



## Metro Inner-North Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Monday, 15 August 2022; 9.30am  
**Meeting Number:** MINJDAP/148  
**Meeting Venue:** City of Vincent  
244 Vincent Street, Leederville

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

### Officers in attendance

Mr Dan McCluggage (City of Vincent)  
Mr Adam Parker (City of Vincent)  
Ms Joslin Colli (City of Vincent)

### Minute Secretary

Ms Kylie Tichelaar (City of Vincent)

### Applicants and Submitters

#### *Item 8.1*

Mr Kim Doepel (Doepel Marsh Architects)

#### *Item 8.2*

Mr Daniel Hollingworth (Lateral Planning)

### Members of the Public / Media

There were 7 members of the public in attendance.

Mr Justin Bianchini from Perth Now was in attendance

## 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:45 on 15 August 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 Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2020 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

### 1.1 Announcements by Presiding Member

The Presiding Member advised that the meeting is being audio recorded in accordance with Section 5.16 of the DAP Standing Orders 2020 which states 'A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.' The Presiding Member granted permission for the minute taker to record proceedings for the purpose of the minutes only.



## 2. Apologies

Cr Dan Loden (Local Government Member, City of Vincent)  
Cr Susan Gontaszewski (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

Nil

## 7. Deputations and Presentations

7.1 Ms Elizabeth Tearne (on behalf of Ryan Best) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.

7.2 Ms Maree Dalwood addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.

7.3 Mr Kim Doepel (Doepel Marsh Architects) addressed in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

7.4 The City of Vincent Officers addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

***The presentations at Items 7.1 - 7.4 were heard prior to the application at Item 8.1.***

7.5 Mr Daniel Hollingworth (Lateral Planning) presenting in support of the application at Item 8.2 and responded to questions from the panel.

7.6 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 7.5 – 7.6 were heard prior to the application at Item 8.2.***



## 8. Form 1 – Responsible Authority Reports – DAP Applications

### 8.1 No. 46C (Lot 9000) Joel Terrace, East Perth

Development Description: 10 Multiple Dwellings  
Applicant: Doepel Marsh Architects & Planners  
Owner: Joel 46 Pty Ltd  
Responsible Authority: City of Vincent  
DAP File No: DAP/22/02181

#### REPORT RECOMMENDATION

**Moved by:** Mr John Syme

**Seconded by:** Ms Lee O'Donohue

That the Metro Inner North JDAP resolves to:

1. **Approve** DAP Application reference DAP/22/02181 and accompanying plans included in **Attachment 2** in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Vincent Local Planning Scheme No. 2, subject to the following conditions:

#### Conditions

##### 1. General

- 1.1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
- 1.2. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
- 1.3. This approval is for 10 Multiple Dwellings as shown on the approved plans dated 22 July 2022. No other development forms part of this approval.

##### 2. Building Design

- 2.1. The surface finish of boundary walls facing adjoining property shall be of a good and clean condition, prior to the occupation or use of the development, and thereafter maintained, to the satisfaction of the City. The finish of boundary walls is to be fully rendered or face brick, or material as otherwise approved, to the satisfaction of the City.
- 2.2. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;



2.3. Meter boxes shall be painted the same colour as the wall they are attached to so as to not be visually obtrusive, to the satisfaction of the City.

3. Colours and Materials

The colours, materials and finishes of the development shall be in accordance with the details and annotations as indicated on the approved plans which forms part of this approval.

4. Landscaping

4.1. A detailed landscape and reticulation plan for the development site and adjoining road verge, to the satisfaction of the City, shall be lodged with and approved by the City prior to commencement of the development. The plan shall be drawn to a scale of 1:100, be generally in accordance with the landscaping plan dated 30 June 2022 and show the following:

- The location and type of existing and proposed trees and plants;
- Areas to be irrigated or reticulated;
- The provision of a minimum 10 percent deep soil area, as defined by the Residential Design Codes Volume 2; and
- The provision of trees contributing towards canopy coverage within deep soil areas provided. The tree species are to be in accordance with the City's recommended tree species list.

4.2. All works shown in the plans as identified in Condition 4.1 above shall be undertaken in accordance with the approved plans to the satisfaction of the City, prior to occupancy or use of the development and maintained thereafter to the satisfaction of the City, at the expense of the owners/occupiers.

5. Car Parking, Access and Bicycle Facilities

5.1. Prior to the occupation of the development, 13 car parking bays and related access ways as shown on the approved plans shall be constructed and thereafter maintained in accordance with Australian Standard AS2890.1.

5.2. All driveways, car parking and manoeuvring area(s) which form part of this approval shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner/occupier to the satisfaction of the City.

5.3. Three visitor parking bays shall be permanently marked, maintained and legally accessible at all times for use exclusively by visitors to the property, be clearly visible or suitably sign posted from the street or communal driveway and be located, together with the reversing area, in front of any security gates or barrier for the development unless otherwise approved by the City.



- 5.4. Prior to the occupation or use of the development, a minimum of two short-term bicycle parking bays and five long-term bicycle parking bays shall be provided on site in accordance with the approved plans to the satisfaction of the City. The design and construction of the bike bays shall be in accordance with Australian Standards AS2890.3 : 2015 Parking Facilities Part 3: Bicycle parking.

