



Metro Inner-North Joint Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 17 September 2020; 9.30am
Meeting Number: MINJDAP/35
Meeting Venue: via electronic means

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

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Attendance

DAP Members

Ms Francesca Lefante (Presiding Member)
Ms Lee O'Donohue (Deputy Presiding Member)
Mr John Syme (Third Specialist Member)
Cr Kerry Smyth (Local Government Member, City of Nedlands)
Cr Fergus Bennett (Local Government Member, City of Nedlands)

Officers in attendance

Mr Roy Winslow (City of Nedlands)
Mr Ross Jutras-Minett (City of Nedlands)

Minute Secretary

Ms Ashlee Kelly (DAP Secretariat)
Ms Zoe Hendry (DAP Secretariat)

Applicants and Submitters

Ms Bianca Sandri (Urbanista Town Planning)
Cr Paul Poliwka (City of Nedlands)
Mr Graham Cuckow

Members of the Public / Media

There were 6 members of the public in attendance.

Ms Victoria Rifici from Community News was in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.32am on 17 September 2020 and acknowledged the traditional owners and pay respect to Elders past and present of the land on which the meeting was being held.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2017 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

1.1 Announcements by Presiding Member

The Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2017 which states '*A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.*', the meeting would not be recorded.



In response to the COVID-19 situation, this meeting was convened via electronic means. Members were reminded to announce their name and title prior to speaking.

2. Apologies

Mayor Cilla de Lacy (Local Government 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](#).

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of Interests

In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Members, Cr Fergus Bennett and Cr Kerry Smyth, declared that they removed themselves from a prior Council meeting in relation to the application at item 8.1. Under section 2.1.2 of the DAP Code of Conduct 2017, Cr Fergus Bennett and Cr Kerry Smyth acknowledged that they are not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2017, the Presiding Member determined that the members listed above, who had disclosed an Impartiality Interest interest, were permitted to participate in the discussion and voting on the item.

7. Deputations and Presentations

- 7.1** Mr Graham Cuckow addressed the DAP against the recommendation for the application at Item 8.1.
- 7.2** Cr Paul Poliwka (City of Nedlands Councillor) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.
- 7.3** Ms Bianca Sandri (Urbanista Town Planning) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.
- 7.3** The City of Nedlands Officers address the panel in relation to Item 8.1 and responded to questions from the panel.



8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 40 Portland Street, Nedlands

Development Description: 11 Multiple Dwellings
Applicant: Urbanista Town Planning
Owner: Wesion Development Pty Ltd
Responsible Authority: City of Nedlands
DAP File No: DAP/20/01797

REPORT RECOMMENDATION

Moved by: Mr John Syme

Seconded by: Ms Lee O'Donohue

1. **Approve** DAP Application reference DAP/20/01834 and accompanying plans date stamped 1 September 2020 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of City of Nedlands Local Planning Scheme No. 3, subject to the following conditions:

Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.
4. Prior to occupation of the development the finish of the parapet / retaining walls is to be finished externally to the same standard as the rest of the development or in:
 - face brick;
 - painted render;
 - painted brickwork; or
 - other clean material as specified on the approved plans and maintained thereafter to the satisfaction of the City of Nedlands.
5. All stormwater generated on site is to be retained on site. An onsite storage/infiltration system is to be provided within the site for at least 1 in 20-year storms event. No stormwater will be permitted to enter the City of Nedlands's stormwater drainage system unless otherwise approved.
6. Prior to the issue of a building permit, the applicant shall submit a schedule of materials, colours, finishes and textures for the development to the satisfaction of the City of Nedlands.



