



Metro Inner-North Joint Development Assessment Panel Minutes

Meeting Date and Time: Friday, 22 April 2022; 9.30
Meeting Number: MINJDAP/135
Meeting Venue: City of Nedlands
71 Stirling Highway, Nedlands

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Attendance

DAP Members

Ms Lee O'Donohue (A/Presiding Member)
Mr Gene Koltasz (A/Deputy Presiding Member)
Mr John Syme (Third Specialist Member)

Item 8.1

Cr Fergus Bennett (Local Government Member, City of Nedlands)
Cr Blane Brackenridge (Local Government Member, City of Nedlands)

Item 8.2

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

Officers in attendance

Item 8.1

Mr Roy Winslow (City of Nedlands)
Mr Nathan Blumenthal (City of Nedlands)

Item 8.2

Ms Karsen Reynolds (City of Vincent)
Mr Jay Naidoo (City of Vincent)

Minute Secretary

Ms Leah Mehanni (City of Nedlands)

Applicants and Submitters

Item 8.1

Mr Sean Van der Poel (RAD Architecture)
Mr Dan Lees (element)
Mr Andrew Baranowski (Plan E)
Mayor Fiona Argyle (City of Nedlands)
Cr Kerry Smyth (City of Nedlands)
Mr Stephen Allerding (Allerding & Associates)

Item 8.2

Mr Peter Simpson (PTS Planning)

Members of the Public / Media

There were 10 members of the public in attendance.

Mr Ben Dickinson from The Post was in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The A/Presiding Member declared the meeting open at 9:31am on 22 April 2022 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.



The A/Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2020 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

1.1 Announcements by Presiding Member

The A/Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2020 which states 'A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the A/Presiding Member has given permission to do so.', the meeting would not be recorded.

2. Apologies

Ms Francesca Lefante (Presiding Member)
Cr Ashley Wallace (Local Government Member, City of Vincent)
Cr Susan Gontaszewski (Local Government Member, City of Vincent)
Cr Dan Loden (Local Government Member, City of Vincent)

3. Members on Leave of Absence

Nil

4. Noting of Minutes

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

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of Interests

In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Member, Cr Fergus Bennett, declared that he participated in a prior Council meeting in relation to the application at item 8.1. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr Bennett acknowledged that he is 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 him, which will be considered on its planning merits.

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



7. Deputations and Presentations

- 7.1 Mayor Fiona Argyle (City of Nedlands) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.2 Cr Kerry Smyth (City of Nedlands) addressed the DAP in support of the recommendation for the application at Item 8.1.
- 7.3 Mr Stephen Allering (Allering & Associates) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.4 Mr Dan Lees (element) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.5 Mr Sean van der Poel (RAD Architecture) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.6 Mr Andrew Baranowski (Plan E) addressed the DAP against the recommendation for the application at Item 8.1.
- 7.7 The City of Nedlands Officers addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

The presentations at Item 7.1 – 7.7 were heard prior to the application at Item 8.1.

- 7.8 Mr Peter Simpson (PTS Town Planning Pty Ltd) addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.
- 7.9 The City of Vincent Officers addressed the DAP in relation to the application at Item 8.2 and responded to questions from the panel.

The presentations at Items 7.8 - 7.9 were heard prior to the application at Item 8.2.



8. Responsible Authority Reports – DAP Applications

8.1 1A Thomas Street, Nedlands

Development Description: Multiple Residential Development
Applicant: RAD Architecture
Owner: C & N Unit Trust Trading as Capital Way Pty Ltd
Responsible Authority: City of Nedlands
DAP File No: DAP/22/02163

REPORT RECOMMENDATION

Moved by: Cr Fergus Bennett

Seconded by: Cr Blane Brackenridge

That the Metro Inner-North JDAP resolves to:

Refuse DAP Application reference DAP/22/02163 and accompanying plans dated 16 March 2022 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of the City of Nedlands Local Planning Scheme No. 3 for the following reasons:

1. The setback of the development from the street does not complement the existing or expected landscape character of the street in accordance with the Element Objectives of section 2.2: Street Setbacks of Volume 2 of the Residential Design Codes.
2. The side setbacks are inconsistent with the expected streetscape character and do not provide adequate setback distance to neighbouring properties in accordance with the Element Objectives of section 2.3: Side and Rear Setbacks of Volume 2 of the Residential Design Codes.
3. The building overshadows habitable rooms and outdoor living areas of the adjoining properties, contrary to the Element Objectives of section 3.2: Orientation of Volume 2 of the Residential Design Codes.
4. The development does not provide adequate internal daylight to units, contrary to the Element Objectives of section 4.1: Solar and Daylight Access of Volume 2 of the Residential Design Codes.
5. The development contains a residential unit facing the street which is not compatible with the objectives of the zone as set out within the City of Nedlands Local Planning Scheme No. 3.

The Report Recommendation was put and LOST (3/2).

For: Cr Fergus Bennett
Cr Blane Brackenridge

Against: Ms Lee O'Donohoe
Mr John Syme
Mr Gene Koltasz



ALTERNATE MOTION

Moved by: Cr Fergus Bennett

Seconded by: Mr Gene Koltasz

It is recommended that the Metro Inner-North JDAP resolves to:

1. **Approve** DAP Application reference DAP/22/02163 and accompanying plans dated 16 March 2022 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Nedlands Local Planning Scheme No. 3 subject to the following conditions:

Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. All works indicated on the approved plans shall be wholly located within the lot boundaries of the subject site.
4. The landscaping in the Thomas Street road reserve does not form part of this approval and is deleted from the plans.
5. All stormwater discharge from the development shall be contained and disposed of on-site unless otherwise approved by the City of Nedlands.

Engineering and Design

6. Prior to the issue of a demolition permit and a building permit, a Demolition or Construction Management Plan (as appropriate) shall be submitted and approved to the satisfaction of the City. The approved Demolition and Construction Management Plans shall be observed at all times throughout the construction and demolition processes to the satisfaction of the City.
7. Prior to the commencement of excavation works, a Dilapidation Report shall be submitted to the City of Nedlands and the owners of the adjoining properties listed below detailing the current condition and status of all buildings (both internal and external together with surrounding paved areas and rights of ways), including ancillary structures located upon these properties:
 - Lots 59 and 60 (No. 1B) Thomas Street, Nedlands
 - Lot 50 (No. 60) Stirling Highway, Nedlands
 - Lot 1 (No. 56 and 1/39) Stirling Highway, Nedlands

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



8. Prior to the issue of a building permit, a Geotechnical Report covering the development area is to be prepared by a suitably qualified practitioner at the applicant's cost, to the satisfaction of the City of Nedlands. The report will give due consideration to any potential impacts on neighbouring properties including but not limited to: ground water management, excavation or modifications to existing ground levels; vibration or consolidation of material throughout the demolition and construction phase of the project. The Geotechnical Report will identify any remedial treatments required to mitigate any adverse impacts and will be lodged with the building permit application, together with certification that the design is suitable for the site conditions as outlined in the Geotechnical Report.
9. Prior to the issue of a building permit, a minimum of 20% (6) 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 to the satisfaction of the City of Nedlands.

Landscaping

10. Prior to commencement of excavation works, the owner shall take reasonable endeavours to obtain agreement from the property owners at 1/39-56 Stirling Highway, Nedlands, and 60 Stirling Highway, Nedlands to undertake an Arborist Report investigating opportunities to minimise adverse health effects to the trees retained within the property boundaries of 1/39-56 Stirling Highway, Nedlands, and 60 Stirling Highway, Nedlands. If agreement is achieved with the owner(s) of the above addresses, a copy of the Arborist Report shall be provided to the City of Nedlands prior to construction commencement and be included in the appointed contractor's Construction Management Plan.
11. Prior to occupation, all communal and private open space areas with landscaping shall include a tap connected to an adequate water supply for the purpose of irrigation.
12. Prior to occupation, landscaping shall be completed in accordance with the approved plans prepared by Plan \ E dated received 16 March 2022 or any approved modifications to the satisfaction of the City of Nedlands. All landscaped areas are to be maintained on an ongoing basis for the life of the development on the site to the satisfaction of the City of Nedlands.
13. The street tree(s) within the verge in front of the lot are to be protected and maintained through the duration of the demolition and construction processes to the satisfaction of the City of Nedlands. Should the tree(s) die or be damaged, they are to be replaced with a specified species at the owner's expense and to the satisfaction of the City of Nedlands.

