



Metro Inner Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 3 April 2025; 9:30am
Meeting Number: MIDAP/67
Meeting Venue: 140 William Street, Perth

A recording of the meeting is available via the following link:

[MIDAP/67 - 3 April 2025 - City of Canning - City of South Perth - 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 CANNING

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 11 (No.4) Oak Street, Cannington - Residential Building (Community Housing) – DAP/24/02789
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART C – CITY OF SOUTH PERTH

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lots 2, 112 & 113 (No. 42, 44 And 46) Leonora Street, Como - Proposed 56 Multiple Dwellings – DAP/24/02819
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

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Presiding Member, Metro Inner DAP



PART D – CITY OF NEDLANDS

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot No 348 (111) Waratah Avenue, Dalkeith - 5 Grouped Dwelling Development – DAP/24/02799
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART E – OTHER BUSINESS

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

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ATTENDANCE	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Dale Page (Presiding Member)	Laura Simmons
Karen Hyde (Deputy Presiding Member)	Claire Ortlepp
Francesca Lefante	Ashlee Kelly
<i>Part B – City of Canning</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Mayor Patrick Hall	Petronella Thandroyen
Cr Ben Kunze	Austin Donaghey
	Shakeel Maqbool
<i>Part C – City of South Perth</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
	Courtney Wynn
	Fiona Mullen
<i>Part D – City of Nedlands</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Fergus Bennett	Kirsty Klimcke
Cr Blane Brackenridge	Sergio Famiano

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Applicant and Submitters
<i>Part B – City of Canning</i>
Renee Young (Element) Sheldon Turner (Total Project Management) Linda Lam (Total Project Management) Tony Di Leo (Silver Thomas Hanley) Michael Smith (Silver Thomas Hanley) Andrew Baranowski (Plan E)
<i>Part C – City of South Perth</i>
Daniella Mrdja (Urbanista Town Planning) Daniel Lees (Element) George Ashton (Element) Jon Cheesbrough (Hub Property Group) Max Waters (Embrace Architects) Andrew Baranowski (Plan E)
<i>Part D – City of Nedlands</i>
Paula Meling Daniella Mrdja (Urbanista Town Planning) Ara Salamone (State of Kin) Jordan Niven (State of Kin) Hootan Golestani (Found Developments) Gustavo Rubio (Found Developments)

Members of the Public / Media

There was 1 member of the public in attendance.

Observers via livestream

There were 3 persons observing the meeting via the livestream.

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PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:35am on 3 April 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 Glenn Cridland (Local Government DAP Member, City of South Perth)
Cr Bronwyn Waugh (Local Government DAP Member, City of South Perth)
Cr Rebecca Coghlan (Local Government DAP Member, City of Nedlands)
Cr Kerry Smyth (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](#).



PART B – CITY OF CANNING

1. Declaration of Due Consideration

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

Nil.

3. Form 1 DAP Applications

3.1 Lot 11 (No.4) Oak Street, Cannington - Residential Building (Community Housing) – DAP/24/02789

Deputations and Presentations

Sheldon Turner (Total Project Management) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Michael Smith (Silver Thomas Hanley) addressed the DAP in support of the recommendation for the application at Item 3.1.

Renee Young (Element) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Andrew Baranowski (Plan E) responded to questions from the panel in relation to the application at Item 3.1.

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

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REPORT RECOMMENDATION

Moved by: Karen Hyde

Seconded by: Francesca Lefante

With the agreement of the mover and seconder, the following changes were made to the report recommendation as follows;

- (i) That Condition No. 6 be amended to read as follows:

Prior to the occupation of the development, the number and allocation of car parking bays provided on-site shall be as follows:

*~~12-11~~ Residential parking spaces;
One (1) Staff parking space; and
Two (2) Visitor parking spaces.*

- (ii) That Condition No. 8 be amended to read as follows:

*Prior to the occupation of the development, all parking spaces, manoeuvring, and circulation areas are to be constructed to comply with Australian Standards AS/NZS2890.1:2004 Parking Facilities - Part 1: Off-street car parking. The ACROD car parking bay design and layout are to comply with Australian Standards AS/NZS2890.6:2009 ~~2009~~ **2022** (Off-street Parking for People with Disabilities) and once constructed, must be maintained for the duration of the development.*

- (iii) That Condition No. 9 be amended to read as follows:

*Pedestrian pathways providing wheelchair accessibility to all entries, to buildings, to public footpaths and car parking areas are to comply with Australian Standards AS/NZS1428.3-~~2009~~ **1:2021** (Design for access and mobility – General requirements for access – New building work), to the satisfaction of the City of Canning.*

- (iv) That Condition No.10 be amended to read as follows:

*Prior to the occupation of the development, ~~20~~ **12** bicycle parking bays (**comprising 10 resident bays and 2 visitor bays**) shall be provided on site. The design and construction of the bicycle bays shall be in accordance with Australian Standards AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking. Once installed, the bicycle parking bays are to be maintained for the duration of the development and to the satisfaction of the City.*

REASON: to reflect the requested changes by the City of Canning and agreed by the applicant in the addendum provided.

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Presiding Member, Metro Inner DAP



That the Metro Inner Development Assessment Panel resolves to:

Approve DAP Application reference DAP/24/02789 and accompanying plans 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 Canning Local Planning Scheme No. 42, subject to the following conditions:

Conditions:

General

1. Pursuant to clause 26 of the *Metropolitan Region Scheme*, this approval is deemed to be an approval under clause 24(1) of the *Metropolitan Region Scheme*.
2. This decision constitutes planning approval only and is valid for a period of 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 is to comply in all respects with the attached approved plans, as dated, and stamped, together with any requirements and annotations detailed thereon. The plans approved as part of this application form part of the development approval issued are listed below:

List of Development Plans

Drawing Title	Sheet No.	Revision No.	Date	Drawn By
Feature & Contour Survey	001	A	06/03/2024	MNG
Site Plan	SK2.1	E	10/02/2025	Silver Thomas Hanley Architecture
Adjoining Site – Overshadowing (Natural Ground level)	SK2.2.1	C	10/02/2025	
Adjoining Site – Overshadowing (DWER development level)	SK2.2.2	C	10/02/2025	
Proposed Site Plan – Waste Collection	SK2.3	C	10/02/2025	
Level 0 Proposed Floor Plan	SK3.1	F	10/02/2025	
Level 1 Proposed Floor Plan	SK3.2	E	10/02/2025	
Level 2 Proposed Floor Plan	SK3.3	E	10/02/2025	
Level 1 & 2 Proposed Floor Plan – Cone of Vision	SK3.4	C	10/02/2025	
Proposed Roof Plan	SK5.1	E	10/02/2025	
Elevations	SK6.1	E	10/02/2025	
Elevations	SK6.2	D	10/02/2025	
Sections	SK7.1	D	10/02/2025	

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Drawing Title	Sheet No.	Revision No.	Date	Drawn By
Sections – Cross Ventilation	SK8.1	C	10/02/2025	
Sections – Cross Ventilation	SK8.2	C	10/02/2025	
Sections – Daylight Access	SK8.3	C	10/02/2025	
Sections – Daylight Access	SK8.4	C	10/02/2025	
Landscape Context Landscape Concept Plan	C1.102	F	February 2025	Plan E Landscape Architects
Landscape Context Imagery and Materials	C1.103	F	February 2025	
Landscape Context Planting Palette	C1.104	F	February 2025	
Landscape Context Deep Soil & Tree Canopy Provision	C1.105	F	February 2025	

Administrative and Legal

- Prior to the occupancy of the development, a deed of easement (with the City included as a party) for pedestrian and vehicle access benefiting Lot 11 (4 Oak Street) and burdening that portion of Lot 10 (2 Oak Street) shown on the plan attached to these conditions of development approval must be granted and registered with Landgate against the relevant certificates of title at the expense of the applicant and to the satisfaction of the City's Solicitors.

- The use of the approved Residential Building must conform to the Residential Design Codes, Volume 1 definition of 'Residential Building', which states:

A building or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:

- *Temporarily by two or more persons; or*
- *Permanently by seven or more persons, who do not comprise a single family,*

but does not include a hospital or sanatorium, a prison, a hotel, a motel, or a residential school."

A change of use from that outlined above may require further development approval of the City.

Parking and Access

- Prior to the occupation of the development, the number and allocation of car parking bays provided on-site shall be as follows:

11 Residential parking spaces;
One (1) Staff parking space; and
Two (2) Visitor parking spaces.

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7. Prior to the occupation of the development, all 'Visitor' car parking spaces shall be sign posted and marked in accordance with Australian Standards AS 1742.11 and maintained thereafter to the satisfaction of the City. The signage is to be installed prior to the occupation of the development and must be maintained for the life of the development and for use exclusively by visitors to the property, to the satisfaction of the City.
8. Prior to the occupation of the development, all parking spaces, manoeuvring, and circulation areas are to be constructed to comply with *Australian Standards AS/NZS2890.1:2004 Parking Facilities - Part 1: Off-street car parking*. The ACROD car parking bay design and layout are to comply with *Australian Standards AS/NZS2890.6:2022 (Off-street Parking for People with Disabilities)* and once constructed, must be maintained for the duration of the development.
9. Pedestrian pathways providing wheelchair accessibility to all entries, to buildings, to public footpaths and car parking areas are to comply with *Australian Standards AS/NZS1428.1:2021 (Design for access and mobility – General requirements for access – New building work)*, to the satisfaction of the City of Canning.
10. Prior to the occupation of the development, 12 bicycle parking bays (comprising 10 resident bays and 2 visitor bays) shall be provided on site. The design and construction of the bicycle bays shall be in accordance with *Australian Standards AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking*. Once installed, the bicycle parking bays are to be maintained for the duration of the development and to the satisfaction of the City.
11. Redundant vehicle crossover(s) are to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping, to the specifications of the City.

Built Form

12. Prior to the submission of a building permit, permanent screening that complies with the visual privacy design element of Residential Design Codes Volume 2 is to be installed to restrict views from northeastern balconies on first and second floor of the development into the adjoining lot, to the satisfaction of the City.
13. The development is to incorporate a minimum habitable floor level of 0.5 metre above the relevant 100-year ARI flood level, to provide protection from flooding.
14. The external finish of the boundary walls shall have either face-brick or rendered clean finish and thereafter maintained to the satisfaction of the City.