6. Waste Management

- 6.1. An amended Waste Management Plan must be submitted to and approved by the City prior to lodging an application for a building permit. The plan must include the following details to the satisfaction and specification of the City:

- Assessment of the transport route from the bin store location to the bin pad on the Joel Terrace verge including consideration of the occupational health and safety implications of the existing driveway gradient and the use of a trailer or motorised trolley for transport; and
- The size and location of bin collection area/s.

- 6.2. The Waste Management Plan identified in Condition 6.1 above must be implemented at all times, to the satisfaction of the City.

7. Acoustic Report

- 7.1. 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.

- 7.2. All of the recommended measures included in the approved Acoustic Report identified in Condition 7.1 above 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.

8. Construction Management

- 8.1. 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 area shall be lodged with and approved by the City prior to issuing of a building permit. 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 development site.

8.2. The construction management plan referred to in Condition 8.1 above shall be complied with at all times, for the duration of the construction of the development.

9. Department of Biodiversity, Conservation and Attractions

9.1. The applicant shall take appropriate measures to ensure that no woody debris, construction material, sediment (including as a result of stormwater run-off), or rubbish enters the Parks and Recreation reserve, stormwater system, or river as a result of the works.

9.2. Stormwater run-off from constructed impervious surfaces generated by small rainfall events (i.e. the first 15 mm of rainfall) must be retained and/or detained and treated (if required) at-source as much as practical and will not be permitted to enter the river untreated.

9.3. No dewatering effluent is to enter the River, either directly or indirectly (via the stormwater system), unless approved by the Department of Biodiversity, Conservation and Attractions.

10. 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.

11. Public Art

11.1. 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 \$37,500 being one percent of the \$3.75 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.

11.2. 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.

12. Clothes Drying Facilities

Prior to the occupation or use of the development, each multiple dwelling shall be provided with a clothes drying area screened from the public realm in accordance with the Residential Design Codes Volume 2, to the satisfaction of the City.

13. Geotechnical Report

Prior to the issue of a building permit, a geotechnical report prepared by a qualified consultant shall be submitted to and approved by the City. This report is to demonstrate if on-site retention of stormwater is possible, or if connection to the City's drainage system is required.

All stormwater produced on the subject land shall be retained on site, or connected to the City's drainage system at the expense of the applicant/landowner, in accordance with the recommendations of the approved geotechnical report, to the satisfaction of the City.

**Advice Notes**

1. All new crossovers to lots are subject to a separate application to be approved by the City. All new crossovers shall be constructed in accordance with the City's Standard Crossover Specifications, which specify that the portion of the existing footpath traversing the proposed crossover (subject to the Footpath being in good condition as determined by the Infrastructure and Environment Services Directorate), must be retained. The proposed crossover levels shall match into the existing footpath levels. Should the footpath not to be in satisfactory condition, it must be replaced with in-situ concrete panels in accordance with the City's specification for reinstatement of concrete paths.
2. The footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the City's specification. The verge upgrade may include landscaping, as directed by the City. A plan of the proposed works must be submitted and approved prior to commencement of works. A refundable footpath 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.





3. The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5m) shall be maintained for all users at all times during construction works. Permits are required for placement of any material within the road reserve.
4. The owner/applicant is advised of the Water Corporation sewage line running down part of the length of the right of carriageway easement. Approval from Water Corporation may be required. For more information regarding the sewerage pipe please contact Water Corporation on 13 13 95.
5. The subject site has been identified as potentially being in an area affected by acid sulphate soils. As such it is your responsibility to ensure that all building works comply with the Acid Sulphate Soils Planning Guidelines published by the Western Australian Planning Commission. For more information please contact the Department of Water and Environmental Regulation on (08) 6364 7000
6. The Waste Management Plan currently states that *"the bin store location is at Ground Floor level and provides a clear and straight, flat path to bin stand area to Joel Terrace"* which is not considered to be accurate. The grade of the path to Joel Terrace is approximately 1 in 6 which exceeds the maximum grade of 1 in 14 outlined in the WALGA guidelines for manual transport of fully laden bins.
7. All storm water produced on the subject land shall be retained on site, by suitable means to the full satisfaction of the City. No further consideration shall be given to the disposal of storm water 'off site' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of storm water 'off site' be subsequently provided, detailed design drainage plans and associated calculations for the proposed storm water disposal shall be lodged together with the building permit application working drawings.
8. Should connection to the City's drainage infrastructure be required, this is to be in accordance with the City's Policy No. 2.2.10 – Stormwater Drainage Connections.
9. The Department of Biodiversity, Conservation and Attractions provided the following advice in relation to the proposed development:
  - With regards to Condition 9.1, the applicant is advised that in the event it is proposed to dewater effluent either directly or indirectly (eg. via the stormwater system) to the river, a dewatering management plan, demonstrating that the dewatering effluent discharge standards contained within the Department of Biodiversity, Conservation and Attractions' Policy 50: Planning for dewatering affecting the Swan Canning Development Control Area will be met, is to be approved by the Department of Biodiversity, Conservation and Attractions.
  - The applicant must ensure that any fill products used are clean as defined by *Material Guideline: Clean Fill* (2014, Department of Water and Environmental Regulation) geotechnically suitable and otherwise fit for purpose, unless agreed in writing by the Department of Biodiversity, Conservation and Attractions.