Acoustics and Visual Privacy

14. Prior to the issue of a building permit, an Acoustic Report shall be submitted by a suitably qualified and licenced acoustic practitioner demonstrating compliance of the development with the requirements of the Environmental Protection (Noise) Regulations 1997, with all recommendations within the report to be detailed on the building permit plans to the satisfaction of the City of Nedlands.



15. Prior to occupation, the direct southern elevations of balconies of units 402, 403, 502, 503, 602 and 702; and the direct northern elevations of balconies of units 501, 601 and 701 as shown in red on the approved plans, shall be screened in accordance with the Residential Design Codes by either;
- fixed and obscured glass to a height of 1.6 metres above finished floor level; or
 - fixed screening devices to a height of 1.6 meters above finished floor level that are at least 75% obscure and made of a durable material; or
 - a minimum sill height of 1.6 metres above the finished floor level; or
 - an alternative method of screening approved by the City of Nedlands.

The required screening shall be thereafter maintained to the satisfaction of the City of Nedlands.

16. Prior to occupation, a notification, pursuant to section 70A of the Transfer of Land Act 1893, shall be placed on the certificate of title for the subject lot. The notification shall be created at the owner/applicants' expense and lodged with the Registrar of Titles for endorsement. The notification is to state as follows:

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

The above requirement is a provision outlined in the State Planning Policy 5.4 'Road and Rail Noise.'

Sustainability

17. Prior to occupation, the recommendations contained within the CADDs Group Sustainable Design Strategy dated 15 December 2021, or any approved modifications, are to be carried out and maintained for the lifetime of the development to the satisfaction of the City of Nedlands.
18. Prior to issue of a building permit, all units are to demonstrate achievement of their respective NatHERS "Upgraded Star Rating" shown in Table 4 of the CADDs Group Sustainable Design Strategy dated 15 December 2021, or any approved modifications, to the satisfaction of the City of Nedlands.

Parking and Waste

19. The development shall comply with the approved Waste Management Plan prepared by Talis dated 11 March 2022 to the satisfaction of the City of Nedlands. Any modification to the approved Waste Management Plan will require further approval by the City.
20. Prior to the occupation of the development, a Parking Management Plan must be submitted to, and approved by, the City of Nedlands. The Parking Management Plan is to address allocation of dwelling car bays and how larger vehicle parking will be managed. The plan is to be adhered to for the life of the development.
21. Prior to occupation, all bicycle racks shall be provided and installed to the satisfaction of the City of Nedlands and maintained for the lifetime of the development.



22. Prior to occupation, new or modified vehicle crossovers shall be constructed to the City's specification and thereafter maintained to the satisfaction of the City of Nedlands.
23. Prior to occupation of the development, all car parking bays are to be clearly line marked, drained and with visitor/staff parking clearly marked or signage provided, and maintained thereafter by the landowner to the satisfaction of the City of Nedlands.
24. Prior to occupation, any redundant crossovers shall be removed and the verge and kerbing reinstated to the City's specifications, at the expense of the applicant and to the satisfaction of the City of Nedlands.
25. All car parking dimensions (including associated wheel stops and headroom clearance), manoeuvring areas, ramps, crossovers and driveways shall comply with Australian Standard 2890.1-2004 - Off-street car parking and Australian Standard 2890.6:2009 - Off-street parking for people with disabilities (where applicable) to the satisfaction of the City of Nedlands.
26. The car stacking equipment depicted on the plans shall comply with Australian Standard AS5124:2017 (as amended) and be maintained for the life of the development.

Screening and Lighting

27. Prior to occupation, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located or screened to the satisfaction of the City of Nedlands.
28. Prior to occupation, an external lighting plan must be submitted and approved by the City of Nedlands. The lighting is to be designed and located to prevent any increase in light spill onto the adjoining properties in accordance with Australian Standard 4282 – Control of Obtrusive Effects of Outdoor Lighting.