7. Prior to occupation of the development, each dwelling unit shall be provided with mechanical clothes driers or alternatively shall have an adequate area provided for drying clothes. Any drying area shall be screened from view from any adjacent public place, to the satisfaction of the City of Nedlands.
8. The development, hereby approved, shall at building permit stage demonstrate a minimum NATHERS rating of 6.5 stars, or one significant energy efficiency initiative described in State Planning Policy 7.3 – Residential Design Codes Volume 2 - Apartments to the satisfaction of the City of Nedlands.
9. Prior to occupation of the development, all external fixtures including, but not limited to TV and radio antennae, satellite dishes, plumbing vents and pipes, solar panels, air conditioners, hot water systems and utilities shall be integrated into the design of the building and not be visible from the primary street, secondary street to the satisfaction of the City of Nedlands.
10. Prior to occupation of the development, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located or screened so as not to be highly visible from beyond the boundaries of the development site to the satisfaction of the City of Nedlands.
11. A minimum of three (3) units are to be designed at building permit stage to the Silver Level requirements as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia) and implemented prior to occupation.
12. Prior to the issue of a building permit, a detailed landscaping plan of every floor of the development shall be submitted to and approved by the City of Nedlands and such landscaping is to be installed and maintained by the landowner in accordance with that plan, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City of Nedlands. The landscaping to be maintained includes the existing trees to be retained or relocated.
13. Prior to the issue of a building permit, an arborist report and tree retention plan shall be submitted to the City of Nedlands, demonstrating that the construction and built development will not adversely affect the health of the trees to be retained on site, to the Satisfaction of the City of Nedlands.
14. Prior to the commencement of physical works, a tree protection zone (TPZ) in accordance with AS 4970-2009, is to be established and maintained around each existing tree shown for retention for the duration of the development to the satisfaction of the City of Nedlands. The following restrictions and conditions apply to the TPZ:
 - install protective fencing to prevent any damage to the trees in general accordance with Section 4.3 of AS4970-2009;
 - provide signage identifying the 'Tree Protection Zone' on exclusion fencing;
 - no materials are to be stored within the TPZ;
 - no vehicles or machines are to be driven or parking within the TPZ;
 - ensure trees are protected from harm during works on site; and
 - no tree roots within the TPZ are to be cut or damaged.

A qualified arborist must approve any modification to a TPZ.



15. A Demolition and Construction Management Plan addressing the control of; vibration, dust, noise, waste, sand, sediment, temporary fencing, hoardings, gantries, site access / egress, site deliveries, heavy construction machinery and traffic control shall be provided to the City of Nedlands with or before the demolition permit and building permit approval applications are submitted.
16. Prior to the issuing of a building permit the landowner is to demonstrate compliance with the recommendations within the acoustic report completed by Acoustic Engineering Solutions dated 19 August 2020 to the City's satisfaction. Where detailed acoustic assessment is recommended to achieve compliance with the requirements of the Environmental Protection (Noise) Regulations 1997 this is to be undertaken.
17. Prior to the issue of a building permit, a noise management plan is to be submitted detailing measures that will be undertaken to ensure noise levels are kept within levels prescribed in the Environmental Protection (Noise) Regulations 1997. The plan is to be prepared by a suitably qualified consultant and is to include:
 - sound proofing measures used in the design and construction of the development;
 - predictions of noise levels;
 - control measures to be undertaken (including monitoring procedures);
 - a complaint response procedure; and
 - demonstration of all dwellings exceeding the minimum requirements of the National Construction Code as it relates to acoustic management.

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

18. Prior to the issue of a building permit, the development shall be required to incorporate noise mitigation measures as required by the State Planning Policy 5.4 – Road and Rail Noise, to the satisfaction of the City of Nedlands.
19. A Waste Management Plan prepared in accordance with the City of Nedlands Waste Management Local Planning Policy and Guidelines is to be submitted and approved by the local government at the building permit stage, implemented prior to occupation and maintained at all times.
20. Internal dimensions and layout of the bin storeroom to be approved by the local government at building permit stage as part of the required Waste Management Plan.



21. The applicant shall arrange a suitably qualified consultant to prepare a lighting plan which demonstrates that the proposed development will not cause adverse amenity impacts on the surrounding locality and comply with the relevant Australian Standard:
 - a) a full site plan indicating the proposed siting of lighting columns including details of their proposed height;
 - b) times of operation;
 - c) a Management Plan to detail the methods that will be employed to mitigate the impacts of light penetration and glare to the occupiers of adjacent property, including the use of an automatic timing device;
 - d) details of orientation and hooding and/or other measures to minimise their impact in the interests of pedestrian and/or vehicular safety and amenity; and
 - e) details where the proposed floodlighting is sited in close proximity to residential property, the spread of lighting from the lighting installation must be restricted in accordance with the relevant Australian Standard.
22. All car parking dimensions, manoeuvring areas, crossovers and driveways shall comply with Australian Standard AS2890.1 (as amended) to the satisfaction of the City of Nedlands.
23. The visitor parking bay is to be clearly marked, directional signposted and made available to visitors at all times through use of an intercom system or similar, to the satisfaction of the City of Nedlands.
24. Amended plans shall be submitted with the building permit application demonstrating a bicycle rack being provided on site in a location deemed suitable by the City of Nedlands. The bicycle rack shall be installed prior to occupation of the development and maintained for the life of the development to the satisfaction of the City of Nedlands.
25. Screening:
 - a. Solid panel fencing with a minimum height of 1.6m above ground floor finished floor level is to be provided along the northern and eastern boundaries of the site to screen major openings to Units 1, 2 and 3 in accordance with Element 3.5 Visual Privacy, of the Residential Design Codes Volume 2, prior to occupation and maintained at all times.
 - b. Upper floor windows shown on the submitted plans as obscure glazed are to be non-opening and obscure glazed to a minimum height of 1.6m above upper floor finished floor level prior to occupation and maintained at all times.
 - c. The eastern elevation of the balconies to Units 8, 9 and 10 to be permanently screed with solid balustrade and fixed louvre screen to a minimum height of 1.6m above the finished floor level of the respective balcony, prior to occupation and maintained at all times.
 - d. The northern elevation to the balconies for Units 7 and 8 and the southern elevation to the balconies for Units 9 and 10 are to be screened by vegetation in planter boxes to a minimum height of 1.6m above the finished floor level of the respective balcony, prior to occupation and maintained at all times.



