



Metro Inner Development Assessment Panel Minutes

Meeting Date and Time: Tuesday, 11 February 2025; 1pm
Meeting Number: MIDAP/59
Meeting Venue: 140 William Street, Perth

A recording of the meeting is available via the following link:
[MIDAP/59 - 11 February 2025 - City of Nedlands](#)

PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement
2. Apologies
3. Members on Leave of Absence
4. Noting of Minutes

PART B – CITY OF NEDLANDS

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lots 3, 4 & 5 (No.90) Stirling Highway, Nedlands - Commercial Development – DAP/24/02769
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART C – OTHER BUSINESS

1. State Administrative Tribunal Applications and Supreme Court Appeals
2. Meeting Closure

Francesca Lefante
Presiding Member, Metro Inner DAP



Attendance	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Francesca Lefante (Presiding Member)	Laura Simmons
Eugene Koltasz (Deputy Presiding Member)	Ashlee Kelly
Heidi Herget	
<i>Part B – City of Nedlands</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Fergus Bennett	Dillon Reid
Cr Kerry Smyth	Bruce Thompson
	Steven Piotrowski

Francesca Lefante
Presiding Member, Metro Inner DAP



Applicant and Submitters
<i>Part B – City of Nedlands</i>
Tim Dawkins (Urbis Pty Ltd) Jacob Martin (WSP) Nigel Uren (ALDI Foods Pty Ltd) Rodu Popescu (ALDI Foods Pty Ltd)

Members of the Public / Media

Nil.

Observers via livestream

There were 16 persons observing the meeting via the livestream.

Francesca Lefante
Presiding Member, Metro Inner DAP



PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 1:07pm on 11 February 2025 and acknowledged the traditional owners and custodians of the land on which the meeting was held and welcomed members.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2024 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

1.1 Announcements by Presiding Member

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

The meeting was recorded and livestreamed on the DAP website in accordance with regulation 40(2A) of the *Planning and Development (Development Assessment Panels) Regulations 2011*. Members were reminded to announce their name and title prior to speaking.

2. Apologies

Cr Rebecca Coghlan (Local Government DAP Member, City of Nedlands)

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](#).

Francesca Lefante
Presiding Member, Metro Inner DAP



PART B – CITY OF NEDLANDS

1. Declaration of Due Consideration

The Presiding Member noted that details of a DAP direction for further information and responsible authority response in relation to Item 3.1, received on 10 February 2025 was published in Part B of the Related Information.

All members declared that they had duly considered the documents contained within Part B of the Agenda and Part B of the Related Information.

2. Disclosure of Interests

DAP Member, Heidi Herget, declared an impartiality interest in item 3.1. Ms Herget was engaged more than 5 years ago to provide peer review traffic advice to the City of Nedlands to a previous proposal for the subject site and area.

In accordance with section 3.3 of the DAP Code of Conduct 2024, the DAP Executive Director determined that the member listed above, who had disclosed an impartiality interest, was permitted to participate in the discussion and voting on the item.

In accordance with section 2.4.9 of the DAP Code of Conduct 2024, DAP Members, Cr Fergus Bennett and Cr Kerry Smyth, declared that they had participated in a prior Council meeting in relation to the application at item 3.1. However, under section 2.1.2 of the DAP Code of Conduct 2024, Cr Bennett and Cr Smyth acknowledged that they are not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

3. Form 1 DAP Applications

3.1 Lots 3, 4 & 5 (No.90) Stirling Highway, Nedlands - Commercial Development – DAP/24/02769

Deputations and Presentations

Tim Dawkins (Urbis Pty Ltd) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Jacob Martin (WSP) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Nigel Uren (ALDI Foods Pty Ltd) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

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Presiding Member, Metro Inner DAP



The City of Nedlands addressed the DAP in relation to the application at Item 3.1 and responded to questions from the panel.

REPORT RECOMMENDATION

Moved by: Cr Fergus Bennett

Seconded by: Cr Kerry Smyth

It is recommended that the Metro Inner DAP resolves to:

Approve DAP Application reference DAP/24/02769 and accompanying plans dated 18 November 2024 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 Nedlands Local Planning Scheme No. 3 subject to the following conditions:

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. The development shall always comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.
4. Prior to occupation, No. 90 (Lots 3, 4 and 5) Stirling Highway are to be legally amalgamated.

Building and Engineering

5. Prior to occupation of the development, the applicant is to enter into a Deed of Agreement with the City of Nedlands to ensure that, should access be made available to Dalkeith Road in the future, the proposed development is able to facilitate public through access by way of easement or other means from Dalkeith Road to Florence Road. The Deed of Agreement is to be prepared at the applicant's cost. The easement and accessway shall be a minimum width of 10m.
6. Prior to the issue of a demolition permit and a building permit, a Construction Management Plan shall be submitted and approved to the satisfaction of the City. The approved Construction Management Plan shall be observed at all times throughout the construction process to the satisfaction of the City.