Utilities, Facilities and External Fixtures

15. Prior to the occupation of the development, a suitable bin enclosure for the storage and cleaning of receptacles on the premises is to be provided and thereafter to be maintained to the satisfaction of the City.



16. Prior to the submission of a building permit, a lighting plan indicating lighting to the pathways, communal open space, pedestrian and vehicle entry points, and car parking areas is to be submitted to and approved by the City. Prior to occupation of the development, the approved lighting is to be installed and thereafter maintained by and at the cost of the owner/developer to the satisfaction of the City.
17. External lighting shall be positioned in accordance with Australian Standard AS/NZS 4282:2019 *Control of the Obtrusive Effects of Outdoor Lighting*, to the satisfaction of the City.
18. All services and service-related hardware, including clothes drying areas, antennae, and air conditioning units, being suitably located away from public view and/or screened to the satisfaction of the City.
19. Prior to the commencement of any site works or construction, a report is to be provided outlining the intended environmentally sustainable design approach for the detailed design of the development. The approach is to be in accordance with Principle 5 - Sustainability of State Planning Policy 7.0 - Design of the Built Environment, to the satisfaction of the City.
20. Prior to the submission of a building permit, a schedule of the external materials, finishes, and colours shall be submitted to and be approved by the City. The schedule must include details of the type of materials proposed to be used, including their colour(s) and texture(s). The schedule thereafter must be carried out in full, prior to the occupation of the development and maintained for the duration of the development.

Construction Management Plan

21. Prior to the commencement of any site or construction works, a Construction Management Plan in accordance with the requirements of Australian Standard AS 1742.3 is to be submitted by the owner/developer to and be approved by the City. The approved plan is to be thereafter implemented for the duration of the construction of the development to the satisfaction of the City.

Stormwater Management

22. Prior to the submission of a building permit, a certified stormwater management plan is to be submitted to the satisfaction of the City. The approved stormwater management system is to be implemented and thereafter maintained to the satisfaction of the City.
23. Storm water from all roofed and paved areas must be collected and contained on site via soakwells. Storm water must not affect or be allowed to flow onto or into any other property.

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Waste Management

24. All provisions and recommendations in the Waste Management Plan, prepared by Encycle Consulting Pty Ltd, dated 11 October 2024, shall be implemented for the duration of the development, to the satisfaction of the City.

Noise Management

25. Prior to the occupation of the development, all recommendations contained within the Acoustic Report dated 11 October 2024, prepared by E-Lab Consulting, shall be implemented in full and written certification by an accredited acoustic consultant shall be provided to the City confirming that all recommendations of the Acoustic Report have been implemented.

26. 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. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification shall notify owner and prospective purchaser of the property as follows:

"This lot is situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected, by transport noise. Transportation noise controls and Quiet House design strategies at potential cost to the owner may be required to achieve an acceptable level of noise reduction. Further information is available on request from the relevant local government offices."

27. 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. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification shall notify owner and prospective purchaser of the property as follows:

"This lot is situated in the vicinity of Perth Airport, and is currently affected, or may in the future, be affected by aircraft noise. Noise exposure levels are likely to increase in the future as a result of increases in numbers of aircraft using the airport, changes in aircraft type or other operational changes. Further information about aircraft noise, including development restrictions and noise insulation requirements for noise-affected properties, are available on request from the relevant local government offices."

Landscaping

28. Prior to the occupation of the development, all landscaped areas are to be planted, reticulated, and mulched in accordance with the approved landscape concept plan prepared by Plan E Landscape Architects dated February 2025 and thereafter maintained to the satisfaction of the City.

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29. Prior to the commencement of any site or construction work, the landowner shall pay for the planting of one (1) street tree. Planting by the City of Canning will be scheduled to occur in the next available planting season after the completion of the development.

Public Art

30. Prior to the occupation of the development, or other time agreed to in writing by the City, the owner/developer is to elect to either:
- (i) Seek approval from the City of Canning for an artist to provide public art on the development site to a minimum value representing 1% of the cost of the development; or
 - (ii) Alternatively, make arrangements with the City of Canning for a cash-in-lieu payment representing 0.85% of the cost of development.

Where public art is to be provided on the development site, the approved concept is to be thereafter implemented and the artwork constructed and thereafter maintained to the satisfaction of the City.

Operational Management Plan

31. Prior to the occupation of the development, an Operational Management Plan is to be submitted for the City for assessment and approval. Once approved, the Operational Management Plan is to be implemented thereafter for the duration of the development and to the satisfaction of the City.

Bush Fire Management

32. Prior to occupation of the development, the recommendations contained in the Bushfire Management Plan by Western Environmental Approvals Pty Ltd dated 16 October 2024 are to be implemented and thereafter adhered to.
33. A notification, pursuant to Section 70A of the *Transfer of Land Act 1893*, is to be placed on the certificate of title of the proposed lot with a Bushfire Attack Level (BAL) rating of 12.5 or above, advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

"This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan 16 October 2024. Additional planning and building requirements may apply to development on this land".

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Advice Notes

1. This approval does not authorise the commencement of any building works. The applicant is advised that a building permit must be obtained prior to the commencement of any works. To obtain a building permit it will be necessary to submit documentation in compliance with the Building Regulations, including plans incorporating all conditions of this approval, specifications, and structural drawings.
2. The proponent is to submit a set of the approved plans to the Fire and Emergency Services Authority of Western Australia (FESA) for assessment. For further information in this regard contact FESA on 9336 9300.
3. The new works and affected parts of the proposed building works must comply with the requirements of the *Disability (Access to Premises - Buildings) Standards 2010*.
4. The provision of sanitary facilities is to be in accordance with Part F2 of the *Building Code of Australia*.
5. The proponent is advised to contact the Water Corporation on 131395 for information relating to discharging of sewer.
6. This Development Application does not authorise construction of a crossover. An application to construct a crossover must be made to the City on the prescribed form, accompanied by a site plan clearly showing the design, dimensions and specifications of the proposed crossover and an application fee. Please go to the City's website for more information or contact the City's Development Engineer.
7. In relation to the Stormwater Management Plan requirements, the applicant/landowner is to provide the following information:
 - (i) The silt trap and stormwater connection must be constructed in accordance with the City's "Standard Stormwater Connection Construction Details", refer to Plan No STD 03.
 - (ii) Any drainage works within the road reserve must to be approved by the City's Development Engineering Services.
 - (iii) The maximum discharge to the Council drainage system is 4 litres per second. The design of the internal drainage system is to provide adequate compensation within the site and must be designed by a suitably qualified person.
8. In relation to Condition 4, in the preparation of any legal agreement required by these conditions, the City's solicitors act for the City. You are advised to take your own legal advice in connection with any documentation prepared in order to satisfy this condition.

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Presiding Member, Metro Inner DAP



9. In relation to Condition 15, a suitable bin enclosure shall be provided with a water supply; have impervious walls and floor, a floor graded to a floor waste gully connected to sewer, have a gate and be of sufficient size to accommodate all receptacles used on the premises, but in any event having a floor area not less than a size approved by the Manager of Waste Services or an Environmental Health Officer.
10. In relation to Condition 19, the required report shall demonstrate what sustainable outcomes will be received from this proposal. The report can include:
 - a) What material selections have been chosen to consider environmental impacts.
 - b) The use of solar panels as one mechanism to address sustainable outcomes,
 - c) Natural ventilation.
 - d) The use of native or water wise plants in an amended landscaping plan, and/or;
 - e) Any outcomes identified by the Design Review Panel and the City, in consultation with the City and prior to the issue of a Building Permit.
11. In relation to Condition 21, the applicant/landowner is to include information into the Construction Management Plan such as:
 - The route that construction vehicles will take to and from the site.
 - The temporary realignment of pedestrian access ways.
 - Vehicular access to the site during construction.
 - Unloading and loading areas.
 - Waste disposal.
 - The location on site of building materials to be stored.
 - Safety and security fencing.
 - Sanitary facilities.
 - Cranes; and
 - Any details as required by the City.
12. In relation to Condition 29, the applicant / owner is advised that the proposed street tree planting is not approved as part of this application and that street tree planting alignments must conform with the Utility Providers' Code of Practice (WA). A request for approval to plant street trees is to be submitted to the City's Urban Greening team by phone on 1300 422 664 or via this link [Tree Planning Request](#).
13. The applicant is advised that permission to erect a boundary wall on or near the lot boundary does not grant permission to use the adjoining property or to remove the dividing fence without neighbour's consent. Dividing fences are controlled through the *Dividing Fences Act 1961*. Accordingly, owners should liaise with the adjoining landowner if there is an intention to remove or replace any portion of fencing.
14. All mechanical devices/installations (i.e. roller doors, air conditioners, exhaust outlets, pool pumps, compressors etc), to be located in a position that will not result in the emission of unreasonable noise - in accordance with the *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997*.

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Presiding Member, Metro Inner DAP



15. Please be advised that it is the obligation of the builder to review the Water Corporation's Working Near Assets and any/all applicable Western Power requirements. It is recommended to liaise with these authorities prior to the lodgement of a Building Permit.
16. With respect to Condition 31, the owner/developer is to update the Operational Management Plan prior to the initial occupancy of the development to ensure contact information and intended management practices are up to date. The Operational Management Plan is to be updated annually to ensure operations are consistent with the development approved.

AMENDING MOTION 1

Moved by: Karen Hyde

Seconded by: Francesca Lefante

That Advice Note No. 16 be moved to the second paragraph of Condition No. 31 to read as follows:

Prior to the occupation of the development, an Operational Management Plan is to be submitted for the City for assessment and approval. Once approved, the Operational Management Plan is to be implemented thereafter for the duration of the development and to the satisfaction of the City.

The owner/developer is to update the Operational Management Plan prior to the initial occupancy of the development to ensure contact information and intended management practices are up to date. The Operational Management Plan is to be updated annually to ensure operations are consistent with the development approved.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To ensure the requirements are implemented, this provision (formerly an advisory note) to be included into Condition 31.

AMENDING MOTION 2

Moved by: Karen Hyde

Seconded by: Francesca Lefante

That Condition No. 12 be deleted, and the remaining conditions be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Additional balcony screening treatments are not required as the site treatments, landscaping, along with adjoining lot driveway location, are considered to address overlooking whilst maintaining residential amenity.