26. External shading devices are to be indicated on the plans at building permit stage and installed prior to occupation that minimise direct sunlight to habitable rooms between late September and early March and permit winter sun to habitable rooms in accordance with Element 4.1 of the Residential Design Codes.
27. Screen doors to be provided on the entry doors for Units 2-4 and 7-10 to allow for cross ventilation in accordance with Element 4.2 of the Residential Design Codes, prior to occupation and maintained at all times.
28. All dwellings to be individually metered for water usage prior to occupation.

Advice Notes

1. In relation to the Demolition and Construction Management Plan, the applicant is advised that the plan is to address but is not limited to the following matters:
 - a) hours of construction;
 - b) traffic management;
 - c) parking management;
 - d) access management;
 - e) management of loading and unloading of vehicles;
 - f) heavy vehicle access;
 - g) dust management;
 - h) waste management (where applicable);
 - i) protection of infrastructure and street trees within the road reserve;
 - j) the need for a dilapidation report of adjoining properties;
 - k) if required, details of and reasons for construction work on the construction site that is likely to be carried out other than between 7.00 am and 7.00 pm on any day which is not a Sunday or public holiday;
 - l) if required, details of and duration of activities on the construction site likely to result in noise emissions that fail to comply with the standard prescribed under regulation 7 of the Environmental Protection (Noise) Regulations 1997;
 - m) predictions of noise emission on the construction site;
 - n) use of City car parking bays for construction related activities;
 - o) protection of infrastructure and street trees within the road reserve;
 - p) security fencing around construction sites;
 - q) gantries;
 - r) dewatering management plan;
 - s) contact details;
 - t) site offices;
 - u) details of measures to be implemented to control noise (including vibration) emissions;
 - v) complaint response procedure to be adopted;
 - w) details of how dust will be suppressed (e.g. by use of water tanker, independently powered water pumps, high volume hoses) or whether an approval from the water corporation for hydrant standpipe has been granted;
 - x) details of how dust and sand drift will be controlled in the event that the landscape remains bare for any period of time after demolition (consideration of more permanent dust suppression or sand drift measures such as hydromulching); and
 - y) any other relevant matters.



2. The applicant is advised that the responsible entity (landowner) is responsible for the maintenance of the common property (including roads) within the development.
3. The applicant is advised that in relation to lighting plan:
 - a) a Suitably qualified lighting consultant – is to be a Member of the Illuminating Engineering Society of Australia and New Zealand;
 - b) the Relevant Australian Standard is Australian Standard AS.4282 – Control of the Obtrusive Effects of Outdoor Lighting; and
 - c) certification by a suitably qualified lighting consultant shall demonstrate that the development is in compliance with the relevant Australian Standard. On completion of the installation, the consultant is to confirm that the lighting conforms to the relevant Australian Standard and if not, remedial measures are to be undertaken to rectify the situation and bring about compliance with the relevant Australian Standard. The requirement for confirmation certification on completion of the installation is to be included as a condition on all planning approvals granted by the City.
4. The applicant is advised that prior to the commencement of any demolition works, any Asbestos Containing Material (ACM) in the structure to be demolished, shall be identified, safely removed and conveyed to an appropriate landfill which accepts ACM.

Removal and disposal of ACM shall be in accordance with Health (Asbestos) Regulations 1992, Regulations 5.43 - 5.53 of the Occupational Safety and Health Regulations 1996, Code of Practice for the Safe Removal of Asbestos 2nd Edition, Code of Practice for the Management and Control of Asbestos in a Workplace, and any Department of Commerce Worksafe requirements.

Where there is over 10m² of ACM or any amount of friable ACM to be removed, it shall be removed by a Worksafe licensed and trained individual or business.