ADVICE NOTES

- i. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, any obligations under the Strata Titles Act, or the requirements of any other external agency.
- ii. The Construction Management Plan and Demolition Management Plans are to be prepared in the manner and form provided by the City of Nedlands.
- iii. Separate approval is required from the City of Nedlands for any works located within the verge, including landscaping and crossovers. A Vehicle Crossover Permit application is required to be submitted and approved by the City of Nedlands prior to verge works commencing.
- iv. The applicant/owner is advised that a public open space contribution will likely be required at the subdivision stage of the development, consistent with DC 2.3 Public Open Space in Residential Areas and the Planning and Development Act 2005.



- v. Waste charges imposed on lot owners by the City as part of its annual rates and charges will be higher than standard refuse charges, due to the use of a small waste truck and additional services provided by the City in respect of the collection of refuse from the development.
- vi. Consultants need to account for a reduction in assigned noise levels on Sundays and public holiday. The operating hours of the Outdoor Kitchen, BBQ area and Fitness room is to be between 0700 –2200 hours for Monday to Saturday and 0900 – 2200 hours for Sundays and public holidays.
- vii. Service and/or delivery vehicles are not to service the premises before 7.00 am or after 7.00 pm Monday to Saturday, and/or before 9.00 am or after 7.00 pm on Sundays and Public Holidays unless otherwise approved by the City beforehand.
- viii. The development is to be provided with adequate laundry facilities, in line with the requirements of the Health Act (Laundries and Bathrooms) Regulations and City of Nedlands Health Local Laws 2017.

AMENDING MOTION

Moved by: Mr John Syme

Seconded by: Mr Gene Koltasz

That the following properties be added to the requirements for dilapidation reports in Condition No.7:

- ***Lot 84 (No.2), Lot 6 (No. 2A), Lot 52 (No. 2D), Lot 51 (No.2E), Lot 78 (No.3) and Lot 85 (No.4) Thomas Road, Nedlands***
- ***Lots 50, 56, 57 & 62 (No. 60) Stirling Highway, Nedlands***
- ***Lot 61 (No. 2) Webster Street, Nedlands***

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The amendment to Condition 7 was proposed and supported in order to increase the number of properties that will be subject to a dilapidation report.

ALTERNATE RECOMMENDATION (AS AMENDED)

It is recommended that the Metro Inner-North JDAP resolves to:

1. **Approve** DAP Application reference DAP/22/02163 and accompanying plans dated 16 March 2022 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Nedlands Local Planning Scheme No. 3 subject to the following conditions:

Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.



2. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. All works indicated on the approved plans shall be wholly located within the lot boundaries of the subject site.
4. The landscaping in the Thomas Street road reserve does not form part of this approval and is deleted from the plans.
5. All stormwater discharge from the development shall be contained and disposed of on-site unless otherwise approved by the City of Nedlands.

Engineering and Design

6. Prior to the issue of a demolition permit and a building permit, a Demolition or Construction Management Plan (as appropriate) shall be submitted and approved to the satisfaction of the City. The approved Demolition and Construction Management Plans shall be observed at all times throughout the construction and demolition processes to the satisfaction of the City.
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 - Lot 50 (No. 60) Stirling Highway, Nedlands
 - Lot 1 (No. 56 and 1/39) Stirling Highway, Nedlands
 - Lot 84 (No.2), Lot 6 (No. 2A), Lot 52 (No. 2D), Lot 51 (No.2E), Lot 78 (No.3) and Lot 85 (No.4) Thomas Road, Nedlands
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9. Prior to the issue of a building permit, a minimum of 20% (6) 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 to the satisfaction of the City of Nedlands.