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Presiding Member, Metro Inner DAP

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AMENDING MOTION 3

Moved by: Karen Hyde

Seconded by: Francesca Lefante

That Condition No. 30 (now Condition No. 29) be deleted, and the remaining conditions be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The provision of public art contribution is not required given the nature of the land use as a residential building for a specific and limited demographic group (rather than a building intended broader community access) the locational context in proximity to open space and activity centre and surrounding residential development type and form.

AMENDING MOTION 4

Moved by: Karen Hyde

Seconded by: Francesca Lefante

That Condition No. 1 be deleted, and the remaining conditions be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: This condition is not required due to change to the Metropolitan Region Scheme Regulations

AMENDING MOTION 5

Moved by: Karen Hyde

Seconded by: Francesca Lefante

That Condition No. 4 (now Condition No.3) be amended to read as follows:

Prior to the occupancy of the development, a deed of easement (with the City included as a party) for pedestrian and vehicle access benefiting Lot 11 (4 Oak Street) and burdening that portion of Lot 10 (2 Oak Street) shown on the plan attached to these conditions of development approval must be granted and registered with Landgate against the relevant certificates of title at the expense of the applicant and to the satisfaction of the City's ~~Solicitors~~.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To clarify the City of Canning as the agency responsible for clearing the condition.

Dale Page
Presiding Member, Metro Inner DAP



AMENDING MOTION 6

Moved by: Mayor Hall

Seconded by: Cr Kunze

That Condition No. 10 (now Condition No. 9) be deleted and the remaining conditions be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The provision of bicycle bays is not required given the nature and type of development and land use, proximity to services, public transport and recreation – on the reserve.

AMENDING MOTION 7

Moved by: Dale Page

Seconded by: Karen Hyde

That Condition No. 11 (now Condition No.9) be amended to read as follows:

Prior to occupation of the development redundant vehicle crossover(s) are to be removed and the kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping, to the specifications of the City.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To provide greater clarity on the timeframe for condition requirements.

AMENDING MOTION 8

Moved by: Dale Page

Seconded by: Karen Hyde

That Condition No. 20 (now Condition No.17) be amended to read as follows:

Prior to the submission of a building permit, a schedule of the external materials, finishes, and colours shall be submitted to and be approved by the City. The schedule must include details of the type of materials proposed to be used, including their colour(s) and texture(s). The schedule thereafter must be carried out in full, prior to the occupation of the development and maintained for the duration of the development to the satisfaction of the City.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To clarify the City of Canning as the agency responsible for clearing the condition

Dale Page
Presiding Member, Metro Inner DAP



REPORT RECOMMENDATION (AS AMENDED)

That the Metro Inner Development Assessment Panel resolves to:

Approve DAP Application reference DAP/24/02789 and accompanying plans 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 Canning Local Planning Scheme No. 42, subject to the following conditions:

Conditions:

General

1. 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.
2. The development is to comply in all respects with the attached approved plans, as dated, and stamped, together with any requirements and annotations detailed thereon. The plans approved as part of this application form part of the development approval issued are listed below:

List of Development Plans

Drawing Title	Sheet No.	Revision No.	Date	Drawn By
Feature & Contour Survey	001	A	06/03/2024	MNG
Site Plan	SK2.1	E	10/02/2025	Silver Thomas Hanley Architecture
Adjoining Site – Overshadowing (Natural Ground level)	SK2.2.1	C	10/02/2025	
Adjoining Site – Overshadowing (DWER development level)	SK2.2.2	C	10/02/2025	
Proposed Site Plan – Waste Collection	SK2.3	C	10/02/2025	
Level 0 Proposed Floor Plan	SK3.1	F	10/02/2025	
Level 1 Proposed Floor Plan	SK3.2	E	10/02/2025	
Level 2 Proposed Floor Plan	SK3.3	E	10/02/2025	
Level 1 & 2 Proposed Floor Plan – Cone of Vision	SK3.4	C	10/02/2025	
Proposed Roof Plan	SK5.1	E	10/02/2025	
Elevations	SK6.1	E	10/02/2025	
Elevations	SK6.2	D	10/02/2025	
Sections	SK7.1	D	10/02/2025	
Sections – Cross Ventilation	SK8.1	C	10/02/2025	

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Drawing Title	Sheet No.	Revision No.	Date	Drawn By
Sections – Cross Ventilation	SK8.2	C	10/02/2025	
Sections – Daylight Access	SK8.3	C	10/02/2025	
Sections – Daylight Access	SK8.4	C	10/02/2025	
Landscape Context Landscape Concept Plan	C1.102	F	February 2025	Plan E Landscape Architects
Landscape Context Imagery and Materials	C1.103	F	February 2025	
Landscape Context Planting Palette	C1.104	F	February 2025	
Landscape Context Deep Soil & Tree Canopy Provision	C1.105	F	February 2025	

Administrative and Legal

- Prior to the occupancy of the development, a deed of easement (with the City included as a party) for pedestrian and vehicle access benefiting Lot 11 (4 Oak Street) and burdening that portion of Lot 10 (2 Oak Street) shown on the plan attached to these conditions of development approval must be granted and registered with Landgate against the relevant certificates of title at the expense of the applicant and to the satisfaction of the City.

- The use of the approved Residential Building must conform to the Residential Design Codes, Volume 1 definition of 'Residential Building', which states:

A building or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:

- Temporarily by two or more persons; or*
- Permanently by seven or more persons, who do not comprise a single family,*

but does not include a hospital or sanatorium, a prison, a hotel, a motel, or a residential school."

A change of use from that outlined above may require further development approval of the City.

Parking and Access

- Prior to the occupation of the development, the number and allocation of car parking bays provided on-site shall be as follows:

11 Residential parking spaces;
One (1) Staff parking space; and
Two (2) Visitor parking spaces.



6. Prior to the occupation of the development, all 'Visitor' car parking spaces shall be sign posted and marked in accordance with Australian Standards AS 1742.11 and maintained thereafter to the satisfaction of the City. The signage is to be installed prior to the occupation of the development and must be maintained for the life of the development and for use exclusively by visitors to the property, to the satisfaction of the City.
7. Prior to the occupation of the development, all parking spaces, manoeuvring, and circulation areas are to be constructed to comply with *Australian Standards AS/NZS2890.1:2004 Parking Facilities - Part 1: Off-street car parking*. The ACROD car parking bay design and layout are to comply with *Australian Standards AS/NZS2890.6:2022 (Off-street Parking for People with Disabilities)* and once constructed, must be maintained for the duration of the development.
8. Pedestrian pathways providing wheelchair accessibility to all entries, to buildings, to public footpaths and car parking areas are to comply with *Australian Standards AS/NZS1428.1:2021 (Design for access and mobility – General requirements for access – New building work)*, to the satisfaction of the City of Canning.
9. Prior to the occupation of the development, 12 bicycle parking bays (comprising 10 resident bays and 2 visitor bays) shall be provided on site. The design and construction of the bicycle bays shall be in accordance with *Australian Standards AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking*. Once installed, the bicycle parking bays are to be maintained for the duration of the development and to the satisfaction of the City.

Built Form

10. The development is to incorporate a minimum habitable floor level of 0.5 metre above the relevant 100-year ARI flood level, to provide protection from flooding.
11. The external finish of the boundary walls shall have either face-brick or rendered clean finish and thereafter maintained to the satisfaction of the City.

Utilities, Facilities and External Fixtures

12. Prior to the occupation of the development, a suitable bin enclosure for the storage and cleaning of receptacles on the premises is to be provided and thereafter to be maintained to the satisfaction of the City.
13. Prior to the submission of a building permit, a lighting plan indicating lighting to the pathways, communal open space, pedestrian and vehicle entry points, and car parking areas is to be submitted to and approved by the City. Prior to occupation of the development, the approved lighting is to be installed and thereafter maintained by and at the cost of the owner/developer to the satisfaction of the City.
14. External lighting shall be positioned in accordance with Australian Standard AS/NZS 4282:2019 *Control of the Obtrusive Effects of Outdoor Lighting*, to the satisfaction of the City.

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15. All services and service-related hardware, including clothes drying areas, antennae, and air conditioning units, being suitably located away from public view and/or screened to the satisfaction of the City.
16. Prior to the commencement of any site works or construction, a report is to be provided outlining the intended environmentally sustainable design approach for the detailed design of the development. The approach is to be in accordance with Principle 5 - Sustainability of State Planning Policy 7.0 - Design of the Built Environment, to the satisfaction of the City.
17. Prior to the submission of a building permit, a schedule of the external materials, finishes, and colours shall be submitted to and be approved by the City. The schedule must include details of the type of materials proposed to be used, including their colour(s) and texture(s). The schedule thereafter must be carried out in full, prior to the occupation of the development and maintained for the duration of the development to the satisfaction of the City.

Construction Management Plan

18. Prior to the commencement of any site or construction works, a Construction Management Plan in accordance with the requirements of Australian Standard AS 1742.3 is to be submitted by the owner/developer to and be approved by the City. The approved plan is to be thereafter implemented for the duration of the construction of the development to the satisfaction of the City.

Stormwater Management

19. Prior to the submission of a building permit, a certified stormwater management plan is to be submitted to the satisfaction of the City. The approved stormwater management system is to be implemented and thereafter maintained to the satisfaction of the City.
20. Storm water from all roofed and paved areas must be collected and contained on site via soakwells. Storm water must not affect or be allowed to flow onto or into any other property.

Waste Management

21. All provisions and recommendations in the Waste Management Plan, prepared by Encycle Consulting Pty Ltd, dated 11 October 2024, shall be implemented for the duration of the development, to the satisfaction of the City.

Noise Management

22. Prior to the occupation of the development, all recommendations contained within the Acoustic Report dated 11 October 2024, prepared by E-Lab Consulting, shall be implemented in full and written certification by an accredited acoustic consultant shall be provided to the City confirming that all recommendations of the Acoustic Report have been implemented.



23. 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. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification shall notify owner and prospective purchaser of the property as follows:

"This lot is situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected, by transport noise. Transportation noise controls and Quiet House design strategies at potential cost to the owner may be required to achieve an acceptable level of noise reduction. Further information is available on request from the relevant local government offices."