5. The applicant is advised that:
 - a. The maximum number of 240L bins allowed on the verge for collection is 8 in total (which includes 3x240L City of Nedlands weekly waste bins and 5x City of Nedlands fortnightly recycling bins).
 - b. Any internal bins used by each unit shall be purchased and maintained by the developer by private arrangement.
6. The applicant is advised that all downpipes from guttering are to be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block. Soak-wells of adequate capacity to contain runoff from a 20-year recurrent storm event. Soak-wells are to be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development.
7. The applicant is advised that a sewage treatment and effluent disposal system or greywater reuse or treatment system is not to be installed unless an Approval to Construct or Install an Apparatus for the Treatment of Sewage has been issued by the City beforehand.



8. The applicant is advised that:
 - a. All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, are to be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second.
 - b. Laundry facilities are to be provided in accordance with the Building Code of Australia, and adequately ventilated to reduce condensation, in accordance with AS1668.2 The use of mechanical ventilation and Air-conditioning in buildings.
9. The applicant is advised that developers are responsible for providing telecommunications infrastructure in their developments. To provide this infrastructure, they need to contract a carrier to install telecommunications infrastructure in their new development. If you choose National Broadband Network (NBN) to service your development, you will need to enter into a developer agreement with NBN. The first step is to register the development via <http://www.NBNco.com.au/develop-orplanwiththeNBN/newdevelopments.html>, once registered NBN will be in contact to discuss the specific requirements for the development. NBN requires you to apply at least six months before the required service date. All telecommunications infrastructure should be built to NBN guidelines found at <http://www.NBNco.com.au/develop-or-plan-withtheNBN/newdevelopments/builders-designers.html>.
10. The applicant is advised to consult the City's Acoustic Advisory Information in relation to locating any mechanical equipment (e.g. air-conditioner, swimming pool or spa) such that noise, vibration impacts on neighbours are mitigated. The City does not recommend installing any equipment near a property boundary where it is likely that noise will intrude upon neighbours. Prior to selecting a location for an air-conditioner, the applicant is advised to consult the online fairair noise calculator at www.fairair.com.au and use this as a guide to prevent noise affecting neighbouring properties.
11. The applicant is advised that as the proposal consists of more than 3 dwellings, the City's Health Local Laws 2017 require an enclosure for the storage and cleaning of waste receptacles to be provided on the premises, per the following requirements:
 - a) sufficient in size to accommodate all receptacles used on the premises;
 - b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the City;
 - c) walls not less than 1.8m in height and access of not less than 1.0 metre in width fitted with a self-closing gate;
 - d) smooth and impervious floor not less than 75mm thick and evenly graded to an approved liquid refuse disposal system;
 - e) easily accessible to allow for the removal of the receptacles;
 - f) provided with a ramp into the enclosure having a gradient of no steeper than 1:8 unless otherwise approved by the City;
 - g) provided with a tap connected to an adequate supply of water;
 - h) adequately ventilated, such that they do not create a nuisance to residences (odour); and



- i) the location of all exhaust systems, ductwork and any other mechanical service is not to be such that it will cause a nuisance for residents.
- 12. The applicant is advised that dust control measures are to be applied during construction in accordance with City of Nedlands Health Local Laws 2017 and Department of Water and Environmental Regulation requirements.
- 13. The applicant is advised that:
 - a. The applicant is advised that all works within the adjacent thoroughfare, i.e. road, kerbs, footpath, verge, crossover or right of way, also require a separate approval from the City of Nedlands prior to construction commencing.
 - b. A new crossover or modification to an existing crossover will require a separate approval from the City of Nedlands prior to construction commencing.
 - c. All redundant crossovers to be removed and the verge and kerbing reinstated prior to occupation of the development to the satisfaction of the City of Nedlands.
 - d. The contractor/developer shall protect the City's street trees from any damage that may be caused by the scope of works covered by this contract for the duration of the contract. All work carried out under this contract is to comply with the City's policies, guidelines and Australian Standards relating to the protection of trees on or adjacent to development sites (AS 4870-2009).
 - e. All street tree assets in the nature-strip (verge) shall not be removed. Any approved street tree removals shall be undertaken by the City of Nedlands and paid for by the owner of the property where the development is proposed, unless otherwise approved by the City of Nedlands.

Prior to commencing landscaping of the nature strip / verge, refer to the City of Nedlands' Nature Strip Improvement Guidelines to ascertain if there is a requirement to obtain a Nature Strip Improvement Permit.

AMENDING MOTION 1

Moved by: Mr John Syme

Seconded by: Ms Lee O'Donohue

The following amendments were made en bloc:

- (i) That condition no. 24 be amended to read as follows:

~~Amended plans shall be submitted with the building permit application demonstrating a bicycle rack being provided on site in a location deemed suitable by the City of Nedlands. The bicycle rack shall be installed prior to occupation of the development and maintained for the life of the development to the satisfaction of the City of Nedlands.~~

REASON: The minor modifications to conditions are reflected on the plan and supported by City Officers.