- It is recommended that the applicant plants locally native species in the garden area adjoining the eastern boundary and adjacent to the Western Power reserve, due to their low maintenance and fertilizer requirements, and increased habitat values for native fauna.

### **AMENDING MOTION 1**

**Moved by:** Ms Francesca Lefante

**Seconded by:** Cr Ashley Wallace

That Condition No. 6.1 be amended to read as follows:

*An amended Waste Management Plan must be submitted to and approved by the City prior to lodging an application for a building permit. The plan must include the following details to the satisfaction and specification of the City:*

- *Assessment of the transport route from the bin store location to the bin pad on the Joel Terrace verge including consideration of the occupational health and safety implications of the existing driveway gradient and the use of a trailer or motorised trolley for transport;*
- **Waste to be collected by a private waste collection service; and**
- *The size and location of bin collection area/s.*

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** To address on-site waste management and collection services given the limitation for street verge collection.

### **REPORT RECOMMENDATION (AS AMENDED)**

That the Metro Inner North JDAP resolves to:

1. **Approve** DAP Application reference DAP/22/02181 and accompanying plans included in **Attachment 2** in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Vincent Local Planning Scheme No. 2, subject to the following conditions:

#### **Conditions**

##### 1. General

- 1.1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
- 1.2. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
- 1.3. This approval is for 10 Multiple Dwellings as shown on the approved plans dated 22 July 2022. No other development forms part of this approval.



2. Building Design

- 2.1. The surface finish of boundary walls facing adjoining property shall be of a good and clean condition, prior to the occupation or use of the development, and thereafter maintained, to the satisfaction of the City. The finish of boundary walls is to be fully rendered or face brick, or material as otherwise approved, to the satisfaction of the City.
- 2.2. All external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;
- 2.3. Meter boxes shall be painted the same colour as the wall they are attached to so as to not be visually obtrusive, to the satisfaction of the City.

3. Colours and Materials

The colours, materials and finishes of the development shall be in accordance with the details and annotations as indicated on the approved plans which forms part of this approval.

4. Landscaping

- 4.1. A detailed landscape and reticulation plan for the development site and adjoining road verge, to the satisfaction of the City, shall be lodged with and approved by the City prior to commencement of the development. The plan shall be drawn to a scale of 1:100, be generally in accordance with the landscaping plan dated 30 June 2022 and show the following:
  - The location and type of existing and proposed trees and plants;
  - Areas to be irrigated or reticulated;
  - The provision of a minimum 10 percent deep soil area, as defined by the Residential Design Codes Volume 2; and
  - The provision of trees contributing towards canopy coverage within deep soil areas provided. The tree species are to be in accordance with the City's recommended tree species list.
- 4.2. All works shown in the plans as identified in Condition 4.1 above shall be undertaken in accordance with the approved plans to the satisfaction of the City, prior to occupancy or use of the development and maintained thereafter to the satisfaction of the City, at the expense of the owners/occupiers.

5. Car Parking, Access and Bicycle Facilities

- 5.1. Prior to the occupation of the development, 13 car parking bays and related access ways as shown on the approved plans shall be constructed and thereafter maintained in accordance with Australian Standard AS2890.1.
- 5.2. All driveways, car parking and manoeuvring area(s) which form part of this approval shall be sealed, drained, paved and line marked in accordance with



the approved plans prior to the first occupation of the development and maintained thereafter by the owner/occupier to the satisfaction of the City.

- 5.3. Three visitor parking bays shall be permanently marked, maintained and legally accessible at all times for use exclusively by visitors to the property, be clearly visible or suitably sign posted from the street or communal driveway and be located, together with the reversing area, in front of any security gates or barrier for the development unless otherwise approved by the City.
- 5.4. Prior to the occupation or use of the development, a minimum of two short-term bicycle parking bays and five long-term bicycle parking bays shall be provided on site in accordance with the approved plans to the satisfaction of the City. The design and construction of the bike bays shall be in accordance with Australian Standards AS2890.3 : 2015 Parking Facilities Part 3: Bicycle Parking.

## 6. Waste Management

- 6.1. An amended Waste Management Plan must be submitted to and approved by the City prior to lodging an application for a building permit. The plan must include the following details to the satisfaction and specification of the City:
  - Assessment of the transport route from the bin store location to the bin pad on the Joel Terrace verge including consideration of the occupational health and safety implications of the existing driveway gradient and the use of a trailer or motorised trolley for transport;
  - Waste to be collected by a private waste collection service; and
  - The size and location of bin collection area/s.
- 6.2. The Waste Management Plan identified in Condition 6.1 above must be implemented at all times, to the satisfaction of the City.

## 7. Acoustic Report

- 7.1. 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.
- 7.2. All of the recommended measures included in the approved Acoustic Report identified in Condition 7.1 above 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.

## 8. Construction Management

- 8.1. 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 area shall be lodged with and approved by the City prior to issuing of a building permit. 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 development site.