24. 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. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification shall notify owner and prospective purchaser of the property as follows:

"This lot is situated in the vicinity of Perth Airport, and is currently affected, or may in the future, be affected by aircraft noise. Noise exposure levels are likely to increase in the future as a result of increases in numbers of aircraft using the airport, changes in aircraft type or other operational changes. Further information about aircraft noise, including development restrictions and noise insulation requirements for noise-affected properties, are available on request from the relevant local government offices."

Landscaping

25. Prior to the occupation of the development, all landscaped areas are to be planted, reticulated, and mulched in accordance with the approved landscape concept plan prepared by Plan E Landscape Architects dated February 2025 and thereafter maintained to the satisfaction of the City.
26. Prior to the commencement of any site or construction work, the landowner shall pay for the planting of one (1) street tree. Planting by the City of Canning will be scheduled to occur in the next available planting season after the completion of the development.

Operational Management Plan

27. Prior to the occupation of the development, an Operational Management Plan is to be submitted for the City for assessment and approval. Once approved, the Operational Management Plan is to be implemented thereafter for the duration of the development and to the satisfaction of the City.

The owner/developer is to update the Operational Management Plan prior to the initial occupancy of the development to ensure contact information and intended management practices are up to date. The Operational Management Plan is to be updated annually to ensure operations are consistent with the development approved.



Bush Fire Management

28. Prior to occupation of the development, the recommendations contained in the Bushfire Management Plan by Western Environmental Approvals Pty Ltd dated 16 October 2024 are to be implemented and thereafter adhered to.
29. A notification, pursuant to Section 70A of the *Transfer of Land Act 1893*, is to be placed on the certificate of title of the proposed lot with a Bushfire Attack Level (BAL) rating of 12.5 or above, advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

"This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan 16 October 2024. Additional planning and building requirements may apply to development on this land".

Advice Notes

1. This approval does not authorise the commencement of any building works. The applicant is advised that a building permit must be obtained prior to the commencement of any works. To obtain a building permit it will be necessary to submit documentation in compliance with the Building Regulations, including plans incorporating all conditions of this approval, specifications, and structural drawings.
2. The proponent is to submit a set of the approved plans to the Fire and Emergency Services Authority of Western Australia (FESA) for assessment. For further information in this regard contact FESA on 9336 9300.
3. The new works and affected parts of the proposed building works must comply with the requirements of the *Disability (Access to Premises - Buildings) Standards 2010*.
4. The provision of sanitary facilities is to be in accordance with Part F2 of the *Building Code of Australia*.
5. The proponent is advised to contact the Water Corporation on 131395 for information relating to discharging of sewer.
6. This Development Application does not authorise construction of a crossover. An application to construct a crossover must be made to the City on the prescribed form, accompanied by a site plan clearly showing the design, dimensions and specifications of the proposed crossover and an application fee. Please go to the City's website for more information or contact the City's Development Engineer.
7. In relation to the Stormwater Management Plan requirements, the applicant/landowner is to provide the following information:
 - (i) The silt trap and stormwater connection must be constructed in accordance with the City's "Standard Stormwater Connection Construction Details", refer to Plan No STD 03.



- (ii) Any drainage works within the road reserve must to be approved by the City's Development Engineering Services.
 - (iii) The maximum discharge to the Council drainage system is 4 litres per second. The design of the internal drainage system is to provide adequate compensation within the site and must be designed by a suitably qualified person.
8. In relation to Condition 4, in the preparation of any legal agreement required by these conditions, the City's solicitors act for the City. You are advised to take your own legal advice in connection with any documentation prepared in order to satisfy this condition.
9. In relation to Condition 15, a suitable bin enclosure shall be provided with a water supply; have impervious walls and floor, a floor graded to a floor waste gully connected to sewer, have a gate and be of sufficient size to accommodate all receptacles used on the premises, but in any event having a floor area not less than a size approved by the Manager of Waste Services or an Environmental Health Officer.
10. In relation to Condition 19, the required report shall demonstrate what sustainable outcomes will be received from this proposal. The report can include:
- a) What material selections have been chosen to consider environmental impacts.
 - b) The use of solar panels as one mechanism to address sustainable outcomes,
 - c) Natural ventilation.
 - d) The use of native or water wise plants in an amended landscaping plan, and/or;
 - e) Any outcomes identified by the Design Review Panel and the City, in consultation with the City and prior to the issue of a Building Permit.
11. In relation to Condition 21, the applicant/landowner is to include information into the Construction Management Plan such as:
- The route that construction vehicles will take to and from the site.
 - The temporary realignment of pedestrian access ways.
 - Vehicular access to the site during construction.
 - Unloading and loading areas.
 - Waste disposal.
 - The location on site of building materials to be stored.
 - Safety and security fencing.
 - Sanitary facilities.
 - Cranes; and
 - Any details as required by the City.
12. In relation to Condition 29, the applicant / owner is advised that the proposed street tree planting is not approved as part of this application and that street tree planting alignments must conform with the Utility Providers' Code of Practice (WA). A request for approval to plant street trees is to be submitted to the City's Urban Greening team by phone on 1300 422 664 or via this link [Tree Planning Request](#).

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13. The applicant is advised that permission to erect a boundary wall on or near the lot boundary does not grant permission to use the adjoining property or to remove the dividing fence without neighbour's consent. Dividing fences are controlled through the *Dividing Fences Act 1961*. Accordingly, owners should liaise with the adjoining landowner if there is an intention to remove or replace any portion of fencing.
14. All mechanical devices/installations (i.e. roller doors, air conditioners, exhaust outlets, pool pumps, compressors etc), to be located in a position that will not result in the emission of unreasonable noise - in accordance with the *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997*.
15. Please be advised that it is the obligation of the builder to review the Water Corporation's Working Near Assets and any/all applicable Western Power requirements. It is recommended to liaise with these authorities prior to the lodgement of a Building Permit.

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

REASON: Panel members were satisfied that the proposal was appropriately classified as a residential building that is consistent with the planning framework. The land use is considered appropriate in locational context and mix of commercial and residential development in the area. The design has undergone a number of changes and refinements, with DRP supporting the built form, scale and quality. Due consideration was to submissions and the RAR comments, with members satisfied that the design minimised overlooking through orientation and site landscaping with the view line over the adjoining site being limited to the driveway. The provision of public art contribution was not considered appropriate given the nature of the land use, locational context and surrounding development type and form. .

4. Form 2 DAP Applications

Nil

5. Section 31 SAT Reconsiderations

Nil.

Mayor Patrick Hall and Cr Ben Kunze (Local Government DAP Members, City of Canning) left the panel at 10:49am.

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PART C – CITY OF SOUTH PERTH

1. Declaration of Due Consideration

The Presiding Member noted that an addendum to the agenda was published to include details of a DAP direction for further information and responsible authority response in relation to Item 3.1, received on 28 March 2025.

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

2. Disclosure of Interests

Nil.

3. Form 1 DAP Applications

3.1 Lots 2, 112 & 113 (No. 42, 44 And 46) Leonora Street, Como - Proposed 56 Multiple Dwellings – DAP/24/02819

Deputations and Presentations

Daniella Mrdja (Urbanista Town Planning) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Jon Cheesbrough (Hub Property Group on behalf of Blueways Group) addressed the DAP against the recommendation for the application at Item 3.1 and responded to questions from the panel.

Max Walters (Embrace Architects) addressed the DAP against the recommendation for the application at Item 3.1 and responded to questions from the panel.

George Ashton (Element Advisory) addressed the DAP against the recommendation for the application at Item 3.1.

Daniel Lees (Element Advisory) addressed the DAP against the recommendation for the application at Item 3.1 and responded to questions from the panel.

The panel noted a written submission in support of the recommendation for the application at Item 3.1. was received from Geoffrey Shoemark.

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



REPORT RECOMMENDATION

Moved by: Nil

Seconded by: Nil

That the Metro Inner Development Assessment Panel resolves to:

Refuse DAP Application reference DAP/24/02819 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

Reasons

1. The proposal does not satisfy the Objective and Desired Outcome Element 18 of the Canning Bridge Activity Centre Plan by virtue of an oversupply of resident car parking bays and shortfall of motorcycle/scooter bays and visitor car parking bays on-site.
2. The proposal is not considered to satisfy the Element Objective O4.17.1 of the Residential Design Codes Clause 4.17 – Waste management and Objective 4.1 of the City's Local Planning Policy 3.1 – Waste Management as the proposed waste storage and management arrangements result in negative impacts on the amenity of residents due to the lack of dedicated bin chutes and service lifts.

The Report Recommendation LAPSED for want of a mover and a seconder.

ALTERNATE MOTION

Moved by: Karen Hyde

Seconded by: Francesca Lefante

That the Metro Inner DAP resolves to

Approve DAP Application reference DAP/24/02819 and accompanying plans 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 South Perth Local Planning Scheme No. 7, subject to the following conditions:

Conditions

General Conditions

1. This decision constitutes development approval only and is valid for a period of four (4) years. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. The development shall be in accordance with the approved plans save that, in the event of any inconsistency between the approved plans and a requirement of the conditions set out below, the requirement of the conditions shall prevail.
3. All works to be carried out under this development approval, including footings, are required to be contained within the boundaries of the subject lot.

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4. Prior to or in conjunction with the submission of a Building Permit application, all land comprising the development site (Lots 2, 112 and 113 Leonora Street, Como) shall be amalgamated on a Deposited Plan and application for a new Certificate of Title shall be lodged with the Land Titles Office, to the satisfaction of the City of South Perth. The amalgamated lot must be created prior to occupation of the development.

Alternatively, a legal agreement is to be prepared to ensure that these Lots cannot be sold or developed separately. The legal agreement is to be executed prior to the issue of a building permit to the satisfaction of the City of South Perth. The legal agreement is to be prepared at the owner's expense.