(ii) That condition no. 25 (a) be amended to read as follows:

~~Solid panel fencing~~ **Appropriate screening** with a minimum height of 1.6m above ground floor finished floor level is to be provided along the northern and eastern boundaries of the site to screen major openings to Units 1, 2 and 3 in accordance with Element 3.5 Visual Privacy, of the Residential Design Codes Volume 2, prior to occupation and maintained at all times.

REASON: The minor modifications to conditions are reflected on the plan and supported by City Officers

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION 2

Moved by: Cr Kerry Smyth

Seconded by: Cr Fergus Bennett

That a new condition no. 29 be added to read as follows:

Inclusion of a Dilapidation Report to be undertaken on properties 39 and 42 Portland Street, Nedlands

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Dilapidation reports were requested for adjoining and opposite properties by the Council and property owners, the administration officers agreed this was an appropriate measure for inclusion in the conditions of approval.

AMENDING MOTION 3

Moved by: Cr Kerry Smyth

Seconded by: Cr Fergus Bennett

That a new condition no. 30 be added to read as follows:

Reduce dwellings from 11 dwellings to 9 dwellings

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

For: Cr Kerry Smyth
Cr Fergus Bennett

Against: Ms Francesca Lefante
Ms Lee O'Donohue
Mr John Syme



REPORT RECOMMENDATION (AS AMENDED)

1. **Approve** DAP Application reference DAP/20/01834 and accompanying plans date stamped 1 September 2020 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of City of Nedlands Local Planning Scheme No. 3, subject to the following conditions:

Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.
4. Prior to occupation of the development the finish of the parapet / retaining walls is to be finished externally to the same standard as the rest of the development or in:
 - face brick;
 - painted render;
 - painted brickwork; or
 - other clean material as specified on the approved plans and maintained thereafter to the satisfaction of the City of Nedlands.
5. All stormwater generated on site is to be retained on site. An onsite storage/infiltration system is to be provided within the site for at least 1 in 20-year storms event. No stormwater will be permitted to enter the City of Nedlands's stormwater drainage system unless otherwise approved.
6. Prior to the issue of a building permit, the applicant shall submit a schedule of materials, colours, finishes and textures for the development to the satisfaction of the City of Nedlands.
7. Prior to occupation of the development, each dwelling unit shall be provided with mechanical clothes driers or alternatively shall have an adequate area provided for drying clothes. Any drying area shall be screened from view from any adjacent public place, to the satisfaction of the City of Nedlands.
8. The development, hereby approved, shall at building permit stage demonstrate a minimum NATHERS rating of 6.5 stars, or one significant energy efficiency initiative described in State Planning Policy 7.3 – Residential Design Codes Volume 2 - Apartments to the satisfaction of the City of Nedlands.



9. Prior to occupation of the development, all external fixtures including, but not limited to TV and radio antennae, satellite dishes, plumbing vents and pipes, solar panels, air conditioners, hot water systems and utilities shall be integrated into the design of the building and not be visible from the primary street, secondary street to the satisfaction of the City of Nedlands.
10. Prior to occupation of the development, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located or screened so as not to be highly visible from beyond the boundaries of the development site to the satisfaction of the City of Nedlands.
11. A minimum of three (3) units are to be designed at building permit stage to the Silver Level requirements as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia) and implemented prior to occupation.
12. Prior to the issue of a building permit, a detailed landscaping plan of every floor of the development shall be submitted to and approved by the City of Nedlands and such landscaping is to be installed and maintained by the landowner in accordance with that plan, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City of Nedlands. The landscaping to be maintained includes the existing trees to be retained or relocated.
13. Prior to the issue of a building permit, an arborist report and tree retention plan shall be submitted to the City of Nedlands, demonstrating that the construction and built development will not adversely affect the health of the trees to be retained on site, to the Satisfaction of the City of Nedlands.
14. Prior to the commencement of physical works, a tree protection zone (TPZ) in accordance with AS 4970-2009, is to be established and maintained around each existing tree shown for retention for the duration of the development to the satisfaction of the City of Nedlands. The following restrictions and conditions apply to the TPZ:
 - install protective fencing to prevent any damage to the trees in general accordance with Section 4.3 of AS4970-2009;
 - provide signage identifying the 'Tree Protection Zone' on exclusion fencing;
 - no materials are to be stored within the TPZ;
 - no vehicles or machines are to be driven or parking within the TPZ;
 - ensure trees are protected from harm during works on site; and
 - no tree roots within the TPZ are to be cut or damaged.