8.2. The construction management plan referred to in Condition 8.1 above shall be complied with at all times, for the duration of the construction of the development.

9. Department of Biodiversity, Conservation and Attractions

9.1. The applicant shall take appropriate measures to ensure that no woody debris, construction material, sediment (including as a result of stormwater run-off), or rubbish enters the Parks and Recreation reserve, stormwater system, or river as a result of the works.

9.2. Stormwater run-off from constructed impervious surfaces generated by small rainfall events (i.e. the first 15 mm of rainfall) must be retained and/or detained and treated (if required) at-source as much as practical and will not be permitted to enter the river untreated.

9.3. No dewatering effluent is to enter the River, either directly or indirectly (via the stormwater system), unless approved by the Department of Biodiversity, Conservation and Attractions.

10. 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.

11. Public Art

11.1. 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 \$37,500 being one percent of the \$3.75 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.

11.2. 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.

## 12. Clothes Drying Facilities

Prior to the occupation or use of the development, each multiple dwelling shall be provided with a clothes drying area screened from the public realm in accordance with the Residential Design Codes Volume 2, to the satisfaction of the City.

## 13. Geotechnical Report

Prior to the issue of a building permit, a geotechnical report prepared by a qualified consultant shall be submitted to and approved by the City. This report is to demonstrate if on-site retention of stormwater is possible, or if connection to the City's drainage system is required.

All stormwater produced on the subject land shall be retained on site, or connected to the City's drainage system at the expense of the applicant/landowner, in accordance with the recommendations of the approved geotechnical report, to the satisfaction of the City.

## Advice Notes

1. All new crossovers to lots are subject to a separate application to be approved by the City. All new crossovers shall be constructed in accordance with the City's Standard Crossover Specifications, which specify that the portion of the existing footpath traversing the proposed crossover (subject to the Footpath being in good condition as determined by the Infrastructure and Environment Services Directorate), must be retained. The proposed crossover levels shall match into the existing footpath levels. Should the footpath not to be in satisfactory condition, it must be replaced with in-situ concrete panels in accordance with the City's specification for reinstatement of concrete paths.



2. The footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the City's specification. The verge upgrade may include landscaping, as directed by the City. A plan of the proposed works must be submitted and approved prior to commencement of works. A refundable footpath 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.
3. The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5m) shall be maintained for all users at all times during construction works. Permits are required for placement of any material within the road reserve.
4. The owner/applicant is advised of the Water Corporation sewage line running down part of the length of the right of carriageway easement. Approval from Water Corporation may be required. For more information regarding the sewerage pipe please contact Water Corporation on 13 13 95.
5. The subject site has been identified as potentially being in an area affected by acid sulphate soils. As such it is your responsibility to ensure that all building works comply with the Acid Sulphate Soils Planning Guidelines published by the Western Australian Planning Commission. For more information please contact the Department of Water and Environmental Regulation on (08) 6364 7000
6. The Waste Management Plan currently states that *"the bin store location is at Ground Floor level and provides a clear and straight, flat path to bin stand area to Joel Terrace"* which is not considered to be accurate. The grade of the path to Joel Terrace is approximately 1 in 6 which exceeds the maximum grade of 1 in 14 outlined in the WALGA guidelines for manual transport of fully laden bins.
7. All storm water produced on the subject land shall be retained on site, by suitable means to the full satisfaction of the City. No further consideration shall be given to the disposal of storm water 'off site' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of storm water 'off site' be subsequently provided, detailed design drainage plans and associated calculations for the proposed storm water disposal shall be lodged together with the building permit application working drawings.
8. Should connection to the City's drainage infrastructure be required, this is to be in accordance with the City's Policy No. 2.2.10 – Stormwater Drainage Connections.



9. The Department of Biodiversity, Conservation and Attractions provided the following advice in relation to the proposed development:
- With regards to Condition 9.1, the applicant is advised that in the event it is proposed to dewater effluent either directly or indirectly (eg. via the stormwater system) to the river, a dewatering management plan, demonstrating that the dewatering effluent discharge standards contained within the Department of Biodiversity, Conservation and Attractions' Policy 50: Planning for dewatering affecting the Swan Canning Development Control Area will be met, is to be approved by the Department of Biodiversity, Conservation and Attractions.
  - The applicant must ensure that any fill products used are clean as defined by *Material Guideline: Clean Fill* (2014, Department of Water and Environmental Regulation) geotechnically suitable and otherwise fit for purpose, unless agreed in writing by the Department of Biodiversity, Conservation and Attractions.
  - It is recommended that the applicant plants locally native species in the garden area adjoining the eastern boundary and adjacent to the Western Power reserve, due to their low maintenance and fertilizer requirements, and increased habitat values for native fauna.

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

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

Against: Cr Ashley Wallace  
Cr Jonathan Hallett

**REASON:** The majority of members were of the opinion that the proposal was consistent with the planning framework, which allows for multiple dwellings. The exercise of discretion for building height was considered appropriate in the context and topography of the site and proximity to an existing public transport node. Members supported the contemporary building design within the location context. Minor condition changes included the provision of suitable arrangements for waste management to reflect the access and lack of frontage of the site, and impact on adjoining sites. The proposal was supported consistent with comments contained within the RAR and inclusive of minor condition changes as per the officer recommendation.