5. Prior to or in conjunction with the submission of an Occupancy Permit application, the land required on Lots 112 and 113 for the widening of the public right-of-way is to be widened by 0.5 metres and the widening accurately shown on the diagram or plan of survey (deposited plan) and/or survey strata plan and vested in the Crown under Section 152 of the *Planning and Development Act 2005*, to the satisfaction of the City of South Perth. Such land is to be ceded free of cost and without any payment of compensation by the Crown.
6. Prior to or in conjunction with the submission of an Occupancy Permit application, the portion of the right-of-way abutting the ROW boundary of the site and any land required for its widening being constructed, made trafficable and drained to its full width at the landowner/applicant's cost, to the specifications and satisfaction of the City of South Perth.
7. Prior to or in conjunction with the submission of a Building Permit application, a Staging Plan shall be submitted to and approved by the City of South Perth. The Staging Plan is to include details of the works included in each stage of the development including timeframes for each stage of implementation and details of interim finishes for portions of the building that will remain exposed until the development is completed. The approved Staging Plan shall be implemented to the satisfaction of the City of South Perth.

Design

8. Prior to or in conjunction with the submission of a Building Permit application, the applicant shall supply certification from a Livable Housing Australia assessor confirming either:
 - i. A minimum of 20% of all dwellings, have been designed to meet Silver Level requirements as defined in the Livable Housing Design Guidelines (Livable Housing Australia) to the satisfaction of the City of South Perth; or
 - ii. A minimum of 5% of dwellings, have been designed to Platinum Level as defined in the Livable Housing Design Guidelines (Livable Housing Australia) to the satisfaction of the City of South Perth.



9. Prior to or in conjunction with the submission of an Occupancy Permit application, the applicant shall supply certification from a Livable Housing Australia assessor confirming either:
 - i. A minimum of 20% of all dwellings, have been constructed to meet Silver Level requirements as defined in the Livable Housing Design Guidelines (Livable Housing Australia) to the satisfaction of the City of South Perth; or
 - ii. A minimum of 5% of dwellings, have been constructed to Platinum Level as defined in the Livable Housing Design Guidelines (Livable Housing Australia) to the satisfaction of the City of South Perth.
10. Prior to or in conjunction with the submission of a Building Permit application, the applicant shall supply certification that recommendations of the Pedestrian Wind and Environment Statement dated 27 February 2025 have been incorporated into the development to the satisfaction of the City of South Perth.

Access and Parking

11. Prior to or in conjunction with the submission of a Building Permit application, the applicant must be in receipt of an approved 'Crossings Application' that confirms the design is to the satisfaction of the City of South Perth.
12. Prior to or in conjunction with the submission of an Occupancy Permit application, all resident and visitor car parking bays shall be marked on site as indicated on the approved plans, and such marking shall be subsequently maintained so that the delineation of parking bays remains clearly visible at all times, to the satisfaction of the City of South Perth.
13. Prior to or in conjunction with the submission of an Occupancy Permit application, visitor parking bays shall be permanently marked, maintained and be clearly visible or suitably sign-posted from the street, right of way or communal accessway, to the satisfaction of the City of South Perth.
14. Prior to occupation or use of the development, the redundant crossovers shall be removed and the verge and kerbing reinstated, to the satisfaction of the City of South Perth.
15. Prior to occupation or use of the development, the applicant shall construct a crossover(s) between the road and the property boundaries to the satisfaction of the City of South Perth. The crossover shall be constructed in accordance with the approved drawings, associated conditions and requirements contained within Management Practice M353. The existing verge levels at the front property boundary shall not be altered.



16. Prior to or in conjunction with the submission of a Building Permit application, certification by an appropriately qualified person confirming that the design and dimensions of all parking areas, including the car parking bays, aisle widths, vehicle accessways, manoeuvring and circulation areas and bicycle bays are compliant with Australian Standards AS2890.1 and AS2890.3 must be submitted, to the satisfaction of the City of South Perth.
17. Prior to or in conjunction with the submission of an Occupancy Permit application, all bicycle parking spaces are to be installed in accordance with AS2890.3—1993, Parking facilities, Part 3: Bicycle parking facilities, and include a minimum of 16 visitor bicycle parking spaces and one residential bicycle parking space per dwelling, to the satisfaction of the City of South Perth.
18. Prior to or in conjunction with the submission of an Occupancy Permit application, a Parking Management Plan shall be submitted to, and approved by the City of South Perth. The Parking Management Plan is to include detailed management measures for the operation of the following to ensure vehicle access is readily available and safe at all times, including:
 - i. Access and manoeuvring arrangements for car parking bays, including where applicable (but not limited to) visitor bays, gate/bollard access procedures for visitors/deliveries and residents, instructions for delivery vehicles and removalist trucks; and
 - ii. Way-finding measures to ensure efficient use of parking facilities.

The approved Parking Management Plan shall be implemented by the owners/occupiers/strata managers of the development and maintained thereafter, to the satisfaction of the City of South Perth.

Materials and Finishes

19. Prior to or in conjunction with the submission of a Building Permit application, final details of the proposed materials, colours and finishes of the proposed development are to be submitted, to the satisfaction of the City of South Perth. The finishes indicated shall be implemented and maintained thereafter, to the satisfaction of the City of South Perth.
20. Prior to occupation or use of the development, the boundary wall(s) shall be constructed and finished in a clean material to the same standard as the rest of the development, to the satisfaction of the City of South Perth.
21. Windows, doors and adjacent areas fronting public streets on the ground floor and first floor shall maintain transparent glazing for a minimum 50% of the surface area of glazing to the street in perpetuity, to the satisfaction of the City of South Perth.
22. All retaining walls and fences on the ground floor and first floor shall be treated with non-sacrificial anti-graffiti coating to discourage graffiti, to the satisfaction of the City of South Perth.



Construction Management

23. Prior to or in conjunction with the submission of any Demolition Permit or Building Permit application, a Construction Management Plan must be submitted to, and approved in writing by the City of South Perth. The Construction Management Plan must address the following issues, where applicable:
- i. public safety and amenity;
 - ii. site plan and security;
 - iii. contact details of essential site personnel, construction period and operating hours;
 - iv. community information, consultation and complaints management plan;
 - v. noise, vibration, air and dust management;
 - vi. traffic, access and parking management;
 - vii. waste management and materials re-use;
 - viii. earthworks, excavation, land retention/piling methods and associated matters;
 - ix. stormwater and sediment control;
 - x. street tree management and protection;
 - xi. removal of onsite effluent disposal system and stormwater management system; and asbestos removal.

The Construction Management Plan must be implemented and adhered to all times, to the satisfaction of the City of South Perth.

24. Prior to or in conjunction with the submission of a Building Permit application, a Dilapidation Report shall be submitted to and approved in writing by the City of South Perth 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:
- i. No. 8 Henley Street, Como (all apartments and communal facilities);
 - ii. No.91 Robert Street, Como;
 - iii. No.89 Robert Street, Como;
 - iv. No.87 Robert Street, Como (all apartments and communal facilities); and
 - v. No.40A Leonora Street, Como.

In the event that access to undertake the dilapidation report is denied by an adjoining owner, the applicant must demonstrate in writing, that all reasonable steps have been taken to obtain access and that the affected property owner has been advised of the reason for the dilapidation report and consequences of the lack of access, to the satisfaction of the City of South Perth.



Public Art

25. Prior to or in conjunction with the submission of a Building Permit application, the applicant/owner is to comply with the City of South Perth Local Planning Policy - Developer Contributions for Public Art and Public Art Spaces through the contribution of a sum of 1% of the estimated cost of the development towards public art, being either:
- Payment to the City of South Perth the value of 1.0% of the construction value (with the contribution capped at \$500,000); or
 - The provision of public art on site to the minimum value of 1.0% of the construction value to the satisfaction of the City of South Perth.

If public art is being provided on site, the applicant must seek approval in writing from the City of South Perth for the public art concept, including the artist proposed to undertake the works, to the satisfaction of the City of South Perth.

26. Prior to occupation or use of the development, the approved public art concept shall be implemented and maintained thereafter in compliance with the conditions of the public art approval, to the satisfaction of the City of South Perth.

Landscaping

27. Prior to or in conjunction with the submission of a Building Permit application, a detailed landscape plan demonstrating the long-term viability of planting is to be submitted to and approved in writing by the City of South Perth, addressing the following:
- Hard and soft landscaping areas;
 - The size (both height and pot size) and number of new trees and plants to be planted;
 - Reticulation details;
 - Detailed design for planting on structure including drainage;
 - Incorporation of any landscaping recommendations in the pedestrian wind report.

The detailed landscape plan shall reflect the landscape concept prepared by Plan\E dated February 2025, updated as necessary to align with the approved architectural plans.

28. Prior to occupation or use of the development, landscaping is to be installed and maintained in accordance with the approved detailed landscape plan for the lifetime of the development, to the satisfaction of the City of South Perth.
29. All street trees in the verge adjacent to the lot are to be required to be protected by a tree protection zone (TPZ) in accordance with Australian Standard 4970 during the works, to the satisfaction of the City of South Perth. Mulch is required to be provided around the base of each tree within the TPZ and all trees must be watered regularly for the duration of the works, to the satisfaction of the City of South Perth.



Sustainability

30. Prior to or in conjunction with the submission of a Building Permit application, the applicant shall submit a statement of compliance prepared by a Green Star Accredited Professional confirming that the development can achieve the 5 Star Green Star rating, to the satisfaction of the City of South Perth. The Statement of Compliance must include a formal peer review by an independent Green Star Accredited Professional.
31. Prior to or in conjunction with the submission of an Occupancy Permit application, the applicant is to submit to the City of South Perth, a Statement of Compliance completed by the independent peer reviewer confirming that the project has satisfied a 5 Star Green Star rating and that the sustainability initiatives have been implemented, to the satisfaction of the City of South Perth.

Screening

32. Prior to or in conjunction with the submission of a Building Permit application, details illustrating that external fixtures, such as air conditioning infrastructure, shall be integrated into the design of the building to not be visually obtrusive when viewed from the street and to protect the visual amenity of residents in neighbouring properties is to be submitted, thereafter approved and implemented, to the satisfaction of the City of South Perth.
33. External clothes drying facilities shall be screened from view from the street or any other public place, to the satisfaction of the City of South Perth.

Waste Management

34. The approved Waste Management Plan prepared by Talis Consultants dated 7 February 2025 shall be implemented and adhered to at all times, to the satisfaction of the City of South Perth.
35. All bin stores are to be designed in accordance with the following specifications:
 - i. Provided with a mains water supply, with a sealed floor graded to a plumbed sewer drainage outlet/s to allow for the washing of all room surfaces and for the cleaning of bins as required;
 - ii. Designed with walls not less than 1.8m in height and access point with self-closing gate of not less than 1.0m in width;
 - iii. Access is to be provided to all bins (i.e. no stacking of rows of bins). Each bin must have a minimum 50mm spacing around all sides, including between walls, other bins and aisles;
 - iv. A smooth and impervious floor of not less than 100 millimetres in thickness;
 - v. The bin storage area is ventilated in accordance with Australian Standard 1668.2: The Use of Ventilation and Air Conditioning in Buildings (as amended); and
 - vi. Must be designed to not permit storm water to enter into the sewer drainage outlet.