A qualified arborist must approve any modification to a TPZ.

15. A Demolition and Construction Management Plan addressing the control of; vibration, dust, noise, waste, sand, sediment, temporary fencing, hoardings, gantries, site access / egress, site deliveries, heavy construction machinery and traffic control shall be provided to the City of Nedlands with or before the demolition permit and building permit approval applications are submitted.



16. Prior to the issuing of a building permit the landowner is to demonstrate compliance with the recommendations within the acoustic report completed by Acoustic Engineering Solutions dated 19 August 2020 to the City's satisfaction. Where detailed acoustic assessment is recommended to achieve compliance with the requirements of the Environmental Protection (Noise) Regulations 1997 this is to be undertaken.
17. Prior to the issue of a building permit, a noise management plan is to be submitted detailing measures that will be undertaken to ensure noise levels are kept within levels prescribed in the Environmental Protection (Noise) Regulations 1997. The plan is to be prepared by a suitably qualified consultant and is to include:
 - sound proofing measures used in the design and construction of the development;
 - predictions of noise levels;
 - control measures to be undertaken (including monitoring procedures);
 - a complaint response procedure; and
 - demonstration of all dwellings exceeding the minimum requirements of the National Construction Code as it relates to acoustic management.

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

18. Prior to the issue of a building permit, the development shall be required to incorporate noise mitigation measures as required by the State Planning Policy 5.4 – Road and Rail Noise, to the satisfaction of the City of Nedlands.
19. A Waste Management Plan prepared in accordance with the City of Nedlands Waste Management Local Planning Policy and Guidelines is to be submitted and approved by the local government at the building permit stage, implemented prior to occupation and maintained at all times.
20. Internal dimensions and layout of the bin storeroom to be approved by the local government at building permit stage as part of the required Waste Management Plan.



21. The applicant shall arrange a suitably qualified consultant to prepare a lighting plan which demonstrates that the proposed development will not cause adverse amenity impacts on the surrounding locality and comply with the relevant Australian Standard:
 - a) a full site plan indicating the proposed siting of lighting columns including details of their proposed height;
 - b) times of operation;
 - c) a Management Plan to detail the methods that will be employed to mitigate the impacts of light penetration and glare to the occupiers of adjacent property, including the use of an automatic timing device;
 - d) details of orientation and hooding and/or other measures to minimise their impact in the interests of pedestrian and/or vehicular safety and amenity; and
 - e) details where the proposed floodlighting is sited in close proximity to residential property, the spread of lighting from the lighting installation must be restricted in accordance with the relevant Australian Standard.
22. All car parking dimensions, manoeuvring areas, crossovers and driveways shall comply with Australian Standard AS2890.1 (as amended) to the satisfaction of the City of Nedlands.
23. The visitor parking bay is to be clearly marked, directional signposted and made available to visitors at all times through use of an intercom system or similar, to the satisfaction of the City of Nedlands.
24. The bicycle rack shall be installed prior to occupation of the development and maintained for the life of the development to the satisfaction of the City of Nedlands.
25. Screening:
 - a. Appropriate screening with a minimum height of 1.6m above ground floor finished floor level is to be provided along the northern and eastern boundaries of the site to screen major openings to Units 1, 2 and 3 in accordance with Element 3.5 Visual Privacy, of the Residential Design Codes Volume 2, prior to occupation and maintained at all times.
 - b. Upper floor windows shown on the submitted plans as obscure glazed are to be non-opening and obscure glazed to a minimum height of 1.6m above upper floor finished floor level prior to occupation and maintained at all times.
 - c. The eastern elevation of the balconies to Units 8, 9 and 10 to be permanently screed with solid balustrade and fixed louvre screen to a minimum height of 1.6m above the finished floor level of the respective balcony, prior to occupation and maintained at all times.
 - d. The northern elevation to the balconies for Units 7 and 8 and the southern elevation to the balconies for Units 9 and 10 are to be screened by vegetation in planter boxes to a minimum height of 1.6m above the finished floor level of the respective balcony, prior to occupation and maintained at all times.