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7. Prior to the commencement of works, a Dilapidation Report shall be submitted to the City of Nedlands and the owners of the adjoining properties listed below detailing the current condition and status of all buildings (both internal and external together with surrounding paved areas and rights of ways), including ancillary structures located upon these properties:

Lots 2 (No. 92) Stirling Highway, Nedlands
Lot 88 (No. 1) Florence Road, Nedlands
Lot 89 (No. 1A) Florence Road, Nedlands
Lot 1 (No. 80) Stirling Highway, Nedlands

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate in writing to the satisfaction of the City of Nedlands that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

8. All stormwater generated on site is to be retained on site. An onsite storage/infiltration system is to be provided within the site for a 1% AEP. No stormwater will be permitted to enter the City of Nedlands' stormwater drainage system unless otherwise approved.
9. The applicant shall enter into a Deed of Indemnity with the City in relation to the works (awnings) to be undertaken in accordance with the approval within the land managed/owned by the City. The Deed of Indemnity shall be prepared/or vetted by the City's solicitors and shall be executed by both parties prior to any construction within the road reserve. All reasonable costs associated with the preparation of the Deed of Indemnity shall be borne by the landowner.

Design

10. Prior to the issue of a building permit, the proponents shall submit a final schedule of materials, colours, finishes and textures for the development. Any departures from the approved plans are to be to the satisfaction of the City of Nedlands.
11. Prior to occupation, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located or screened to the satisfaction of the City of Nedlands.
12. All signage is to be installed and maintained for the life of the development in accordance with the development plans dated received 18 November 2024, including any modifications agreed to in writing by the City, to the satisfaction of the City of Nedlands.
13. Prior to occupation, utilities to be integrated into the building and landscape design so they are not visually obtrusive from the street or civic spaces in the development, to the satisfaction of the City of Nedlands.

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14. All storage and waste collection areas shall be screened from public viewing (including neighbouring properties) by the landowner to the satisfaction of the City of Nedlands.
15. Prior to the issue of a building permit, the development plans shall be amended to depict an easement 10m in width to facilitate future connection to Dalkeith Road along the southernmost lot boundary.

Traffic and Parking

16. Prior to occupation, a Loading, Servicing and Delivery Management Plan shall be provided to and approved by the City. The Plan will include details on:
 - a) how the servicing of the proposed development will occur including service, delivery and rubbish collection vehicle routes;
 - b) times of deliveries and numbers of daily deliveries;
 - c) agreement that delivery vehicles will turn off engines, freezer and fridge compressor units of trucks while unloading.

The approved plan (and any amendments approved by the City in writing) is required to be adhered to for the life of the development to the satisfaction of the City of Nedlands.

17. Prior to occupation, the 8 public bicycle racks as shown on the plans dated 18 November 2024 shall be provided in accordance with Australian Standard for AS 2890.3 to the satisfaction of the City of Nedlands. The bicycle racks shall remain in place for the duration of the development.
18. Prior to occupation, all car parking bays are to be clearly line marked, drained and with visitor/staff parking clearly marked or signage provided, and maintained thereafter by the landowner to the satisfaction of the City of Nedlands.
19. All car parking dimensions (including associated wheel stops and headroom clearance), manoeuvring areas, ramps, crossovers and driveways shall comply with Australian Standard 2890.1-2004 - Off-street car parking and Australian Standard 2890.6:2009 - Off-street parking for people with disabilities (where applicable) to the satisfaction of the City of Nedlands.
20. Prior to the issue of a building permit, an amended Waste Management Plan is to be submitted that updates the figures to match the approved plans to the satisfaction of the City of Nedlands. The amended Waste Management Plan is to be adhered to for the life of the development to the satisfaction of the City.

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Environmental Health

21. Prior to occupation, an external lighting plan must be submitted and approved by the City of Nedlands. The lighting is to be designed and located to prevent any increase in light spill onto the adjoining properties and shall comply with the requirements of Australian Standard 4282 – Control of Obtrusive Effects of Outdoor Lighting and is to be adhered to for the life of the development to the satisfaction of the City of Nedlands.
22. All actions and recommendations contained within the Acoustic Assessment dated 18 November 2024, prepared by Herring Storer Acoustic shall be implemented and adhered to for the life of the development, to the satisfaction of the City of Nedlands.
23. Prior to occupation, a Noise Management Plan is to be submitted and approved by the City of Nedlands detailing measures that will be undertaken to ensure noise levels during operation of the development are kept within levels prescribed in the Environmental Protection (Noise) Regulations 1997 to the specifications and satisfaction of the City of Nedlands. The Noise Management Plan shall be adhered to at all times for the life of the development.

Landscaping

24. Prior to occupation, an amended landscaping shall be submitted which depicts at least 50% of the tree species being endemic species. All landscaped areas are to be maintained on an ongoing basis for the life of the development on the site to the satisfaction of the City of Nedlands.
25. The street tree(s) within the verge are to be protected and maintained through the duration of the demolition and construction processes to the satisfaction of the City of Nedlands. Should the tree(s) die or be damaged, they are to be replaced with a specified species at the proponents and to the satisfaction of the City of Nedlands.