Noise

36. Prior to or in conjunction with the submission of a Building Permit application, an updated Acoustic Report, completed by a suitably qualified acoustic engineer, and demonstrating that potential noise from the proposed development will comply with the *Environmental Protection (Noise) Regulations 1997*, must be submitted to, and approved in writing by, the City of South Perth. The report is to address:
- i. Noise impacts from sources such as air conditioning, car park exhaust fans, vehicle access roller doors, waste trucks, unenclosed bin stores on upper floors, noise associated with transferring bins to and from lifts and communal open spaces including the gym and outdoor areas.

The approved acoustic report, including any specifications, requirements and recommendations cited in the report shall be incorporated into the Building Permit documentation, implemented and maintained for the lifetime of the development, to the satisfaction of the City of South Perth.

37. Prior to or in conjunction with the submission of an Occupancy Permit application, written certification shall be submitted to and approved in writing by the City of South Perth, demonstrating that all noise attenuation measures, identified in the Acoustic Report have been implemented or installed. All noise attenuation measure shall remain in place for the lifetime of the development.
38. Prior to or in conjunction with the submission of an Occupancy Permit application, the owner shall register on the Certificate of Title(s), notifications pursuant to Section 70A of the *Transfer of Land Act 1893*. The notification is to state as follows:

'The lots are situated in the vicinity of a transport corridor and are currently affected or may in future be affected by transport noise.'

The notification is to be registered at the expense of the landowner of Lot 2, 112 and 113 Leonora Street, to the satisfaction of the City of South Perth.

Lighting

39. Prior to or in conjunction with the submission of a Building Permit application, a lighting plan shall be submitted to and approved by the City of South Perth. The approved lighting plan shall be implemented prior to occupation of the development and maintained thereafter, to the satisfaction of the City of South Perth.
40. Any illumination of the development shall be in accordance with the following Australian Standards to the satisfaction of the City of South Perth:
- i. AS 1680 regarding safe movement;
 - ii. AS 1158 Lighting of roads and public spaces; and
 - iii. AS 4282 Control of obtrusive effects of outdoor lighting.



Ground and Stormwater

41. Prior to or in conjunction with the submission of a Building Permit application, the applicant shall prepare and submit a stormwater management plan to the satisfaction of the City of South Perth. The Stormwater Management Plan shall be implemented and thereafter maintained, to the satisfaction of the City of South Perth.

Main Roads Western Australia

42. Prior to or in conjunction with the submission of a Building Permit application, an acoustic report by a qualified acoustic consultant consistent with the requirements of State Planning Policy 5.4 – Road and Rail Noise is to be prepared and submitted to the satisfaction of the City of South Perth in consultation with Main Roads. Any recommendations contained in the acoustic report shall be thereafter implemented and maintained for the duration of the development.

Advice Notes:

1. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administration Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.
2. This is a notice of determination on application for development approval issued in accordance with the *Planning and Development Act 2005*, the *Planning and Development (Local Planning Schemes) Regulations 2015*, the City of South Perth Local Planning Scheme No. 7, and related policies. It is not a building permit or an approval to carry out development under any other law. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and licences required under any other law, and to commence and carry out development in accordance with all relevant laws.
3. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
4. The applicant/owner is advised that the City of South Perth will be recommending that the Western Australian Planning Commission impose a condition requiring a contribution to public open space at the time of subdivision (including built-strata).
5. The applicant is advised to liaise with the adjoining landowner(s) regarding the possible retention or replacement of the existing dividing fence along the lot boundary. Please refer to the *Dividing Fences Act 1961* for the rights and responsibilities of landowners regarding dividing fences.

Dale Page
Presiding Member, Metro Inner DAP



6. The applicant is advised separate approval is required to be obtained from the local government prior to the commencement of any works within the verge and ROW. Landscaping proposed within the verge is to be installed in accordance with the approved landscaping plan prior to occupation of the development. Verge landscaping is to be appropriately reticulated and managed for the life of the development to the satisfaction of the City of South Perth.
7. The Australian Standards specify the following measures are required to protect trees:
 - i. A minimum 2.0m radius tree protection zone (TPZ) shall be provided through 1.8m high fencing around the verge trees (chain mesh panels or other suitable material) during construction of the subject development.
 - ii. The above fencing is not to be moved or removed at any period during construction, and this zone is not to be entered for any reason; signage notifying people of the TPZ and the associated requirements is to be placed on each side of the fencing.
 - iii. All activities and works related to construction of the subject development, including parking of vehicles, storage of materials, and washing of concreting tools and equipment is prohibited within the designated TPZ unless prior approval is sought from the City of South Perth.
 - iv. (Any roots identified to be pruned shall be pruned with a final cut to undamaged wood outside of the TPZ. Pruning cuts shall be made with sharp tools such as secateurs, pruners, handsaws or chainsaws. Pruning wounds shall not be treated with dressings or paints. It is not acceptable for roots to be 'pruned' with machinery such as backhoes or excavators.

Dale Page
Presiding Member, Metro Inner DAP



AMENDING MOTION 1

Moved by: Karen Hyde

Seconded by: Dale Page

That Condition No. 18 be amended to read as follows:

Prior to or in conjunction with the submission of an Occupancy Permit application, a Parking Management Plan shall be submitted to, and approved by the City of South Perth. The Parking Management Plan is to include detailed management measures for the operation of the following to ensure vehicle access is readily available and safe at all times, including:

- i. *Access and manoeuvring arrangements for car parking bays, including where applicable (but not limited to) visitor bays, gate/bollard access procedures for visitors/deliveries and residents, instructions for delivery vehicles and removalist trucks; and*
- ii. *Way-finding measures to ensure efficient use of parking facilities. The approved Parking Management Plan shall be implemented by the owners/occupiers/strata managers of the development and maintained thereafter, to the satisfaction of the City of South Perth.*
- iii. ***Allocation of 20 visitor parking bays and 17 motorcycle/scooter parking bays.***

The Amending Motion was put and CARRIED (2/1).

For: Dale Page
Karen Hyde

Against: Francesca Lefante

REASON: To provide sufficient on-site visitor car parking and motorcycle/scooter bays in accordance with City's minimum standards. Inclusion of this requirement in the Parking Management Plan allows for the applicant and City to resolve the matter in a collaborative approach to ensure adequate parking for all modes of private transport and for residents and visitors alike.

Dale Page
Presiding Member, Metro Inner DAP



ALTERNATE MOTION (AS AMENDED)

That the Metro Inner DAP resolves to

Approve DAP Application reference DAP/24/02819 and accompanying plans 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 South Perth Local Planning Scheme No. 7, subject to the following conditions:

Conditions

General Conditions

1. This decision constitutes development approval only and is valid for a period of four (4) years. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. The development shall be in accordance with the approved plans save that, in the event of any inconsistency between the approved plans and a requirement of the conditions set out below, the requirement of the conditions shall prevail.
3. All works to be carried out under this development approval, including footings, are required to be contained within the boundaries of the subject lot.
4. Prior to or in conjunction with the submission of a Building Permit application, all land comprising the development site (Lots 2, 112 and 113 Leonora Street, Como) shall be amalgamated on a Deposited Plan and application for a new Certificate of Title shall be lodged with the Land Titles Office, to the satisfaction of the City of South Perth. The amalgamated lot must be created prior to occupation of the development.

Alternatively, a legal agreement is to be prepared to ensure that these Lots cannot be sold or developed separately. The legal agreement is to be executed prior to the issue of a building permit to the satisfaction of the City of South Perth. The legal agreement is to be prepared at the owner's expense.

5. Prior to or in conjunction with the submission of an Occupancy Permit application, the land required on Lots 112 and 113 for the widening of the public right-of-way is to be widened by 0.5 metres and the widening accurately shown on the diagram or plan of survey (deposited plan) and/or survey strata plan and vested in the Crown under Section 152 of the *Planning and Development Act 2005*, to the satisfaction of the City of South Perth. Such land is to be ceded free of cost and without any payment of compensation by the Crown.
6. Prior to or in conjunction with the submission of an Occupancy Permit application, the portion of the right-of-way abutting the ROW boundary of the site and any land required for its widening being constructed, made trafficable and drained to its full width at the landowner/applicant's cost, to the specifications and satisfaction of the City of South Perth.

Dale Page
Presiding Member, Metro Inner DAP



7. Prior to or in conjunction with the submission of a Building Permit application, a Staging Plan shall be submitted to and approved by the City of South Perth. The Staging Plan is to include details of the works included in each stage of the development including timeframes for each stage of implementation and details of interim finishes for portions of the building that will remain exposed until the development is completed. The approved Staging Plan shall be implemented to the satisfaction of the City of South Perth.

Design

8. Prior to or in conjunction with the submission of a Building Permit application, the applicant shall supply certification from a Livable Housing Australia assessor confirming either:
 - i. A minimum of 20% of all dwellings, have been designed to meet Silver Level requirements as defined in the Livable Housing Design Guidelines (Livable Housing Australia) to the satisfaction of the City of South Perth; or
 - ii. A minimum of 5% of dwellings, have been designed to Platinum Level as defined in the Livable Housing Design Guidelines (Livable Housing Australia) to the satisfaction of the City of South Perth.
9. Prior to or in conjunction with the submission of an Occupancy Permit application, the applicant shall supply certification from a Livable Housing Australia assessor confirming either:
 - i. A minimum of 20% of all dwellings, have been constructed to meet Silver Level requirements as defined in the Livable Housing Design Guidelines (Livable Housing Australia) to the satisfaction of the City of South Perth; or
 - ii. A minimum of 5% of dwellings, have been constructed to Platinum Level as defined in the Livable Housing Design Guidelines (Livable Housing Australia) to the satisfaction of the City of South Perth.
10. Prior to or in conjunction with the submission of a Building Permit application, the applicant shall supply certification that recommendations of the Pedestrian Wind and Environment Statement dated 27 February 2025 have been incorporated into the development to the satisfaction of the City of South Perth.