26. External shading devices are to be indicated on the plans at building permit stage and installed prior to occupation that minimise direct sunlight to habitable rooms between late September and early March and permit winter sun to habitable rooms in accordance with Element 4.1 of the Residential Design Codes.
27. Screen doors to be provided on the entry doors for Units 2-4 and 7-10 to allow for cross ventilation in accordance with Element 4.2 of the Residential Design Codes, prior to occupation and maintained at all times.
28. All dwellings to be individually metered for water usage prior to occupation.
29. Inclusion of a Dilapidation Report to be undertaken on properties 39 and 42 Portland Street, Nedlands

Advice Notes

1. In relation to the Demolition and Construction Management Plan, the applicant is advised that the plan is to address but is not limited to the following matters:
 - a) hours of construction;
 - b) traffic management;
 - c) parking management;
 - d) access management;
 - e) management of loading and unloading of vehicles;
 - f) heavy vehicle access;
 - g) dust management;
 - h) waste management (where applicable);
 - i) protection of infrastructure and street trees within the road reserve;
 - j) the need for a dilapidation report of adjoining properties;
 - k) if required, details of and reasons for construction work on the construction site that is likely to be carried out other than between 7.00 am and 7.00 pm on any day which is not a Sunday or public holiday;
 - l) if required, details of and duration of activities on the construction site likely to result in noise emissions that fail to comply with the standard prescribed under regulation 7 of the Environmental Protection (Noise) Regulations 1997;
 - m) predictions of noise emission on the construction site;
 - n) use of City car parking bays for construction related activities;
 - o) protection of infrastructure and street trees within the road reserve;
 - p) security fencing around construction sites;
 - q) gantries;
 - r) dewatering management plan;
 - s) contact details;
 - t) site offices;
 - u) details of measures to be implemented to control noise (including vibration) emissions;
 - v) complaint response procedure to be adopted;
 - w) details of how dust will be suppressed (e.g. by use of water tanker, independently powered water pumps, high volume hoses) or whether an approval from the water corporation for hydrant standpipe has been granted;
 - x) details of how dust and sand drift will be controlled in the event that the landscape remains bare for any period of time after demolition (consideration of more permanent dust suppression or sand drift measures such as hydromulching); and



- y) any other relevant matters.
2. The applicant is advised that the responsible entity (landowner) is responsible for the maintenance of the common property (including roads) within the development.
 3. The applicant is advised that in relation to lighting plan:
 - a) a Suitably qualified lighting consultant – is to be a Member of the illuminating Engineering Society of Australia and New Zealand;
 - b) the Relevant Australian Standard is Australian Standard AS.4282 – Control of the Obtrusive Effects of Outdoor Lighting; and
 - c) certification by a suitably qualified lighting consultant shall demonstrate that the development is in compliance with the relevant Australian Standard. On completion of the installation, the consultant is to confirm that the lighting conforms to the relevant Australian Standard and if not, remedial measures are to be undertaken to rectify the situation and bring about compliance with the relevant Australian Standard. The requirement for confirmation certification on completion of the installation is to be included as a condition on all planning approvals granted by the City.
 4. The applicant is advised that prior to the commencement of any demolition works, any Asbestos Containing Material (ACM) in the structure to be demolished, shall be identified, safely removed and conveyed to an appropriate landfill which accepts ACM.

Removal and disposal of ACM shall be in accordance with Health (Asbestos) Regulations 1992, Regulations 5.43 - 5.53 of the Occupational Safety and Health Regulations 1996, Code of Practice for the Safe Removal of Asbestos 2nd Edition, Code of Practice for the Management and Control of Asbestos in a Workplace, and any Department of Commerce Worksafe requirements.

Where there is over 10m² of ACM or any amount of friable ACM to be removed, it shall be removed by a Worksafe licensed and trained individual or business.

5. The applicant is advised that:
 - a. The maximum number of 240L bins allowed on the verge for collection is 8 in total (which includes 3x240L City of Nedlands weekly waste bins and 5x City of Nedlands fortnightly recycling bins).
 - b. Any internal bins used by each unit shall be purchased and maintained by the developer by private arrangement.
6. The applicant is advised that all downpipes from guttering are to be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block. Soak-wells of adequate capacity to contain runoff from a 20-year recurrent storm event. Soak-wells are to be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development.