Sustainability

26. All actions and recommendations contained within the Sustainable Management Plan dated 18 November 2024, prepared by Edison Consults Pty Ltd, or any approved modifications, shall be implemented and adhered to for the life of the development to the satisfaction of the City of Nedlands.

Main Roads WA

27. Prior to occupation of the development, the land required for the widening of Stirling Highway, as shown on the plan 1.7138-1 (see attached), must be ceded free of cost to the State of Western Australia without any payment of compensation.
28. Prior to occupation of the development, the applicant must undertake works to Main Roads requirements to restrict Florence Road access to left in left out traffic movements only and ensure vehicles can turn lane correct to and from Stirling Highway. All works shall be at the applicant's cost.

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29. Prior to applying for a Building Permit, the applicant must submit engineering drawings demonstrating that a 15.6m vehicle can access the site and turn lane correct to and from Stirling Highway. The plans shall be to Main Roads requirements. The applicant is responsible for all costs associated with any land acquisition, design, drainage, and construction of the road upgrade works. This includes signage, road markings, relocation of services, street lighting, design checks and inspections.
30. Prior to occupation of the development, the redundant vehicle crossover is to be removed and kerbing, verge, and footpath (where relevant) reinstated with landscaping to the satisfaction of the City of Nedlands.
31. Prior to occupation of the development, all lots shall be amalgamated, and a new Certificate of Title obtained for the amalgamated lot.
32. The maximum length of heavy vehicles accessing the site shall not exceed 15.6m.
33. All waste collection is to be onsite.
34. Prior to the submission of a building permit, a Traffic Management Plan (for construction) must be submitted and approved by Main Roads. The Traffic Management Plan must detail how traffic shall be managed at all times and must be implemented and maintained throughout the construction of this development.
35. No part of the development, other than approved landscaping is to be located within the land within the Primary Regional Road Reservation (PRRR).
36. Prior to the issue of the Building Permit, the applicant must submit a revised Landscape to the satisfaction of the City of Nedlands and on advice from Main Roads for temporary landscaping located within the widened road reservation/land requirement as detailed in the attached Land Protection Plan 1. 7138/1. Sight lines must be maintained at all times to ensure driver safety.
37. Any existing redundant infrastructure within the PRRR is to be removed and the verge made good at the applicant's expense.
38. No works are permitted within the Stirling Highway Road Reservation unless Main Roads has issued a Working on Roads permit.
39. All signs must be placed on private property and must not overhang or encroach the Primary Regional Road Reservation.
40. The maximum luminance level of the signs shall be in accordance with the requirements below at all times:
 - a. During daytime, the maximum luminance levels shall be 500 cd/m².
 - b. During the night, the maximum luminance levels shall be 350 cd/m².
41. The signs must not flash, pulsate or chase.

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42. The devices must not contain fluorescent, reflective, or retro-reflective colours or materials

Advice Notes

- a) This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, any obligations under the Strata Titles Act, or the requirements of any other external agency.
- b) A building permit is required for the works.
- c) Application forms and supporting information about the procedure to operate a proposed sign visible to Stirling Highway refer to Main Roads' Policy and Assessment Guidelines for Static Advertising Signs which can be found on the Main Roads website.
- d) The Construction Management Plan and Demolition Management Plans are to be prepared in the manner and form provided by the City of Nedlands
- e) The applicant and landowner are advised that the approved uses (Office, Shop, Private – recreation, Medical centre, Liquor store – small and Restaurant/café) are defined in accordance with LPS3.
- f) Prior to commencing a Food Business, a proprietor shall lodge with the City a Food Business Registration / Notification Form. A food business is any business or activity that involves the sale of food or the handling of any type of food for sale in Australia.
- g) The landowner is advised that all mechanical equipment (e.g. air-conditioner) is required to comply with the Environmental Protection (Noise) Regulations 1997, in relation to noise.
- h) Service and/or delivery vehicles are not to service the premises before 7.00 am or after 7.00 pm Monday to Saturday, and/or before 9.00 am or after 7.00 pm on Sundays and Public Holidays unless otherwise approved by the City.
- i) Application forms and supporting information about the procedure to operate a proposed sign visible to Stirling Highway refer to Main Roads' Policy and Assessment Guidelines for Static Advertising Signs which can be found on the Main Roads website.
- j) This property is affected by land reserved in the Metropolitan Region Scheme as shown on the enclosed extract of Main Roads Land Protection Plan 1.7138-1 and will be required for road purposes at some time in the future.

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- k) The applicant is required to submit an Application form to undertake works within the road reserve prior to undertaking any works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads website > Technical & Commercial > Working on Roads.

AMENDING MOTION 1

Moved by: Cr Fergus Bennett

Seconded by: Cr Kerry Smyth

That a new Condition No. 43 be added to read as follows:

No heavy vehicle delivery trucks to the site between 11pm and 7am

The Amending Motion was put and LOST (2/3).