Access and Parking

11. Prior to or in conjunction with the submission of a Building Permit application, the applicant must be in receipt of an approved 'Crossings Application' that confirms the design is to the satisfaction of the City of South Perth.
12. Prior to or in conjunction with the submission of an Occupancy Permit application, all resident and visitor car parking bays shall be marked on site as indicated on the approved plans, and such marking shall be subsequently maintained so that the delineation of parking bays remains clearly visible at all times, to the satisfaction of the City of South Perth.



13. Prior to or in conjunction with the submission of an Occupancy Permit application, visitor parking bays shall be permanently marked, maintained and be clearly visible or suitably sign-posted from the street, right of way or communal accessway, to the satisfaction of the City of South Perth.
14. Prior to occupation or use of the development, the redundant crossovers shall be removed and the verge and kerbing reinstated, to the satisfaction of the City of South Perth.
15. Prior to occupation or use of the development, the applicant shall construct a crossover(s) between the road and the property boundaries to the satisfaction of the City of South Perth. The crossover shall be constructed in accordance with the approved drawings, associated conditions and requirements contained within Management Practice M353. The existing verge levels at the front property boundary shall not be altered.
16. Prior to or in conjunction with the submission of a Building Permit application, certification by an appropriately qualified person confirming that the design and dimensions of all parking areas, including the car parking bays, aisle widths, vehicle accessways, manoeuvring and circulation areas and bicycle bays are compliant with Australian Standards AS2890.1 and AS2890.3 must be submitted, to the satisfaction of the City of South Perth.
17. Prior to or in conjunction with the submission of an Occupancy Permit application, all bicycle parking spaces are to be installed in accordance with AS2890.3—1993, Parking facilities, Part 3: Bicycle parking facilities, and include a minimum of 16 visitor bicycle parking spaces and one residential bicycle parking space per dwelling, to the satisfaction of the City of South Perth.
18. Prior to or in conjunction with the submission of an Occupancy Permit application, a Parking Management Plan shall be submitted to, and approved by the City of South Perth. The Parking Management Plan is to include detailed management measures for the operation of the following to ensure vehicle access is readily available and safe at all times, including:
 - i. Access and manoeuvring arrangements for car parking bays, including where applicable (but not limited to) visitor bays, gate/bollard access procedures for visitors/deliveries and residents, instructions for delivery vehicles and removalist trucks; and
 - ii. Way-finding measures to ensure efficient use of parking facilities.
 - iii. Allocation of 20 visitor parking and 17 motorcycle/scooter parking bays.

The approved Parking Management Plan shall be implemented by the owners/occupiers/strata managers of the development and maintained thereafter, to the satisfaction of the City of South Perth.

Dale Page
Presiding Member, Metro Inner DAP



Materials and Finishes

19. Prior to or in conjunction with the submission of a Building Permit application, final details of the proposed materials, colours and finishes of the proposed development are to be submitted, to the satisfaction of the City of South Perth. The finishes indicated shall be implemented and maintained thereafter, to the satisfaction of the City of South Perth.
20. Prior to occupation or use of the development, the boundary wall(s) shall be constructed and finished in a clean material to the same standard as the rest of the development, to the satisfaction of the City of South Perth.
21. Windows, doors and adjacent areas fronting public streets on the ground floor and first floor shall maintain transparent glazing for a minimum 50% of the surface area of glazing to the street in perpetuity, to the satisfaction of the City of South Perth.
22. All retaining walls and fences on the ground floor and first floor shall be treated with non-sacrificial anti-graffiti coating to discourage graffiti, to the satisfaction of the City of South Perth.

Construction Management

23. Prior to or in conjunction with the submission of any Demolition Permit or Building Permit application, a Construction Management Plan must be submitted to, and approved in writing by the City of South Perth. The Construction Management Plan must address the following issues, where applicable:
 - i. public safety and amenity;
 - ii. site plan and security;
 - iii. contact details of essential site personnel, construction period and operating hours;
 - iv. community information, consultation and complaints management plan;
 - v. noise, vibration, air and dust management;
 - vi. traffic, access and parking management;
 - vii. waste management and materials re-use;
 - viii. earthworks, excavation, land retention/piling methods and associated matters;
 - ix. stormwater and sediment control;
 - x. street tree management and protection;
 - xi. removal of onsite effluent disposal system and stormwater management system; and asbestos removal.

The Construction Management Plan must be implemented and adhered to all times, to the satisfaction of the City of South Perth.

24. Prior to or in conjunction with the submission of a Building Permit application, a Dilapidation Report shall be submitted to and approved in writing by the City of South Perth 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:

Dale Page
Presiding Member, Metro Inner DAP



- i. No. 8 Henley Street, Como (all apartments and communal facilities);
- ii. No.91 Robert Street, Como;
- iii. No.89 Robert Street, Como;
- iv. No.87 Robert Street, Como (all apartments and communal facilities); and
- v. No.40A Leonora Street, Como.

In the event that access to undertake the dilapidation report is denied by an adjoining owner, the applicant must demonstrate in writing, that all reasonable steps have been taken to obtain access and that the affected property owner has been advised of the reason for the dilapidation report and consequences of the lack of access, to the satisfaction of the City of South Perth.

Public Art

25. Prior to or in conjunction with the submission of a Building Permit application, the applicant/owner is to comply with the City of South Perth Local Planning Policy - Developer Contributions for Public Art and Public Art Spaces through the contribution of a sum of 1% of the estimated cost of the development towards public art, being either:
 - i. Payment to the City of South Perth the value of 1.0% of the construction value (with the contribution capped at \$500,000); or
 - ii. The provision of public art on site to the minimum value of 1.0% of the construction value to the satisfaction of the City of South Perth.

If public art is being provided on site, the applicant must seek approval in writing from the City of South Perth for the public art concept, including the artist proposed to undertake the works, to the satisfaction of the City of South Perth.

26. Prior to occupation or use of the development, the approved public art concept shall be implemented and maintained thereafter in compliance with the conditions of the public art approval, to the satisfaction of the City of South Perth.

Landscaping

27. Prior to or in conjunction with the submission of a Building Permit application, a detailed landscape plan demonstrating the long-term viability of planting is to be submitted to and approved in writing by the City of South Perth, addressing the following:
 - i. Hard and soft landscaping areas;
 - ii. The size (both height and pot size) and number of new trees and plants to be planted;
 - iii. Reticulation details;
 - iv. Detailed design for planting on structure including drainage;
 - v. Incorporation of any landscaping recommendations in the pedestrian wind report.

The detailed landscape plan shall reflect the landscape concept prepared by Plan\E dated February 2025, updated as necessary to align with the approved architectural plans.



28. Prior to occupation or use of the development, landscaping is to be installed and maintained in accordance with the approved detailed landscape plan for the lifetime of the development, to the satisfaction of the City of South Perth.
29. All street trees in the verge adjacent to the lot are to be required to be protected by a tree protection zone (TPZ) in accordance with Australian Standard 4970 during the works, to the satisfaction of the City of South Perth. Mulch is required to be provided around the base of each tree within the TPZ and all trees must be watered regularly for the duration of the works, to the satisfaction of the City of South Perth.

Sustainability

30. Prior to or in conjunction with the submission of a Building Permit application, the applicant shall submit a statement of compliance prepared by a Green Star Accredited Professional confirming that the development can achieve the 5 Star Green Star rating, to the satisfaction of the City of South Perth. The Statement of Compliance must include a formal peer review by an independent Green Star Accredited Professional.
31. Prior to or in conjunction with the submission of an Occupancy Permit application, the applicant is to submit to the City of South Perth, a Statement of Compliance completed by the independent peer reviewer confirming that the project has satisfied a 5 Star Green Star rating and that the sustainability initiatives have been implemented, to the satisfaction of the City of South Perth.

Screening

32. Prior to or in conjunction with the submission of a Building Permit application, details illustrating that external fixtures, such as air conditioning infrastructure, shall be integrated into the design of the building to not be visually obtrusive when viewed from the street and to protect the visual amenity of residents in neighbouring properties is to be submitted, thereafter approved and implemented, to the satisfaction of the City of South Perth.
33. External clothes drying facilities shall be screened from view from the street or any other public place, to the satisfaction of the City of South Perth.

Waste Management

34. The approved Waste Management Plan prepared by Talis Consultants dated 7 February 2025 shall be implemented and adhered to at all times, to the satisfaction of the City of South Perth.
35. All bin stores are to be designed in accordance with the following specifications:
 - i. Provided with a mains water supply, with a sealed floor graded to a plumbed sewer drainage outlet/s to allow for the washing of all room surfaces and for the cleaning of bins as required;
 - ii. Designed with walls not less than 1.8m in height and access point with self-closing gate of not less than 1.0m in width;



- iii. Access is to be provided to all bins (i.e. no stacking of rows of bins). Each bin must have a minimum 50mm spacing around all sides, including between walls, other bins and aisles;
- iv. A smooth and impervious floor of not less than 100 millimetres in thickness;
- v. The bin storage area is ventilated in accordance with Australian Standard 1668.2: The Use of Ventilation and Air Conditioning in Buildings (as amended); and
- vi. Must be designed to not permit storm water to enter into the sewer drainage outlet.

Noise

36. Prior to or in conjunction with the submission of a Building Permit application, an updated Acoustic Report, completed by a suitably qualified acoustic engineer, and demonstrating that potential noise from the proposed development will comply with the *Environmental Protection (Noise) Regulations 1997*, must be submitted to, and approved in writing by, the City of South Perth. The report is to address:
- i. Noise impacts from sources such as air conditioning, car park exhaust fans, vehicle access roller doors, waste trucks, unenclosed bin stores on upper floors, noise associated with transferring bins to and from lifts and communal open spaces including the gym and outdoor areas.

The approved acoustic report, including any specifications, requirements and recommendations cited in the report shall be incorporated into the Building Permit documentation, implemented and maintained for the lifetime of the development, to the satisfaction of the City of South Perth.

