent.wa.gov.au/develop-build/health/food-businesses.aspx>. The application must be assessed by Health Services and approved prior to opening. For any queries please contact Health Services on 9273 6000 or email mail@vincent.wa.gov.au.
12. Where any community spaces fall under the definition of a public building (as defined by section 173 of the *Health (Miscellaneous Provisions) Act 1911*), then the property occupier must apply for a Public Building Certificate of Approval for each space, which will specify the maximum safe capacity. Please note that planning approval capacity may also restrict numbers. For more information and to download the application forms please visit: <https://www.vincent.wa.gov.au/develop-build/health/public-buildings.aspx>.

Where public building approval is required, Forms 1, 2 & 5 are required to be submitted to Health Services for assessment and approval prior to use. For any queries please contact Health Services on 9273 6000 or email main@vincent.wa.gov.au.

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13. The property occupier is required to apply to the Department of Health Water Unit for approval of the swimming pool prior to commencement of construction. For more information and to download an application form, please visit https://ww2.health.wa.gov.au/Articles/A_E/Construction-and-operational-advice-for-aquatic-facilities. For any queries please contact the Department of Health Water Unit on 9222 2000 or swimmingpools@health.wa.gov.au.

Once the pool has been constructed, the City's Health Services will commence routine monthly water sampling.

14. 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.
15. The applicant is advised to liaise with the Water Corporation in relation to the water supply requirements of the development and the relocation of the existing sewer mains into the adjoining road reserves.

The development will require approval from the Water Corporation prior to the commencement of works. Infrastructure contributions and fees may be required to be paid prior to approval being issued.

16. 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.
17. In relation to the right of way upgrades a bond may be required held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the City. An application to the City for the refund of the upgrade bond must be made in writing. The applicant/landowner is to liaise further with the City's Infrastructure and Engineering business unit.
18. 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.
19. In reference to the right of way upgrade, right of way widening would be required to be vested in the Crown and ceded free of cost in accordance with the *Planning and Development Act 2005* at the time of any future subdivision.

The Report Recommendation was put and CARRIED (3/1).

Francesca Lefante
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For: Francesca Lefante
Lee O'Donohue
John Syme

Against: Cr Alex Castle

REASON: The panel was satisfied that the proposed development met the requirements and objectives of the planning framework. Due consideration was given to the proposal, the planning framework, current scheme and policy provisions, submissions received and presentations at the meeting. Panel members were satisfied the proposed development design, form, bulk and scale responds positively to the site context and is consistent with the planning framework having an appropriate exterior architectural design, materials and surrounding streetscapes, and interface between the proposal and the existing residential area within the various zone objectives.

The majority of panel member supported the extent of discretion being sought on building height and scale given the positioning on the site within the District Centre zoned portion of the site, orientated to Fitzgerald Street, consistent with the setback, amenity, overlooking and overshadowing provisions. The landscaping along the lane is considered to provide an appropriate amenity in the lane and improve the transition to the lower zoned sites.

On balance the majority of panel was satisfied that the exercise of discretion for the mix of uses and development form and scale is appropriate on the site and consistent with the context and character of the area. Having regard to the above and the reasons as given in the RAR. The proposal was supported.

8.2 Nos. 38-40 & 44 (Lots 12 & 13) Brisbane Street, Perth

Development Description:	Proposed Mixed Development
Applicant:	Rowe Group
Owner:	SDA Investment Co Pty Ltd
Responsible Authority:	City of Vincent
DAP File No:	DAP/23/02499

REPORT RECOMMENDATION

Moved by: Lee O'Donohue

Seconded by: John Syme

That the Metro Inner-North JDAP resolves to:

1. **Approve** DAP Application reference DAP/23/02499 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:

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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 15 Aged or Dependent Persons Dwellings (Specialist Disability Accommodation) and associated caretaker dwelling, and Two Offices as shown on the approved plans dated 10 November 2023 and as defined in the Residential Design Codes and City of Vincent Local Planning Scheme No. 2. No other development forms part of this approval.

2. Land Use

- 2.1. The Aged or Dependent Persons Dwellings shall be limited in occupancy to dependent persons for the purpose of Specialist Disability Accommodation, to the satisfaction of the City, unless otherwise approved.
- 2.2. **Prior to the occupancy or use of the development**, the owner must execute and provide to the City notification pursuant to Section 70A of the *Transfer of Land Act 1893* (as amended) to be registered on the Certificate of Title. The notification is to advise prospective purchasers that the use of the land is subject to occupancy restrictions as set out in Condition 2.1, to the satisfaction of the City.
- 2.3. **Prior to the occupation or use of the development**, an Operational Management Plan shall be submitted to and approved by the City. The Operational Management Plan is to include, but is not limited to addressing details and measurement measures relating to the following matters:
 - Operational details of the Specialist Disability Accommodation;
 - The function of the caretaker dwelling and services and support caretakers provide to residents;
 - Notification to prospective purchasers and residents alerting them to the shared car parking bays arrangement and lack of dedicated on-site parking bays for residents;
 - Management of shared car parking bays for use by residents and arrangements for where a resident owns a private vehicle, including a maximum allowance on the amount of bays that can be allocated for exclusive use by residents;

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- Arrangements relating to access to medical services and other support services; and
- Management measures to ensure that visitors, including overnight stay, do not impact parking availability.

The approved Operational Management Plan shall be implemented, and the development shall be carried out in accordance with the approved Operational Management Plan and approved plans, to the satisfaction of the City.