*Mr John Syme (Third Specialist Member) left the panel at 11:38am*

**PROCEDURAL MOTION**

**Moved by:** Ms Francesca Lefante

**Seconded by:** Cr Ashley Wallace

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

**The Procedural Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** to allow members a comfort break.





*The meeting was adjourned at 11:39am  
The meeting was reconvened at 11:42am*

*Mr John Syme (Third Specialist Member) rejoined the panel at 11:42 am*

## **8.2 No 17-39 (Lots 59 & 214) Robinson Avenue, Perth**

Development Description: Alterations and Additions to Hotel  
Applicant: Lateral Planning  
Owner: GPR Hotels Pty Ltd  
Responsible Authority: City of Vincent  
DAP File No: DAP/22/02169

### **REPORT RECOMMENDATION**

**Moved by:** Ms Lee O'Donohue

**Seconded by:** Mr John Syme

That the Metro Inner-North JDAP resolves to:

1. **Approve** DAP Application reference DAP/22/02169 and accompanying plans included in **Attachment 2** (Plan No. A100 to 106) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Vincent Local Planning Scheme No. 2, subject to the following conditions:

#### **Conditions**

##### 1. General

- 1.1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
- 1.2. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
- 1.3. This approval is for Alterations and Additions to Hotel as shown on the approved plans dated 27 July 2022. No other development forms part of this approval.

##### 2. Use of Commercial Tenancy

This approval is for a Restaurant/Café as defined in the City of Vincent Local Planning Scheme No. 2:

*Restaurant/Café means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licensed under the Liquor Control Act 1988.*



3. Boundary Walls

The surface finish of boundary walls facing adjoining properties shall be of a good and clean condition, **prior to the occupation or use of the development**, and thereafter maintained, to the satisfaction of the City. The finish of boundary walls is to be fully rendered or face brick, or material as otherwise approved, to the satisfaction of the City.

4. Colours and Materials

**Prior to the issue of the relevant Building Permit as set out in the Construction Management and Staging Plan**, a schedule detailing the colours, materials and finishes of the building materials, demonstrating that the proposed development complements the surrounding area, is generally in accordance with the approved plans and has a roof colour and material with a solar absorptance rating of 0.4 or less, must be submitted to and approved by the City. The development must be finished, and thereafter maintained, in accordance with the schedule provided to and approved by the City, **prior to occupation or use of the development**, to the satisfaction of the City.

5. Building Design

5.1. The pedestrian access way along the south-east boundary as shown on the approved plans and connecting Monger Street to the Hotel shall be available for the exit of guests from the Hotel at all times.

5.2. The Restaurant/Café shall maintain an active and interactive relationship with Monger Street during the hours of operation, to the satisfaction of the City. Darkened, obscured, mirrored or tinted glass, roller shutters or the like are prohibited. Curtains, blinds and other internal treatments that obscure the view of the internal area from Monger Street are not permitted to be used during the hours of the Restaurant/Café's operation.

5.3. Ground floor glazing and/or tinting to the Restaurant/Cafe 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 are prohibited.

5.4. All external fixtures, such as television antennas (of a non-standard type), radio and other antennae, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive to the satisfaction of the City.

5.5. Meter boxes and fire boosters shall be located behind the building line, not be visible from the street and where integrated into the building, designed and located so as not to be visually obtrusive, to the satisfaction of the City.



## 6. Landscaping

**6.1.** 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 the issue of the relevant Building Permit as set out in the Construction Management and Staging Plan**. The plan shall be drawn to a scale of 1:100, be generally in accordance with the approved plans dated 27 July 2022 and show the following:

- The location and type of existing and proposed trees and plants;
- Areas to be irrigated or reticulated;
- The provision of a minimum 1.5 percent deep soil areas, as defined by the City's Policy No. 7.1.1 – Built Form;
- The provision of a minimum of 16.6 percent planting areas and on structure planting areas surrounding the roof terrace in accordance with the location and dimensions in the approved plans; and
- The provision of a minimum of five trees contributing towards canopy coverage within the deep soil and planting areas provided. The tree species are to be in accordance with the City's recommended tree species list.

**6.2.** All works shown in the plans as identified in Condition 6.1 above shall be undertaken in accordance with the approved plans to the satisfaction of the City, **prior to occupation or use of the development** and maintained thereafter to the satisfaction of the City, at the expense of the owners/occupiers.

## 7. Amalgamation

In accordance with the City's Policy No. 7.5.19 – Amalgamation Condition on Planning Approvals, **prior to occupation or use of the development**, the subject land (Lots 38, 39, 40, 41, 42, 43, 44, 59 and 214) shall be amalgamated into a single lot on the Certificate of Title.

## 8. Public Art

**8.1** 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 \$60,000 being one percent of the \$6.0 million cost of development.