For: Cr Fergus Bennett
Cr Kerry Smyth

Against: Francesca Lefante
Eugene Koltasz
Heidi Herget

AMENDING MOTION 2

Moved by: Eugene Koltasz

Seconded by: Heidi Herget

That Condition No. 4 be amended to read as follows:

Prior to occupation, No. 90 (Lots 3, 4 and 5) Stirling Highway are to be legally amalgamated or alternatively the owner may enter into a legal agreement with the City of Nedlands, drafted by the City's solicitors at the expense of the owner and be executed by all parties concerned prior to the commencement of the works, to ensure that that the development and use approved on the lots operate concurrently at all times.

The Amending Motion was put and CARRIED UNANIMOUSLY

REASON: To provide an alternative legal mechanism to limit the proposal and site to a single crossover with associated easements.

Francesca Lefante
Presiding Member, Metro Inner DAP



AMENDING MOTION 3

Moved by: Eugene Koltasz

Seconded by: Heidi Herget

That Condition No. 5 be amended to read as follows:

Prior to occupation of the development, the applicant is to enter into a Deed of Agreement with the City of Nedlands to ensure that, should access be made available to Dalkeith Road in the future, the proposed development is able to facilitate public through access by way of easement or other means from Dalkeith Road to Florence Road. The Deed of Agreement is to be prepared at the applicant's cost. The easement and accessway shall be a minimum width of ~~40m~~ 7.0m.

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

For: Francesca Lefante
Eugene Koltasz
Heidi Herget

Against: Cr Fergus Bennett
Cr Kerry Smyth

REASON: The proposed laneway width of 7.0m is sufficient to enable passing vehicles movements and facilitating secondary vehicle connection to Dalkeith Road.

AMENDING MOTION 4

Moved by: Eugene Koltasz

Seconded by: Heidi Herget

That Condition No. 6 be amended to read as follows:

Prior to the issue of a ~~demolition permit and a building permit~~, a Construction Management Plan shall be submitted and approved to the satisfaction of the City. The approved Construction Management Plan (as appropriate) shall be submitted and approved to the satisfaction of the city. The approved Construction Management Plan shall be observed at all times throughout the construction process to the satisfaction of the City.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To remove reference to demolition permit, as the site has been cleared of existing buildings.

Francesca Lefante
Presiding Member, Metro Inner DAP



AMENDING MOTION 5

Moved by: Eugene Koltasz

Seconded by: Heidi Herget

That Condition No. 9 be deleted, and the remaining conditions be renumbered accordingly.

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

For: Francesca Lefante
Eugene Koltasz
Heidi Herget
Cr Kerry Smyth

Against: Cr Fergus Bennett

REASON: The proposal does not include structures on land, which is within land managed by the City, as such the condition is not required.

AMENDING MOTION 6

Moved by: Eugene Koltasz

Seconded by: Kerry Smyth

That Condition No. 10 (now Condition No. 9) be amended to read as follows:

Prior to the issue of a building permit, the proponents shall submit a final schedule of materials, colours, finishes and textures for the development. Any departures from the approved plans are to be to the satisfaction of the City of Nedlands.

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

For: Francesca Lefante
Eugene Koltasz
Heidi Herget
Cr Kerry Smyth

Against: Cr Fergus Bennett

REASON: The proposal plans reference specific external materials and finishes, and therefore only any deviation from the approved plans would require further approval.

Francesca Lefante
Presiding Member, Metro Inner DAP



AMENDING MOTION 7

Moved by: Eugene Koltasz

Seconded by: Heidi Herget

That Condition No. 15 (now Condition No. 14) be amended to read as follows:

Prior to the issue of a building permit, the development plans shall be amended to depict an easement ~~40m~~ 7.0m in width to facilitate future connection to Dalkeith Road along the southernmost lot boundary.

The Amending Motion was put and LOST (2/3).

For: Eugene Koltasz
Heidi Herget

Against: Francesca Lefante
Cr Fergus Bennett
Cr Kerry Smyth

AMENDING MOTION 8

Moved by: Eugene Koltasz

Seconded by: Heidi Herget

That Condition No. 15 (now Condition No. 14) be deleted, and the remaining conditions be renumbered accordingly.

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

For: Francesca Lefante
Eugene Koltasz
Heidi Herget
Cr Kerry Smyth

Against: Cr Fergus Bennett

REASON: This condition is not required as it reference laneway width that is covered in Condition 5

Francesca Lefante
Presiding Member, Metro Inner DAP



AMENDING MOTION 9

Moved by: Eugene Koltasz

Seconded by: Kerry Smyth

That Condition No. 26 (now Condition No. 24) be amended to read as follows:

All actions and recommendations contained within the Sustainable Management Plan dated 18 November 2024, prepared by Edison Consults Pty Ltd, or any approved modifications, shall be implemented ~~and adhered to for the life of the development~~ to the satisfaction of the City of Nedlands.

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

For: Francesca Lefante
Eugene Koltasz
Heidi Herget
Cr Kerry Smyth

Against: Cr Fergus Bennett

REASON: To allow for consideration of technical changes and improvements as part of construction and life of development.

PROCEDURAL MOTION

Moved by: Eugene Koltasz

Seconded by: Heidi Herget

That the meeting be adjourned for a period of 5 minutes.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: to allow panel members a comfort break.