Landscaping

10. Prior to commencement of excavation works, the owner shall take reasonable endeavours to obtain agreement from the property owners at 1/39-56 Stirling Highway, Nedlands, and 60 Stirling Highway, Nedlands to undertake an Arborist Report investigating opportunities to minimise adverse health effects to the trees retained within the property boundaries of 1/39-56 Stirling Highway, Nedlands, and 60 Stirling Highway, Nedlands. If agreement is achieved with the owner(s) of the above addresses, a copy of the Arborist Report shall be provided to the City of Nedlands prior to construction commencement and be included in the appointed contractor's Construction Management Plan.
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 - fixed and obscured glass to a height of 1.6 metres above finished floor level; or
 - fixed screening devices to a height of 1.6 meters above finished floor level that are at least 75% obscure and made of a durable material; or
 - a minimum sill height of 1.6 metres above the finished floor level; or
 - an alternative method of screening approved by the City of Nedlands.



The required screening shall be thereafter maintained to the satisfaction of the City of Nedlands.

16. Prior to occupation, a notification, pursuant to section 70A of the Transfer of Land Act 1893, shall be placed on the certificate of title for the subject lot. The notification shall be created at the owner/applicants' expense and lodged with the Registrar of Titles for endorsement. The notification is to state as follows:

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23. Prior to occupation of the development, all car parking bays are to be clearly line marked, drained and with visitor/staff parking clearly marked or signage provided, and maintained thereafter by the landowner to the satisfaction of the City of Nedlands.



24. Prior to occupation, any redundant crossovers shall be removed and the verge and kerbing reinstated to the City's specifications, at the expense of the applicant and to the satisfaction of the City of Nedlands.
25. All car parking dimensions (including associated wheel stops and headroom clearance), manoeuvring areas, ramps, crossovers and driveways shall comply with Australian Standard 2890.1-2004 - Off-street car parking and Australian Standard 2890.6:2009 - Off-street parking for people with disabilities (where applicable) to the satisfaction of the City of Nedlands.
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ADVICE NOTES

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- ii. The Construction Management Plan and Demolition Management Plans are to be prepared in the manner and form provided by the City of Nedlands.
- iii. Separate approval is required from the City of Nedlands for any works located within the verge, including landscaping and crossovers. A Vehicle Crossover Permit application is required to be submitted and approved by the City of Nedlands prior to verge works commencing.
- iv. The applicant/owner is advised that a public open space contribution will likely be required at the subdivision stage of the development, consistent with DC 2.3 Public Open Space in Residential Areas and the Planning and Development Act 2005.
- v. Waste charges imposed on lot owners by the City as part of its annual rates and charges will be higher than standard refuse charges, due to the use of a small waste truck and additional services provided by the City in respect of the collection of refuse from the development.
- vi. Consultants need to account for a reduction in assigned noise levels on Sundays and public holiday. The operating hours of the Outdoor Kitchen, BBQ area and Fitness room is to be between 0700 – 2200 hours for Monday to Saturday and 0900 – 2200 hours for Sundays and public holidays.



- vii. Service and/or delivery vehicles are not to service the premises before 7.00 am or after 7.00 pm Monday to Saturday, and/or before 9.00 am or after 7.00 pm on Sundays and Public Holidays unless otherwise approved by the City beforehand.
- viii. The development is to be provided with adequate laundry facilities, in line with the requirements of the Health Act (Laundries and Bathrooms) Regulations and City of Nedlands Health Local Laws 2017.

The Alternate Motion (as amended) was put and CARRIED (3/2).

For: Ms Lee O'Donohue
Mr John Syme
Mr Gene Koltasz

Against: Cr Fergus Bennett
Cr Blane Brackenridge

REASON: The majority of Panel Members were satisfied that the building design, form, scale and façade treatments are consistent with the planning framework and anticipated future streetscape.

The location of the site close to Stirling Highway was noted and the provision of a residential apartment on the ground floor, in lieu of a commercial use, is considered appropriate given the residential character of Thomas Street.

The panel exercised discretion for minor variations to the R- Codes based on the proposal merits and context.

PROCEDURAL MOTION

Moved by: Ms Lee O'Donohue

Seconded by: Mr John Syme

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

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: To allow the members a comfort break and allow changeover of panel members.

The meeting was adjourned at 11:14am.

The meeting was reconvened at 11:20am.

Cr Fergus Bennett and Cr Blane Brackenridge (Local Government Members, City of Nedlands) left the panel at 11:14am.