In order to comply with the Policy, the owner(s) or applicant, on behalf of the owner(s) shall submit a statutory declaration **prior to lodgement of the relevant Building Permit as set out in the Construction Management and Staging Plan** 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; and

- 8.2 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 the relevant Building Permit as set out in the Construction Management and Staging Plan** 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;

9. Car Parking, Access and Bicycle Facilities

- 9.1 **Prior to the occupation or use of the development**, an updated Parking and Servicing Management Plan shall be submitted to and approved by the City. The Parking and Servicing Management Plan shall generally be in accordance with the submitted Parking Management Plan (Lateral Planning) and is to include, but not limited to, the following:

- Detailed management measures for the operation of the vehicular entry gates, to ensure access is readily available for guests, staff and other users at all times.
- The allocation of the 40 Hotel car parking bays in the Robinson Avenue car park area, inclusive of one ACROD car parking bay, with 30 bays for guests and 10 bays for staff during the day, and 37 bays for guests and 3 bays for staff at night.
- Detailed management measures for the reservation and management of the Hotel guest and staff car parking bays, including the times when the car parking bay allocation will be changed over and how this will be managed.
- The location and provision of signage for the purpose of identifying the car parking bays allocated to Hotel guests and staff and for what time periods.
- The size of vehicles to be used for the purposes of waste collection, servicing and deliveries to the Monger Street car park area.



- The management and timing of waste collection, servicing and deliveries to the Monger Street car park area for the purpose of ensuring that there is no vehicle conflict when within, entering or exiting the car park area.

The approved Parking and Servicing Management Plan shall be implemented, and the development shall be carried out in accordance with the approved Parking and Servicing Management Plan and approved plans, to the satisfaction of the City at the expense of the owners/occupiers.

9.2 **Prior to occupation or use of the development**, 40 Hotel guest and staff car parking bays and one commercial tenancy car parking bay shall be provided on site and are to be permanently marked for the exclusive use of Hotel and commercial tenancy parking in accordance with Australian Standard AS2890.1.

9.3 All driveways, car parking and manoeuvring area(s) which form part of this approval shall be sealed, drained, paved and line marked in accordance with the approved plans and with Australian Standard AS2890.1, **prior to the occupation or use of the development** and maintained thereafter by the owner/occupier, to the satisfaction of the City.

9.4 **Prior to the occupation or use of the development**, a minimum of 40 bicycle parking bays shall be provided on site in accordance with the approved plans to the satisfaction of the City. The design and construction of the bike bays shall be in accordance with Australian Standards AS2890.3: 2015 Parking Facilities Part 3: Bicycle Parking.

## 10. Cash-in-lieu of Car Parking

10.1 A cash-in-lieu contribution shall be paid to the City for the shortfall of 4.5 car parking bays, based on the cost of \$5,400 per bay as set out in the City's 2022-23 Schedule of Fees and Charges being a contribution of \$24,300 **prior to the commencement of development** or by entering into a written agreement with the City to pay the cash-in-lieu over an agreed period up to five years.

10.2 Prior to the occupation or use of the development the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:

a) pay a cash-in-lieu contribution of \$24,300 for the equivalent value of 4.5 car parking bays, based on the cost of \$5,400 per bay as set out in the City's 2022-23 Schedule of Fees and Charges;

OR

b) lodge an appropriate assurance bond/ bank guarantee of a value of \$24,300 to the satisfaction of the City. This assurance bond / bank guarantee will only be released to the owner(s) / applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.



11. Signage

All signage is to be in strict accordance with the City's Local Planning Policy: Signs and Advertising, unless further development approval is obtained.

12. Acoustic Report

**Prior to the issue of the relevant Building Permit as set out in the Construction Management and Staging Plan**, the submitted acoustic report (Lloyd George Acoustics, 2 December 2021) shall be updated to demonstrate compliance with the City's Sound Attenuation Policy No. 7.5.21, namely in relation to the details of the commercial tenancy and to Section 4.4 and demonstrating that all mechanical plant / equipment proposed to be installed would comply with the *Environmental Protection (Noise) Regulations 1997*. All recommended measures included in this updated report shall be implemented as part of the development, to the satisfaction of the City **prior to the use or occupation of the development** and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers.

13. Waste Management Plan

The approved Waste Management Plan (Instant Waste Management, March 2022) shall be operated in accordance with and must be implemented at all times to the satisfaction of the City.

14. Construction Management Plan

**Prior to the issue of a Building Permit**, a Construction Management and Staging Plan is to be prepared and submitted to the City that details how the construction of the development will be staged and managed to minimise the impact on the surrounding area (including demolition and/or forward works). The Construction Management and Staging 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;
- Building Permit and implementation staging; and
- Compliance with AS4970-2009 relating to the protection of trees.



15. Environmentally Sustainable Design

All of the details and recommended measures of the approved sustainability report prepared by Sustainability WA, shall be implemented **prior to the occupation or use of the development**, to the satisfaction of the City.

16. Management Plan and Code of Conduct

16.1 **Prior to the occupation or use of the development**, an updated Management Plan and Code of Conduct shall be submitted to and approved by the City. This shall generally be in accordance with the submitted Hotel Management Plan (The Great Southern Hotel, 2 June 2016), and shall address the minimum requirements of the City's Local Planning Policy: Short Term Accommodation as well as specifically, the control of noise and guest requirements in relation to the use of the balconies and roof terrace shown on the approved plans, and the appropriate guest behaviour and management procedures for when guests are entering and exiting the Hotel and using Robinson Avenue. The development shall operate in accordance with the updated Management Plan and Code of Conduct at all times, to the satisfaction of the City. All of the recommended measures included shall be implemented as part of the development, to the satisfaction of the City **prior to the use or occupation of the development** and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers.