*The meeting was adjourned at 4:13pm.
The meeting was reconvened at 4:19pm.*

Francesca Lefante
Presiding Member, Metro Inner DAP



AMENDING MOTION 10

Moved by: Eugene Koltasz

Seconded by: Heidi Herget

That Condition No. 27 (now Condition No. 25) be deleted, and the remaining conditions be renumbered accordingly.

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

For: Francesca Lefante
Eugene Koltasz
Heidi Herget

Against: Cr Fergus Bennett
Cr Kerry Smyth

REASON: The development traffic demand and movements does not create a nexus for this land to be given free for the Stirling Highway regional reservation.

AMENDING MOTION 11

Moved by: Eugene Koltasz

Seconded by: Nil

That Condition No. 28 (now Condition No. 26) be deleted, and the remaining conditions be renumbered accordingly.

The Amending Motion lapsed for the want of seconder.

AMENDING MOTION 12

Moved by: Eugene Koltasz

Seconded by: Heidi Herget

That Condition No. 29 (now Condition No. 26) be deleted, and the remaining conditions be renumbered accordingly.

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

For: Francesca Lefante
Eugene Koltasz
Heidi Herget

Against: Cr Fergus Bennett
Cr Kerry Smyth

REASON: The use of both lanes for turning are standard movements for this road and the proposed heavy vehicle sizes for servicing the proposal are permitted on these roads.

Francesca Lefante
Presiding Member, Metro Inner DAP



AMENDING MOTION 13

Moved by: Eugene Koltasz

Seconded by: Heidi Herget

That Condition No. 31 (now Condition No. 28) be deleted and the remaining conditions be renumbered accordingly.

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

For: Francesca Lefante
Eugene Koltasz
Heidi Herget
Cr Kerry Smyth

Against: Cr Fergus Bennett

REASON: There is a duplicate condition that is not required as this matter is dealt with by Condition 4.

AMENDING MOTION 14

Moved by: Eugene Koltasz

Seconded by: Heidi Herget

That Condition No. 34 (now Condition No. 29) be amended to read as follows:

*Prior to the submission of a building permit, a Traffic Management Plan (for construction) must be submitted and approved by **the City of Nedlands on advice from Main Roads**. The Traffic Management Plan must detail how traffic shall be managed at all times and must be implemented and maintained throughout the construction of this development.*

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

For: Francesca Lefante
Eugene Koltasz
Heidi Herget
Cr Kerry Smyth

Against: Cr Fergus Bennett

REASON: This condition clarifies the role of the City as the agency to clear the condition, on advice from MRWA.

Francesca Lefante
Presiding Member, Metro Inner DAP



AMENDING MOTION 15

Moved by: Eugene Koltasz

Seconded by: Heidi Herget

That Condition No. 35 (now Condition No. 30) be amended to read as follows:

*No part of the development, other than approved landscaping, **signage and the awning show on plan**, is to be located within the land within the Primary Regional Road Reservation (PRRR).*

The Amending Motion was put and LOST (2/3).

For: Eugene Koltasz
Heidi Herget

Against: Francesca Lefante
Cr Fergus Bennett
Cr Kerry Smyth

AMENDING MOTION 16

Moved by: Eugene Koltasz

Seconded by: Heidi Herget

That Condition No. 36 (now Condition No. 31) be amended to read as follows:

*Prior to the issue of the **Building Occupancy** Permit, the applicant must submit a revised Landscape to the satisfaction of the City of Nedlands and on advice from Main Roads for ~~temporary~~ landscaping located within **the Primary Regional Road Reservations. Once endorsed by the City it must be implemented on site.** ~~the widened road reservation/land requirement as detailed in the attached Land Protection Plan 1. 7138/1. Sight lines must be maintained at all times to ensure driver safety.~~*

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

For: Francesca Lefante
Eugene Koltasz
Heidi Herget
Cr Kerry Smyth

Against: Cr Fergus Bennett

REASON: To clarify the requirement that revised landscaping plans are to the satisfaction of the city.

Francesca Lefante
Presiding Member, Metro Inner DAP



AMENDING MOTION 17

Moved by: Eugene Koltasz

Seconded by: Heidi Herget

That Condition No. 37 (now Condition No. 32) be amended to read as follows:

Prior to occupation any existing redundant infrastructure relating to the development within the portion of the site subject to the PRRR is to be removed and the verge made good at the applicant's expense.

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

For: Francesca Lefante
Eugene Koltasz
Heidi Herget
Cr Kerry Smyth

Against: Cr Fergus Bennett

REASON: To clarify that the applicant is responsible for the condition of the verge after removing redundant infrastructure.

AMENDING MOTION 18

Moved by: Eugene Koltasz

Seconded by: Heidi Herget

That Condition No. 38 (now Condition No. 33) be moved to a New Advice Note I) and the remaining conditions be renumbered accordingly.

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

For: Francesca Lefante
Eugene Koltasz
Heidi Herget
Cr Kerry Smyth

Against: Cr Fergus Bennett

REASON: This matter is covered by other legislation, and as such should be an advise note only.