Cr Jonathan Hallett (Local Government Member, City of Vincent) joined the panel at 11:20am.



8.2 357 (Lot 500) Oxford Street, Mount Hawthorn

Development Description: Proposed Commercial Development
Applicant: PTS Town Planning Pty Ltd
Owner: VM Pty Ltd
Responsible Authority: City of Vincent
DAP File No: DAP/21/02139

REPORT RECOMMENDATION

Moved by: Cr Jonathan Hallett

Seconded by: Mr Gene Koltasz

That the Metro Inner-North JDAP resolves to:

1. **Approve** DAP Application reference DAP/21/02139 and accompanying plans 'Rev C, Pages 1 – 26, 03/2022' in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the provisions of the City of Vincent Local Planning Scheme No. 2, and Clause 24(1) and 26 of the Metropolitan Region Scheme, subject to the following conditions:

Conditions

1. General

This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

2. Use of Premises

- 2.1 This approval is for two Shop tenancies and one Liquor Store - Small tenancy as defined in the City of Vincent Local Planning Scheme No. 2:

Shop - means premises other than a bulky goods showroom, a liquor store – large or a liquor store – small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services.

Liquor Store – Small - means premises the subject of a liquor store licence granted under the Liquor Control Act 1988 with a net lettable area of not more than 300m².

- 2.2 The supermarket is restricted to a net lettable area of 1,767 square metres.

3. Operating Hours

The hours of operation for the Supermarket shall be restricted from 7:00am to 10:00pm.



4. Building Design

- 4.1 Doors and windows and adjacent floor areas fronting Oxford Street and Britannia Road shall maintain an active and interactive relationship with this street. Ground floor glazing and/or tinting shall be a minimum of 70 percent visually permeable to provide unobscured visibility. Darkened, obscured, mirrored or tinted glass or other similar materials as considered by the City is prohibited.
- 4.2 All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and surrounding properties to the satisfaction of the City.
- 4.3 The awning within the Oxford Street and Britannia Road road reservations attached to the façade of the building shall be designed to be removable, to the satisfaction of the City.

5. Verge Upgrade

- 5.1 A detailed verge upgrade plan to the satisfaction of the City shall be lodged with and approved by the City **prior to commencement of the development**. The plan shall show the following:
 - The provision of barrier kerbs within the Oxford Street verge, located to the north and south of the vehicle access point, that moves the pedestrian footpath 1.2 metres to the east of the Oxford Street boundary, to direct pedestrians further away from exiting vehicles and provide adequate sight lines for their safety, to the City's specifications;
 - Associated works to widen the pedestrian footpath to the east of the barrier kerbs to a width of at least 1.5 metres as well as any necessary drainage upgrades, to the City's specifications;
 - The provision of a zebra crossing across the crossover which is located 1.2 metres to the east of the Oxford Street boundary;
 - The provision of low-level planting within constructed barrier kerbs that do not exceed a height of 0.5 metres, to the City's specifications; and
 - The construction of on-street car parking bays and motorcycle bays to Oxford Street and Britannia Road as illustrated on the approved plans and to the City's specifications.
- 5.2 The works required by Condition 5.1 must be completed by the owner/occupiers and at the owners/occupiers expense **prior to the development the subject of this approval being first used or occupied**.



6. Public Art

- 6.1 In accordance with the City's Policy No. 7.5.13 - Percent for Art the application is required to make a public art contribution of \$50,500 being one percent of the \$5.05 million cost of development.