16.2 The Management Plan and Code of Conduct is to be reviewed to the satisfaction of the City:

- every 24 months or as improvements are identified by the operator or the City; and
- within 30 days of a change of the Hotel operator.

16.3 The purpose of the review as set out in condition 15.2 above is to consider whether any additional and/or updated measures or procedures are required in response to the Hotel operations or the presence of or potential risk of anti-social behaviour at or around the Hotel as identified through any issues or complaints received by the City or in an incident register maintained by the operator.

16.4 Any changes identified during a review as set out in condition 15.2 and 15.3 above are to be incorporated into an updated Management Plan and Code of Conduct, and approved by the City. The development shall operate in accordance with the Management Plan and Code of Conduct as amended from time to time to the satisfaction of the City.

17. Stormwater

17.1 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.



- 17.2 **Prior to the issue of the relevant Building Permit as set out in the Construction Management and Staging Plan**, a geotechnical report prepared by a qualified consultant shall be submitted to and approved by the City. This report is to demonstrate if on-site retention of stormwater is possible, or if connection to the City's drainage system is required.

All stormwater produced on the subject land shall be retained on site, or connected to the City's drainage system at the expense of the applicant/landowner, in accordance with the recommendations of the approved geotechnical report, to the satisfaction of the City.

### Advice Notes

1. This is a development approval issued under the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme only. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/owner to obtain any other necessary approvals and to commence and carry out development in accordance with all other laws.
2. If the development the subject of this approval is not substantially commenced within a period of four years the approval will lapse and be of no further effect. 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.
3. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.
4. The owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls.
5. No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning.
6. 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.
7. 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.





8. The City encourages landscaping methods and species selection which do not rely on reticulation.
9. The subject site has been identified as potentially being in an area affected by acid sulfate soils. As such it is the applicant/owner's responsibility to ensure that all building works comply with the Acid Sulfate Soils Planning Guidelines published by the Western Australian Planning Commission and the Department of Water and Environmental Regulation's requirements. For more information please contact the Department of Water and Environmental Regulation on (08) 6364 7000. An acid sulfate soils management plan may be required to be submitted as part of the geotechnical report.
10. No further consideration shall be given to the disposal of stormwater 'offsite' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater 'offsite' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings.
11. With respect to the geotechnical report, should connection to the City's drainage infrastructure be required, this is to be in accordance with the City's Policy No. 2.2.10 – Stormwater Drainage Connections.
12. Lighting is to be designed in accordance with the Australian Standards for the Control of Obtrusive Effects of Outdoor Lighting (AS4282) and shall be internally directed to not overspill into nearby lots. All floodlights shall be oriented and hooded to eliminate disturbance to occupants on the surrounding properties.

#### **AMENDING MOTION 1**

**Moved by:** Cr Ashley Wallace

**Seconded by:** Cr Jonathan Hallett

*That Condition Nos. 10.1 & 10.2 be amended to read as follows:*

10. *Cash-in-lieu of Car Parking*

*10.1 A cash-in-lieu contribution shall be paid to the City for the shortfall of **11** car parking bays, based on the cost of \$5,400 per bay as set out in the City's 2022-23 Schedule of Fees and Charges being a contribution of ~~\$24,300~~ **\$59,400 prior to the commencement of development** or by entering into a written agreement with the City to pay the cash-in-lieu over an agreed period up to five years.*

*10.2 Prior to the occupation or use of the development the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:*



a) pay a cash-in-lieu contribution of ~~\$24,300~~ **\$59,400** for the equivalent value of ~~4.5~~ **11** car parking bays, based on the cost of \$5,400 per bay as set out in the City's 2022-23 Schedule of Fees and Charges;

OR

b) lodge an appropriate assurance bond/ bank guarantee of a value of ~~\$24,300~~ **\$59,400** to the satisfaction of the City. This assurance bond / bank guarantee will only be released to the owner(s) / applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** An increase in the cash in lieu contribution was considered warranted given the limited on-site parking and pressure for on-street parking

### **REPORT RECOMMENDATION (AS AMENDED)**

That the Metro Inner-North JDAP resolves to:

1. **Approve** DAP Application reference DAP/22/02169 and accompanying plans included in **Attachment 2** (Plan No. A100 to 106) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Vincent Local Planning Scheme No. 2, subject to the following conditions:

#### **Conditions**

1. General

- 1.1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
- 1.2. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
- 1.3. This approval is for Alterations and Additions to Hotel as shown on the approved plans dated 27 July 2022. No other development forms part of this approval.

2. Use of Commercial Tenancy

This approval is for a Restaurant/Café as defined in the City of Vincent Local Planning Scheme No. 2:



***Restaurant/Café** means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licensed under the Liquor Control Act 1988.*

3. Boundary Walls

The surface finish of boundary walls facing adjoining properties shall be of a good and clean condition, **prior to the occupation or use of the development**, and thereafter maintained, to the satisfaction of the City. The finish of boundary walls is to be fully rendered or face brick, or material as otherwise approved, to the satisfaction of the City.