3. Building Design

- 3.1. The colours, materials and finishes of the development shall be in accordance with the details and annotations as indicated on the approved plans which forms part of this approval. The development must be finished, and thereafter maintained, in accordance with the schedule provided to and approved by the City, prior to occupation of the development.
- 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. 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.
- 3.4. Metre boxes, fire boosters and other service utilities shall be located so as to not be visible from the street or be integrated into the development so as not to be visually obtrusive, to the satisfaction of the City.

4. Landscaping

- 4.1. 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 27 September 2023 prepared by In Situ Landscape Architecture and show the following:

- The location and type of proposed trees and plants;
- Areas to be irrigated or reticulated;
- The provision of a minimum 7.8 percent deep soil areas, as defined by the Residential Design Codes Volume 2;
- The provision of a minimum of 9.2 percent on-structure planting areas;

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- The provision of a minimum of two medium and 13 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;
 - Low lying landscaping within the car parking bays indicated in the development plans. This landscaping strip within the car parking areas to the northern lot boundary is to have a maximum width of 0.6 metres to ensure car parking bay design compliance with Australian Standard AS2890.1;
 - Landscaping areas within the visual truncation area shall be maintained at a maximum height of 0.65 metres. to ensure that adequate sightlines are provided at the intersection of the access way and Brisbane Street; and
 - The provision of landscape screening in accordance with the details and locations indicated in the landscaping plans.
- 4.2. All works associated with the landscaping on the site, including within the verge shall be undertaken in accordance with the approved landscaping plans to the City's satisfaction, **prior to occupancy or use of the development** and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers.
- 4.3. No verge trees shall be removed without the prior written approval of the City. Verge trees shall be retained and protected from damage including unauthorised pruning to the satisfaction of the City. Prior to any pruning of verge trees, an arborist report shall be prepared by the landowner and submitted to the City.

5. Car Parking, Access and Bicycle Facilities

- 5.1. **Prior to the occupation or use of the development**, seven car parking bays to be shared amongst the Specialist Disability Accommodation dwellings, one carer's car parking bay, four dedicated visitor car parking bays for the Specialist Disability Accommodation dwellings and four car parking bays for the commercial tenancies, shall be provided on-site and provided in accordance with Australian Standard AS2890.1.
- 5.2. 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.

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5.3. 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 14 bicycle parking bays provided on-site for the residents, apartment visitors and commercial tenancies; and
- A minimum of six bicycle parking bays provided within the adjacent Stirling Street verge for residential visitors and commercial tenancies.

5.4. **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 details addressing the following, but not limited to:

- The allocation of car parking bays to ensure that there is a minimum of seven bays to be shared amongst the Specialist Disability Accommodation dwellings, one carer's bay, four dedicated visitor bays for the Specialist Disability Accommodation dwellings and four bays for the commercial tenancies that are clearly visible and suitably sign posted;
- Detailed management measures for the operation of the vehicular entry gate to ensure access to the shared residential car parking bays and bicycle bays to the apartments are available at all times, and access to the car parking bays and bicycle bays for the commercial tenancies including for its customers is available during operating hours; and
- The allocation of a minimum two car bays capable of electric vehicle charging.

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.

5.5. **Prior to the occupation or use of the development**, the redundant crossover to Stirling Street shall be removed and the verge and kerb made good to the satisfaction of the City, at the applicant/owner's full expense.

6. Acoustic Report and Noise Management

6.1. **Prior to the submission of a Building Permit**, an updated acoustic report shall be submitted to the City to demonstrate compliance with the City's Sound Attenuation Policy No. 7.5.21, and in order to assess compliance with *the Environmental Protection (Noise) Regulations 1997* for any selected plant, equipment and other potential noise sources.

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6.2. All recommended measures included in the 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.

6.3. **Prior to the occupation or use of the development**, 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 owner and prospective purchaser of the property as follows:

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

7. Amalgamation

Prior to the occupation or use of the development, Lots 12 and 13 Brisbane Street, Perth ('The lots') are to be amalgamated into a single lot on a Certificate of Title.

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;
- 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.

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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. Public Art

10.1. In accordance with the City's Local Planning Policy – Percent for Art the application is required to make a public art contribution of \$80,000 being one percent of the \$8 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.

10.2. 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.

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11. Clothes Drying Facilities

Prior to the occupation or use of the development, each Specialist Disability Accommodation 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.

12. Waste Management

Prior to lodging an application for a building permit, an amended Waste Management Plan must be submitted to and approved by the City. The amended plan shall show the collection point for bins being from on-street parking bays within the Brisbane Street road reserve, to the satisfaction of the City.

Thereafter the approved Waste Management Plan must be implemented 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. 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.
2. 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.
3. All pedestrian access and vehicle driveway/crossover levels shall match into existing verge, footpath and right of way levels to the satisfaction of the City.
4. 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.

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5. 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.
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 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.
8. 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.
9. This approval does not approve/certify the development as a Specialist Disability Accommodation development under the National Disability Insurance Scheme. Further approval may be required by the National Disability Insurance Agency in order for the development to be recognised Specialist Disability Accommodation housing.
10. The applicant and landowner are advised that where parking is proposed to be provided for residents, the allocated parking is required to meet the SDA Design Standard.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The proposal is consistent with the planning framework. The building design form, scale and materials responds positively to the site context. The proposal has been assessed as satisfying the development standards for the site and is compatible with surrounding zoning and site context. The development design received green (support) on all the Design principles. The JDAP supported the proposal having regard to the above and the reasons as given in the RAR.

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

Nil

10. State Administrative Tribunal Applications and Supreme Court Appeals

The Presiding Member noted the following SAT Applications -

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/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, Leederville	Two-Storey Childcare Centre	04/10/2022
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

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Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
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 11:40 am.

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