Francesca Lefante
Presiding Member, Metro Inner DAP



AMENDING MOTION 19

Moved by: Eugene Koltasz

Seconded by: Heidi Herget

That Advice Note d) be amended to read as follows:

The Construction Management Plan and Demolition Management Plans are is to be prepared in the manner and form provided by the City of Nedlands

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

For: Francesca Lefante
Eugene Koltasz
Heidi Herget
Cr Kerry Smyth

Against: Cr Fergus Bennett

REASON: To remove reference to demolition plans as the site is cleared land.

AMENDING MOTION 20

Moved by: Eugene Koltasz

Seconded by: Francesca Lefante

That Advice Note H be deleted, and the remaining advice notes be alphabetised accordingly.

The Amending Motion was put and LOST (2/3).

For: Francesca Lefante
Eugene Koltasz

Against: Heidi Herget
Cr Kerry Smyth
Cr Fergus Bennett

Francesca Lefante
Presiding Member, Metro Inner DAP



AMENDING MOTION 21

Moved by: Heidi Herget

Seconded by: Eugene Koltasz

That Condition No. 28 (now Condition No. 25) be amended to read as follows:

*Prior to occupation of the development, the applicant **must contribute 50% of the cost of the works to Main Road requirements** to ~~must undertake works to Main Roads requirements~~ restrict Florence Road access to left in left out traffic movements only ~~and ensure vehicles can turn lane correct to and from Stirling Highway. All works shall be at the applicant's cost.~~*

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

For: Francesca Lefante
Eugene Koltasz
Heidi Herget

Against: Cr Fergus Bennett
Cr Kerry Smyth

REASON: The proposal requires traffic movements the restricted to left in – left out and accordingly the development should contribute to the cost of the works to restrict right turn movements. The current condition for full funding was considered unreasonable.

AMENDING MOTION 22

Moved by: Francesca Lefante

Seconded by: Heidi Herget

That Condition No. 35 (now Condition No. 30) be amended to read as follows:

*No part of the development, other than approved landscaping and **signage as shown on the approved plan** is to be located within the land within the Primary Regional Road Reservation (PRRR). **In the event the land where proposed signage and landscaping has been erected is needed for future roadworks and the land is acquired by MRWA, the applicant will relocate or remove the sign at their own expense within a period of 3 months from acquisition.***

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

For: Francesca Lefante
Eugene Koltasz
Heidi Herget

Against: Cr Fergus Bennett
Cr Kerry Smyth

REASON: To require only relocatable structure in PRRR, noting that the applicant confirmed the awning is designed to be a permanent building element.

Francesca Lefante
Presiding Member, Metro Inner DAP



REPORT RECOMMENDATION (AS AMENDED)

Approve DAP Application reference DAP/24/02769 and accompanying plans dated 18 November 2024 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 Nedlands Local Planning Scheme No. 3 subject to the following conditions:

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. The development shall always comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.
4. Prior to occupation, No. 90 (Lots 3, 4 and 5) Stirling Highway are to be legally amalgamated or alternatively the owner may enter into a legal agreement with the City of Nedlands, drafted by the City's solicitors at the expense of the owner and be executed by all parties concerned prior to the commencement of the works, to ensure that the development and use approved on the lots operate concurrently at all times.

Building and Engineering

5. Prior to occupation of the development, the applicant is to enter into a Deed of Agreement with the City of Nedlands to ensure that, should access be made available to Dalkeith Road in the future, the proposed development is able to facilitate public through access by way of easement or other means from Dalkeith Road to Florence Road. The Deed of Agreement is to be prepared at the applicant's cost. The easement and accessway shall be a minimum width of 7m.
6. Prior to the issue of a building permit, a Construction Management Plan shall be submitted and approved to the satisfaction of the City. The approved Construction Management Plan (as appropriate) shall be submitted and approved to the satisfaction of the city. The approved Construction Management Plan shall be observed at all times throughout the construction process to the satisfaction of the City.

Francesca Lefante
Presiding Member, Metro Inner DAP



7. Prior to the commencement of works, a Dilapidation Report shall be submitted to the City of Nedlands and the owners of the adjoining properties listed below detailing the current condition and status of all buildings (both internal and external together with surrounding paved areas and rights of ways), including ancillary structures located upon these properties:

Lots 2 (No. 92) Stirling Highway, Nedlands
Lot 88 (No. 1) Florence Road, Nedlands
Lot 89 (No. 1A) Florence Road, Nedlands
Lot 1 (No. 80) Stirling Highway, Nedlands

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate in writing to the satisfaction of the City of Nedlands that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

8. All stormwater generated on site is to be retained on site. An onsite storage/infiltration system is to be provided within the site for a 1% AEP. No stormwater will be permitted to enter the City of Nedlands' stormwater drainage system unless otherwise approved.