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

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

OR

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

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

Option 1 -

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

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

OR

Option 2 –

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

7. Landscaping

- 7.1 A detailed landscape and reticulation plan for the development site and adjoining road verge, to the satisfaction of the City, shall be lodged with and approved by the City **prior to commencement of the development**. The plan shall be drawn to a scale of 1:100, be generally in accordance with the landscaping plan dated 16 March 2022 and show the following:

- The location and type of existing and proposed trees and plants that are consistent with the approved landscape plan;
- Areas to be irrigated or reticulated;
- The provision of a minimum of 4.2 percent planting area on-site, as defined by the City's Policy No. 7.1.1 – Built Form; and
- The provision of a minimum of 12 trees contributing towards canopy coverage within the planting areas on the ground level. The tree species are to be in accordance with the City's recommended tree species list;



- The provision of a minimum of two (2) trees contributing towards canopy coverage within the planting areas on the upper level. The tree species are to be in accordance with the City's recommended tree species list;
- The extension of the garden bed located within the Oxford Street verge, generally in accordance with the landscaping plan dated 16 March 2022 and to the City's specifications; and
- The re-planting of the Britannia Road verge, generally in accordance with the landscaping plan dated 16 March 2022 and to the City's specifications.

7.2 All works shown in the plans as identified in Condition 7.1 above shall be undertaken in accordance with the approved plans to the City's satisfaction, **prior to occupancy or use of the development** and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers.

7.3 No verge tree shall be removed without the prior written approval of the City. The verge trees shall be retained and protected from damage including unauthorised pruning, to the satisfaction of the City.

8. Schedule of External Finishes

8.1 **Prior to the issue of a building permit**, a detailed schedule of external finishes (including materials, colour schemes and details) shall be submitted to and approved by the City. The development shall be finished in accordance with the approved schedule **prior to the use or occupation of the development**;

8.2 A non-sacrificial anti-graffiti coating shall be applied to the external surfaces of the development **prior to the occupation or use of the development**, and thereafter maintained, to the satisfaction of the City;

9. Car Parking, Access and Bicycle Facilities

9.1 All Road Safety measures recommended in section 7.8 of the approved Transport Impact Assessment (Transcore, March 2022) shall be implemented and the development carried out in accordance with these measures and approved plans, to the satisfaction of the City.

9.2 A minimum of 64 car parking bays shall be provided on-site on the upper level. The car parking and access areas shall be provided and constructed in accordance with the approved plans and are to comply with the requirements of AS2890.1 **prior to the occupation or use of the development**.

9.3 13 employee car parking bays shall be provided within car stackers on-site as shown on the approved plans. The car stackers and associated access areas shall be provided and constructed in accordance with the approved plans and are to comply with the requirements of AS2890.1 **prior to the occupation or use of the development**.

9.4 **Prior to occupancy or use of the development**, redundant or "blind" crossovers shall be removed and the verge and kerb made good to the satisfaction of the City, at the applicant/owner's full expense.



- 9.5 Vehicle and pedestrian access points are required to match into existing footpath levels.
- 9.6 Any vehicle access provided with a gate shall be visually permeable, to the satisfaction of the City.
- 9.7 A pedestrian crossing shall be provided across all vehicle access points to allow for safe pedestrian crossing.
- 9.8 Bicycle facilities shall be designed and installed on-site in accordance with AS2890.3 and installed **prior to occupancy or use of the development** in the following locations to the satisfaction of the City:
 - 17 long-term bicycle facilities provided on-site; and
 - 32 short-term bicycle facilities provided within the adjacent verge as shown on the approved plans.

10. Delivery Management Plan

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

- Hours of delivery and service vehicles attending the site; and
- Movements and size of delivery vehicles to ensure that they do not obstruct the vehicle movements on adjoining and surrounding streets.

11. Stormwater

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

12. Waste Management

12.1 Waste and refuse generated on the site by all tenancies shall be collected by a private contractor at the expense of the applicant/landowner and approved by the City.

12.2 The approved Waste Management Plan (Dallywater Consulting, November 2021) shall be implemented to the satisfaction of the City, unless otherwise approved by the City's Waste Services team.

13. Acoustic Report and Noise Management

13.1 **Prior to the issue of a Building Permit**, an updated acoustic report shall be submitted to the City to demonstrate compliance with the City's Sound Attenuation Policy No. 7.5.21, namely in relation to the construction of the building and mechanical services. The recommended measures of the report shall be implemented, to the satisfaction of the City.



13.2 All assumptions and recommendations included in the approved acoustic report identified in Condition 13.1 above and shall be implemented as part of the development, to the satisfaction of the City **prior to the occupancy or use of the development** and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers.