7. The applicant is advised that a sewage treatment and effluent disposal system or greywater reuse or treatment system is not to be installed unless an Approval to Construct or Install an Apparatus for the Treatment of Sewage has been issued by the City beforehand.
8. The applicant is advised that:
 - a. All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, are to be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second.
 - b. Laundry facilities are to be provided in accordance with the Building Code of Australia, and adequately ventilated to reduce condensation, in accordance with AS1668.2 The use of mechanical ventilation and Air-conditioning in buildings.
9. The applicant is advised that developers are responsible for providing telecommunications infrastructure in their developments. To provide this infrastructure, they need to contract a carrier to install telecommunications infrastructure in their new development. If you choose National Broadband Network (NBN) to service your development, you will need to enter into a developer agreement with NBN. The first step is to register the development via <http://www.NBNco.com.au/develop-orplanwiththeNBN/newdevelopments.html>, once registered NBN will be in contact to discuss the specific requirements for the development. NBN requires you to apply at least six months before the required service date. All telecommunications infrastructure should be built to NBN guidelines found at <http://www.NBNco.com.au/develop-or-plan-withtheNBN/newdevelopments/builders-designers.html>.
10. The applicant is advised to consult the City's Acoustic Advisory Information in relation to locating any mechanical equipment (e.g. air-conditioner, swimming pool or spa) such that noise, vibration impacts on neighbours are mitigated. The City does not recommend installing any equipment near a property boundary where it is likely that noise will intrude upon neighbours. Prior to selecting a location for an air-conditioner, the applicant the applicant is advised to consult the online fairair noise calculator at www.fairair.com.au and use this as a guide to prevent noise affecting neighbouring properties.



11. The applicant is advised that as the proposal consists of more than 3 dwellings, the City's Health Local Laws 2017 require an enclosure for the storage and cleaning of waste receptacles to be provided on the premises, per the following requirements:
- j) sufficient in size to accommodate all receptacles used on the premises;
 - k) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the City;
 - l) walls not less than 1.8m in height and access of not less than 1.0 metre in width fitted with a self-closing gate;
 - m) smooth and impervious floor not less than 75mm thick and evenly graded to an approved liquid refuse disposal system;
 - n) easily accessible to allow for the removal of the receptacles;
 - o) provided with a ramp into the enclosure having a gradient of no steeper than 1:8 unless otherwise approved by the City;
 - p) provided with a tap connected to an adequate supply of water;
 - q) adequately ventilated, such that they do not create a nuisance to residences (odour); and
 - r) the location of all exhaust systems, ductwork and any other mechanical service is not to be such that it will cause a nuisance for residents.
12. The applicant is advised that dust control measures are to be applied during construction in accordance with City of Nedlands Health Local Laws 2017 and Department of Water and Environmental Regulation requirements.
13. The applicant is advised that:
- a. The applicant is advised that all works within the adjacent thoroughfare, i.e. road, kerbs, footpath, verge, crossover or right of way, also require a separate approval from the City of Nedlands prior to construction commencing.
 - b. A new crossover or modification to an existing crossover will require a separate approval from the City of Nedlands prior to construction commencing.
 - c. All redundant crossovers to be removed and the verge and kerbing reinstated prior to occupation of the development to the satisfaction of the City of Nedlands.
 - d. The contractor/developer shall protect the City's street trees from any damage that may be caused by the scope of works covered by this contract for the duration of the contract. All work carried out under this contract is to comply with the City's policies, guidelines and Australian Standards relating to the protection of trees on or adjacent to development sites (AS 4870-2009).
 - e. All street tree assets in the nature-strip (verge) shall not be removed. Any approved street tree removals shall be undertaken by the City of Nedlands and paid for by the owner of the property where the development is proposed, unless otherwise approved by the City of Nedlands.

Prior to commencing landscaping of the nature strip / verge, refer to the City of Nedlands' Nature Strip Improvement Guidelines to ascertain if there is a requirement to obtain a Nature Strip Improvement Permit.



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

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

Against: Cr Kerry Smyth
Cr Fergus Bennett

REASON: The majority of the panel members supposed the proposal in accordance with the planning assessment and the recommendation in the Responsible Authority Report. The proposal is consistent with the planning framework for the site, and is considered to appropriately satisfy the relevant R-Code requirements.

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

Nil

10. State Administrative Tribunal Applications and Supreme Court Appeals

The Presiding Member noted the following State Administrative Tribunal Applications -

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/19/01600 DR161/2019	Town of Claremont	Lots 18 (164) and 19 (162) Alfred Road, Swanbourne	Proposed Childcare Centre	07/10/2019
DAP/19/01741 DR111/2020	City of Nedlands	Lot 689 (5) Hillway, Nedlands	Multiple Dwelling Development	27/05/2020
DAP/19/01722	City of Stirling	Lot 1 (331) West Coast Drive, Trigg	4 Storey mixed-use development	16/07/2020
DAP/20/01770 DR161/2020	City of Nedlands	Lot 100 (97) and Lot 500 (105) Stirling Highway, Nedlands	Mixed Use Development	21/07/2020
DAP/19/01651 DR160/2020	City of Nedlands	Lot 1 (80) Stirling Highway, Lots 21-23 (2, 4 & 6) Florence Road and Lots 33 & 33 (9&7) Stanley Street, Nedlands	Shopping Centre	21/07/2020

11. General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2017 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

12. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 11.39am.