Design

9. Prior to the issue of a building permit, the proponents shall submit a final schedule of materials, colours, finishes and textures for the development. Any departures from the approved plans are to be to the satisfaction of the City of Nedlands.
10. Prior to occupation, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located or screened to the satisfaction of the City of Nedlands.
11. All signage is to be installed and maintained for the life of the development in accordance with the development plans dated received 18 November 2024, including any modifications agreed to in writing by the City, to the satisfaction of the City of Nedlands.
12. Prior to occupation, utilities to be integrated into the building and landscape design so they are not visually obtrusive from the street or civic spaces in the development, to the satisfaction of the City of Nedlands.
13. All storage and waste collection areas shall be screened from public viewing (including neighbouring properties) by the landowner to the satisfaction of the City of Nedlands.

Francesca Lefante
Presiding Member, Metro Inner DAP



Traffic and Parking

14. Prior to occupation, a Loading, Servicing and Delivery Management Plan shall be provided to and approved by the City. The Plan will include details on:
- a) how the servicing of the proposed development will occur including service, delivery and rubbish collection vehicle routes;
 - b) times of deliveries and numbers of daily deliveries;
 - c) agreement that delivery vehicles will turn off engines, freezer and fridge compressor units of trucks while unloading.

The approved plan (and any amendments approved by the City in writing) is required to be adhered to for the life of the development to the satisfaction of the City of Nedlands.

15. Prior to occupation, the 8 public bicycle racks as shown on the plans dated 18 November 2024 shall be provided in accordance with Australian Standard for AS 2890.3 to the satisfaction of the City of Nedlands. The bicycle racks shall remain in place for the duration of the development.
16. Prior to occupation, all car parking bays are to be clearly line marked, drained and with visitor/staff parking clearly marked or signage provided, and maintained thereafter by the landowner to the satisfaction of the City of Nedlands.
17. All car parking dimensions (including associated wheel stops and headroom clearance), manoeuvring areas, ramps, crossovers and driveways shall comply with Australian Standard 2890.1-2004 - Off-street car parking and Australian Standard 2890.6:2009 - Off-street parking for people with disabilities (where applicable) to the satisfaction of the City of Nedlands.
18. Prior to the issue of a building permit, an amended Waste Management Plan is to be submitted that updates the figures to match the approved plans to the satisfaction of the City of Nedlands. The amended Waste Management Plan is to be adhered to for the life of the development to the satisfaction of the City.

Environmental Health

19. Prior to occupation, an external lighting plan must be submitted and approved by the City of Nedlands. The lighting is to be designed and located to prevent any increase in light spill onto the adjoining properties and shall comply with the requirements of Australian Standard 4282 – Control of Obtrusive Effects of Outdoor Lighting and is to be adhered to for the life of the development to the satisfaction of the City of Nedlands.
20. All actions and recommendations contained within the Acoustic Assessment dated 18 November 2024, prepared by Herring Storer Acoustic shall be implemented and adhered to for the life of the development, to the satisfaction of the City of Nedlands.

Francesca Lefante
Presiding Member, Metro Inner DAP



21. Prior to occupation, a Noise Management Plan is to be submitted and approved by the City of Nedlands detailing measures that will be undertaken to ensure noise levels during operation of the development are kept within levels prescribed in the Environmental Protection (Noise) Regulations 1997 to the specifications and satisfaction of the City of Nedlands. The Noise Management Plan shall be adhered to at all times for the life of the development.

Landscaping

22. Prior to occupation, an amended landscaping shall be submitted which depicts at least 50% of the tree species being endemic species. All landscaped areas are to be maintained on an ongoing basis for the life of the development on the site to the satisfaction of the City of Nedlands.
23. The street tree(s) within the verge are to be protected and maintained through the duration of the demolition and construction processes to the satisfaction of the City of Nedlands. Should the tree(s) die or be damaged, they are to be replaced with a specified species at the proponents and to the satisfaction of the City of Nedlands.

Sustainability

24. All actions and recommendations contained within the Sustainable Management Plan dated 18 November 2024, prepared by Edison Consults Pty Ltd, or any approved modifications, shall be implemented to the satisfaction of the City of Nedlands.

Main Roads WA

25. Prior to occupation of the development, the applicant must contribute 50% of the cost of the works to Main Road requirements to restrict Florence Road access to left in left out traffic movements only.
26. Prior to occupation of the development, the redundant vehicle crossover is to be removed and kerbing, verge, and footpath (where relevant) reinstated with landscaping to the satisfaction of the City of Nedlands.
27. The maximum length of heavy vehicles accessing the site shall not exceed 15.6m.
28. All waste collection is to be onsite.
29. Prior to the submission of a building permit, a Traffic Management Plan (for construction) must be submitted and approved by the City of Nedlands on advice from Main Roads. The Traffic Management Plan must detail how traffic shall be managed at all times and must be implemented and maintained throughout the construction of this development.