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

- Deliveries
- Waste collection
- Trolley collection
- Patron / Customer numbers
- Complaint management

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

14. Construction Management Plan

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

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

15. Advertising Signs

All signage shown on the approved plans do not form part of this development approval. All signage relating to the development is subject to separate development approval.

16. Environmentally Sustainable Design

All the recommended measures of the approved sustainability report (Full Circle Design Services, November 2021) shall be implemented **prior to the occupation or use of the development**, to the satisfaction of the City.



Advice Notes

1. This is a development approval only and is issued under the City of Vincent's Local Planning Scheme No. 2 only. It is the responsibility of the applicant/owner to obtain any other necessary approvals and to commence and carry out development in accordance with any other laws.
2. The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5 metres) shall be maintained for all users at all times during construction works. Permits are required for placement of any materials within the road reserve.
3. An Infrastructure Protection Bond together with a non-refundable inspection fee shall be lodged with the City by the applicant, prior to the commencement of works, and will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City. An application for the refund of the bond shall be made in writing. The bond is non-transferable.
4. All storm water produced on the subject land shall be retained on site, by suitable means to the full satisfaction of the City. No further consideration shall be given to the disposal of storm water 'off site' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of storm water 'off site' be subsequently provided, detailed design drainage plans and associated calculations for the proposed storm water disposal shall be lodged together with the building permit application working drawings.
5. The owner/applicant may be required to obtain a Work Zone Permit from the City in order to satisfy this Condition due to access constraints. The requirement for, and cost of any such permit shall be determined by the City following the lodgement of a Building Permit.
6. Where an approval has lapsed, no development must be carried out without the further approval of the local government having first be sought and obtained.
7. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005, Part 14.
8. Pursuant to Schedule 4, Clause 4.2 of the Clause 78H *Notice of Exemption from Planning Requirements During State of Emergency*, a further two years is added to the date by which the development shall be substantially commenced.
9. The food premises design and construction shall ensure compliance with the outcomes of the Food Standards Code and Australian Standard 4674-2004 'Design, construction and fit-out of food premises.



10. In reference to the Verge Upgrades requirements, a refundable verge upgrade bond shall be lodged prior to the commencement of building works and will be held until all works have been completed and/or any damage to the existing facilities have been re-instated to the satisfaction of the City. An application to the City for the refund of the upgrade bond must be made in writing. Please contact the City's Technical Services team on 9273 6000 for further information.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The Panel considered that the proposal represents a well designed and considered development that satisfies the requirements and objectives of the planning framework. The Panel were very supportive that an existing building is being retained as part of the application.

The uses proposed are appropriate for an out of centre development which have minimal impact on existing commercial centres within the locality. The location of the corner site, along Oxford Street, will also assist in further activating this portion of Oxford Street and will establish retail uses appropriate to the surrounding residential area.

Minor variations were sought and supported.

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

Nil.

10. State Administrative Tribunal Applications and Supreme Court Appeals

The Presiding Member noted the following SAT Applications –

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/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
DAP/21/02084 DR9/2022	City of Nedlands	Lot 541 (99) Broadway, Nedlands	Mixed use development comprising 21 units and a cafe	14/01/2022
DAP/21/02136 DR60/2022	City of Nedlands	No. 43 Esplanade, Nedlands	Proposed Mixed Use Development - One consulting room and three multiple dwellings	01/04/2022



Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/18/01491 DR61/2022	City of Vincent	No. 636-640 Newcastle Street, Leederville	Mixed Use Development comprising of 32 Multiple Dwellings, 10 Offices, One Restaurant/Café and One Shop	04/04/2022

The Presiding Member noted the following Supreme Court Appeal –

Current Supreme Court Appeals				
File No.	LG Name	Property Location	Application Description	Date Lodged
DAP/19/01722 CIV 2311 of 2021	City of Stirling	Lot 1 (331) West Coast Drive, Trigg	Mixed Use Development – Six (6) Multiple Dwellings and One (1) Commercial Tenancy	7 April 2022

11. General Business

The A/Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2020 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

12. Meeting Closure

There being no further business, the A/Presiding Member declared the meeting closed at 11:32am.