37. Prior to or in conjunction with the submission of an Occupancy Permit application, written certification shall be submitted to and approved in writing by the City of South Perth, demonstrating that all noise attenuation measures, identified in the Acoustic Report have been implemented or installed. All noise attenuation measure shall remain in place for the lifetime of the development.
38. Prior to or in conjunction with the submission of an Occupancy Permit application, the owner shall register on the Certificate of Title(s), notifications pursuant to Section 70A of the *Transfer of Land Act 1893*. The notification is to state as follows:

'The lots are situated in the vicinity of a transport corridor and are currently affected or may in future be affected by transport noise.'

The notification is to be registered at the expense of the landowner of Lot 2, 112 and 113 Leonora Street, to the satisfaction of the City of South Perth.

Lighting

39. Prior to or in conjunction with the submission of a Building Permit application, a lighting plan shall be submitted to and approved by the City of South Perth. The approved lighting plan shall be implemented prior to occupation of the development and maintained thereafter, to the satisfaction of the City of South Perth.



40. Any illumination of the development shall be in accordance with the following Australian Standards to the satisfaction of the City of South Perth:
- i. AS 1680 regarding safe movement;
 - ii. AS 1158 Lighting of roads and public spaces; and
 - iii. AS 4282 Control of obtrusive effects of outdoor lighting.

Ground and Stormwater

41. Prior to or in conjunction with the submission of a Building Permit application, the applicant shall prepare and submit a stormwater management plan to the satisfaction of the City of South Perth. The Stormwater Management Plan shall be implemented and thereafter maintained, to the satisfaction of the City of South Perth.

Main Roads Western Australia

42. Prior to or in conjunction with the submission of a Building Permit application, an acoustic report by a qualified acoustic consultant consistent with the requirements of State Planning Policy 5.4 – Road and Rail Noise is to be prepared and submitted to the satisfaction of the City of South Perth in consultation with Main Roads. Any recommendations contained in the acoustic report shall be thereafter implemented and maintained for the duration of the development.

Advice Notes:

1. If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administration Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.
2. This is a notice of determination on application for development approval issued in accordance with the *Planning and Development Act 2005*, the *Planning and Development (Local Planning Schemes) Regulations 2015*, the City of South Perth Local Planning Scheme No. 7, and related policies. It is not a building permit or an approval to carry out development under any other law. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and licences required under any other law, and to commence and carry out development in accordance with all relevant laws.
3. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
4. The applicant/owner is advised that the City of South Perth will be recommending that the Western Australian Planning Commission impose a condition requiring a contribution to public open space at the time of subdivision (including built-strata).



5. The applicant is advised to liaise with the adjoining landowner(s) regarding the possible retention or replacement of the existing dividing fence along the lot boundary. Please refer to the *Dividing Fences Act 1961* for the rights and responsibilities of landowners regarding dividing fences.
6. The applicant is advised separate approval is required to be obtained from the local government prior to the commencement of any works within the verge and ROW. Landscaping proposed within the verge is to be installed in accordance with the approved landscaping plan prior to occupation of the development. Verge landscaping is to be appropriately reticulated and managed for the life of the development to the satisfaction of the City of South Perth.
7. The Australian Standards specify the following measures are required to protect trees:
 - i. A minimum 2.0m radius tree protection zone (TPZ) shall be provided through 1.8m high fencing around the verge trees (chain mesh panels or other suitable material) during construction of the subject development.
 - ii. The above fencing is not to be moved or removed at any period during construction, and this zone is not to be entered for any reason; signage notifying people of the TPZ and the associated requirements is to be placed on each side of the fencing.
 - iii. All activities and works related to construction of the subject development, including parking of vehicles, storage of materials, and washing of concreting tools and equipment is prohibited within the designated TPZ unless prior approval is sought from the City of South Perth.
 - iv. (Any roots identified to be pruned shall be pruned with a final cut to undamaged wood outside of the TPZ. Pruning cuts shall be made with sharp tools such as secateurs, pruners, handsaws or chainsaws. Pruning wounds shall not be treated with dressings or paints. It is not acceptable for roots to be 'pruned' with machinery such as backhoes or excavators.

The Alternate Motion (as amended) was put and CARRIED UNANIMOUSLY.

REASON: Members were satisfied that the proposed development is consistent with the planning framework, including Canning Bridge Activity Centre Plan and locational context. Members were satisfied that the RAR comments and rationale relating to the proposal height, scale and form, articulation, streetscape, and vehicle access, supported the exercise of discretion in a number of areas. The two tower design including building separation is considered to maintain access to views of significance consistent with the activity centre framework provisions, local context and future of the area. The Panel agreed that the waste management treatments proposed are acceptable, relative to the design and functioning of the building. On balance the proposal was supported with minor condition changes.

Dale Page
Presiding Member, Metro Inner DAP



4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

Dale Page
Presiding Member, Metro Inner DAP



PART D – CITY OF NEDLANDS

Cr Fergus Bennett and Cr Blane Brackenridge (Local Government Members, City of Nedlands) joined the panel at 12:13pm.

1. Declaration of Due Consideration

The Presiding Member noted that the agenda was updated to include the late submission of the responsible authority report recommendation for Item 3.1 that was received on 26 March 2025.

The Presiding Member noted that an addendum to the agenda was published to include details of a DAP direction for further information and responsible authority response in relation to Item 3.1, received on 2 April 2025.

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

2. Disclosure of Interests

Ahead of seeking disclosures of interests from members, the Presiding Member advised the need to address and place on record a response to a query from a member of the public in relation to a possible interest from Cr Blane Brackenridge.

A member of the public had suggested that Cr Brackenridge had a conflict of interest with the development, as he was the architect for the development diagonally opposite at 5 and 5B Alexander Rd and would benefit from the development at 111 Waratah Ave being approved.

In response, Cr Brackenridge confirmed that as an architect, he had previously submitted an application for a project at 5 Alexander Road, Dalkeith in October 2020 and Development Approval was granted in June 2023. Cr Brackenridge advised he did not believe he has any conflict of interest that would arise through his participation in the meeting and did not believe there is any benefit that he would receive through his participation in the meeting.

The Presiding Member was of the view there was no conflict that needed to be declared or that would prevent Cr Brackenridge from bringing an impartial mind to the matter at hand.

In accordance with section 2.4.9 of the DAP Code of Conduct 2024, DAP Member, Cr Fergus Bennett and Cr Blane Brackenridge, 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 Brackenridge 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.

Dale Page
Presiding Member, Metro Inner DAP



In accordance with section 3.3 of the DAP Code of Conduct 2024, the Presiding Member determined that the members listed above, who have disclosed an impartiality interest, are permitted to participate in the discussion and voting on the item.

3. Form 1 DAP Applications

3.1 Lot No 348 (111) Waratah Avenue, Dalkeith - 5 Grouped Dwelling Development – DAP/24/02799

Deputations and Presentations

Paula Meling addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Ara Salamone (State of Kin) addressed the DAP against the recommendation for the application at Item 3.1 and responded to questions from the panel.

Daniella Mrdja (Urbanista Town Planning) addressed the DAP against the recommendation for the application at Item 3.1 and responded to questions from the panel.

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: Nil

Seconded by: Nil

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

Refuse DAP Application reference DAP/24/02799 and accompanying plans (**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 Nedlands Planning Scheme No. 3, for the following reasons:

Reasons

- a. The proposed development does not comply with Clause 67(2)(m) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the development is not considered to be compatible with its setting, including the desired future character of its setting and the relationship development to development on adjoining land and land in the locality.
- b. The proposed development does not meet the design principles of Clause 3.3 – Street setbacks of State Planning Policy 7.3 – Residential Design Codes (Volume 1) as the development is not consistent with the existing or desired streetscape character as outlined in LPP Precincts 5.14 in relation to primary street setbacks to Waratah Avenue and Shrike Lane and right-of-way setbacks to Gerygone Lane.

Dale Page
Presiding Member, Metro Inner DAP



- c. The proposed development does not meet the design principles of Clause 5.1 – Open space - Special transitional provision of State planning Policy 7.3 – Residential Design Codes (Volume 1) as the development does not reflect the existing or desired streetscape character, increases the appearance of building bulk and exceeds the expectations of the R40 code.
- d. The proposed development does not meet the design principles of Clause 3.4 – Lot boundary setbacks of State Planning Policy 7.3 – Residential Design Codes (Volume 1) as the reduced western upper floor setbacks present as bulky to the adjoining neighbour and do not provide a transition between sites with varying intensification of development.
- e. The proposed development does not meet the design principles of Clause 3.10 – Visual Privacy of State Planning Policy 7.3 – Residential Design Codes (Volume 1) as there is direct and indirect overlooking of major openings and private open spaces on adjoining properties to the west, north and east.
- f. The proposed development does not meet the design principles of Clause 2.1 – Size and layout of dwellings of State Planning Policy 7.3 – Residential Design Codes (Volume 1) as there is insufficient storage areas for large bulky items.

The Report Recommendation LAPSED for want of a mover and a seconder.

ALTERNATE MOTION

Moved by: Dale Page

Seconded by: Cr Fergus Bennett

The Metro Inner Development Assessment Panel resolves to:

That the DAP refuses to grant development approval to the development application (DA DAP/24/02799 and plans) because the DA comprises:

- five 'Single Houses' each of which falls within the defined meaning of a 'Single House' under the R Codes; and
- each 'Single House' is an 'excluded development application' under regulation 6(2) of the Planning and Development (Development Assessment Panels) Regulations 2011 meaning that the DA is not capable of approval.

The Alternate Motion was put and CARRIED UNANIMOUSLY.

REASON: Members considered all material provided, including the RAR, applicant report, associated documentation, submissions and applicant presentation comments regarding the type and nature of the proposal. Consideration was also given to Planning and Development Act 2005 Section 171A, and DAP Regulations 4 and 6. Members, having duly considered the above, were satisfied that the proposal is appropriately described as 5 single dwellings and therefore is excluded development as defined under the legislation, and as such is not within the DAP jurisdiction to consider or determine the proposal. Accordingly, the proposal was refused.

Dale Page
Presiding Member, Metro Inner DAP



4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

A handwritten signature in black ink, appearing to read 'Dale Page'.

Dale Page
Presiding Member, Metro Inner DAP



PART E – 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/24/02688 DR191/2024	City of South Perth	No 44 (Lot 15) Park Street, Como	Proposed Childcare Premises	16/12/2024
DAP/20/01911 DR192/2024	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 1:01pm.

Dale Page
Presiding Member, Metro Inner DAP