Francesca Lefante
Presiding Member, Metro Inner DAP



30. No part of the development, other than approved landscaping and signage as shown on the approved plan is to be located within the land within the Primary Regional Road Reservation (PRRR). In the event the land where proposed signage and landscaping has been erected is needed for future roadworks and the land is acquired by MRWA, the applicant will relocate or remove the sign at their own expense within a period of 3 months from acquisition.
31. Prior to the issue of the Occupancy Permit, the applicant must submit a revised Landscape to the satisfaction of the City of Nedlands and on advice from Main Roads for landscaping located within the Primary Regional Road Reservations. Once endorsed by the City it must be implemented on site.
32. Prior to occupation any existing redundant infrastructure relating to the development within the portion of the site subject to the PRRR is to be removed.
33. All signs must be placed on private property and must not overhang or encroach the Primary Regional Road Reservation.
34. The maximum luminance level of the signs shall be in accordance with the requirements below at all times:
 - a. During daytime, the maximum luminance levels shall be 500 cd/m².
 - b. During the night, the maximum luminance levels shall be 350 cd/m².
35. The signs must not flash, pulsate or chase.
36. The devices must not contain fluorescent, reflective, or retro-reflective colours or materials

Advice Notes

- a) This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, any obligations under the Strata Titles Act, or the requirements of any other external agency.
- b) A building permit is required for the works.
- c) Application forms and supporting information about the procedure to operate a proposed sign visible to Stirling Highway refer to Main Roads' Policy and Assessment Guidelines for Static Advertising Signs which can be found on the Main Roads website.
- d) The Construction Management Plan is to be prepared in the manner and form provided by the City of Nedlands
- e) The applicant and landowner are advised that the approved uses (Office, Shop, Private – recreation, Medical centre, Liquor store – small and Restaurant/café) are defined in accordance with LPS3.

Francesca Lefante
Presiding Member, Metro Inner DAP



- f) Prior to commencing a Food Business, a proprietor shall lodge with the City a Food Business Registration / Notification Form. A food business is any business or activity that involves the sale of food or the handling of any type of food for sale in Australia.
- g) The landowner is advised that all mechanical equipment (e.g. air-conditioner) is required to comply with the Environmental Protection (Noise) Regulations 1997, in relation to noise.
- h) Service and/or delivery vehicles are not to service the premises before 7.00 am or after 7.00 pm Monday to Saturday, and/or before 9.00 am or after 7.00 pm on Sundays and Public Holidays unless otherwise approved by the City.
- i) Application forms and supporting information about the procedure to operate a proposed sign visible to Stirling Highway refer to Main Roads' Policy and Assessment Guidelines for Static Advertising Signs which can be found on the Main Roads website.
- j) This property is affected by land reserved in the Metropolitan Region Scheme as shown on the enclosed extract of Main Roads Land Protection Plan 1.7138-1 and will be required for road purposes at some time in the future.
- k) The applicant is required to submit an Application form to undertake works within the road reserve prior to undertaking any works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads website > Technical & Commercial > Working on Roads.
- l) No works are permitted within the Stirling Highway Road Reservation unless Main Roads has issued a Working on Roads permit.

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

For: Francesca Lefante
Eugene Koltasz
Heidi Herget
Cr Kerry Smyth

Against: Cr Fergus Bennett

Francesca Lefante
Presiding Member, Metro Inner DAP



REASON: The proposed development is consistent with the planning framework, site zoning and scheme provisions. The design is high quality building orientated to the corner incorporating façade articulation and street interaction creating a community focused present. The mix of land uses are appropriate on the site.

Members extensively discussed the proposal traffic movements, site servicing and appropriate road works relating to the development to minimise congestion and vehicle conflict whilst retaining pedestrian movements. The majority of members supported condition amendments to reflect the development traffic generation and works within the road reservation to restrict traffic movements to left in and left out. The reduction to the rear lane width reflects the easement incorporating a 7.0m pavement width, with other elements such as landscaping being retained on, and maintained by the applicant. Members were satisfied that the residential amenity and interface was suitably addressed by the inclusion of a permanent sound barrier wall at the rear of the site, site landscaping and operational management plans, noting the site is also such to other noise legislative provisions. Members did not support the inclusion of permanent awning structures in the regional road reservation and accordingly this element was addressed by a modified condition.

Member noted that this commercial development has been anticipated for a long time, with the potential to operate as a precinct with the adjoining development for the benefit of the community. On balance the proposal is appropriate for the site and envisaged to be well used local community hub. The proposal was supported consistent with the majority of RAR comments with the inclusion of various condition modifications.

4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

Francesca Lefante
Presiding Member, Metro Inner DAP



PART C – OTHER BUSINESS

1. State Administrative Tribunal Applications and Supreme Court Appeals

The DAP noted the status of the following State Administrative Tribunal Applications and Supreme Court Appeals:

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/22/02317 DR81/2023	City of Vincent	41-43 and 45 Angove Street, North Perth	Proposed Service Station	31/05/2023
DAP/22/02372 DR44/2024	City of Perth	Lot 20 (No.141) Wellington Street, East Perth	Proposed Convenient Store	28/03/2024
DAP/24/02688 DR 191/2024	City of South Perth	No 44 (Lot 15) Park Street, Como	Proposed Childcare Premises	16/12/2024
DAP/20/01911 DR/192/2024	Town of Cambridge	Lot 800 (29-33) Northwood Street, West Leederville	Three storey care premises and associated office	16/12/2024

2. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 5:37pm.

Francesca Lefante
Presiding Member, Metro Inner DAP