4. Colours and Materials

**Prior to the issue of the relevant Building Permit as set out in the Construction Management and Staging Plan**, a schedule detailing the colours, materials and finishes of the building materials, demonstrating that the proposed development complements the surrounding area, is generally in accordance with the approved plans and has a roof colour and material with a solar absorptance rating of 0.4 or less, must be submitted to and approved by the City. The development must be finished, and thereafter maintained, in accordance with the schedule provided to and approved by the City, **prior to occupation or use of the development**, to the satisfaction of the City.

5. Building Design

5.1. The pedestrian access way along the south-east boundary as shown on the approved plans and connecting Monger Street to the Hotel shall be available for the exit of guests from the Hotel at all times.

5.2. The Restaurant/Café shall maintain an active and interactive relationship with Monger Street during the hours of operation, to the satisfaction of the City. Darkened, obscured, mirrored or tinted glass, roller shutters or the like are prohibited. Curtains, blinds and other internal treatments that obscure the view of the internal area from Monger Street are not permitted to be used during the hours of the Restaurant/Café's operation.

5.3. Ground floor glazing and/or tinting to the Restaurant/Cafe 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 are prohibited.

5.4. All external fixtures, such as television antennas (of a non-standard type), radio and other antennae, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive to the satisfaction of the City.

5.5. Meter boxes and fire boosters shall be located behind the building line, not be visible from the street and where integrated into the building, designed and located so as not to be visually obtrusive, to the satisfaction of the City.



6. Landscaping

6.1. 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 the issue of the relevant Building Permit as set out in the Construction Management and Staging Plan**. The plan shall be drawn to a scale of 1:100, be generally in accordance with the approved plans dated 27 July 2022 and show the following:

- The location and type of existing and proposed trees and plants;
- Areas to be irrigated or reticulated;
- The provision of a minimum 1.5 percent deep soil areas, as defined by the City's Policy No. 7.1.1 – Built Form;
- The provision of a minimum of 16.6 percent planting areas and on structure planting areas surrounding the roof terrace in accordance with the location and dimensions in the approved plans; and
- The provision of a minimum of five trees contributing towards canopy coverage within the deep soil and planting areas provided. The tree species are to be in accordance with the City's recommended tree species list.

6.2. All works shown in the plans as identified in Condition 6.1 above shall be undertaken in accordance with the approved plans to the satisfaction of the City, **prior to occupation or use of the development** and maintained thereafter to the satisfaction of the City, at the expense of the owners/occupiers.

7. Amalgamation

In accordance with the City's Policy No. 7.5.19 – Amalgamation Condition on Planning Approvals, **prior to occupation or use of the development**, the subject land (Lots 38, 39, 40, 41, 42, 43, 44, 59 and 214) shall be amalgamated into a single lot on the Certificate of Title.

8. Public Art

8.1 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 \$60,000 being one percent of the \$6.0 million cost of development.

In order to comply with the Policy, the owner(s) or applicant, on behalf of the owner(s) shall submit a statutory declaration **prior to lodgement of the relevant Building Permit as set out in the Construction Management and Staging Plan** 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; and

- 8.2 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 the relevant Building Permit as set out in the Construction Management and Staging Plan** 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;

## 9. Car Parking, Access and Bicycle Facilities

- 9.1 **Prior to the occupation or use of the development**, an updated Parking and Servicing Management Plan shall be submitted to and approved by the City. The Parking and Servicing Management Plan shall generally be in accordance with the submitted Parking Management Plan (Lateral Planning) and is to include, but not limited to, the following:

- Detailed management measures for the operation of the vehicular entry gates, to ensure access is readily available for guests, staff and other users at all times.
- The allocation of the 40 Hotel car parking bays in the Robinson Avenue car park area, inclusive of one ACROD car parking bay, with 30 bays for guests and 10 bays for staff during the day, and 37 bays for guests and 3 bays for staff at night.
- Detailed management measures for the reservation and management of the Hotel guest and staff car parking bays, including the times when the car parking bay allocation will be changed over and how this will be managed.
- The location and provision of signage for the purpose of identifying the car parking bays allocated to Hotel guests and staff and for what time periods.
- The size of vehicles to be used for the purposes of waste collection, servicing and deliveries to the Monger Street car park area.
- The management and timing of waste collection, servicing and deliveries to the Monger Street car park area for the purpose of ensuring that there is no vehicle conflict when within, entering or exiting the car park area.



The approved Parking and Servicing Management Plan shall be implemented, and the development shall be carried out in accordance with the approved Parking and Servicing Management Plan and approved plans, to the satisfaction of the City at the expense of the owners/occupiers.

9.2 **Prior to occupation or use of the development**, 40 Hotel guest and staff car parking bays and one commercial tenancy car parking bay shall be provided on site and are to be permanently marked for the exclusive use of Hotel and commercial tenancy parking in accordance with Australian Standard AS2890.1.

9.3 All driveways, car parking and manoeuvring area(s) which form part of this approval shall be sealed, drained, paved and line marked in accordance with the approved plans and with Australian Standard AS2890.1, **prior to the occupation or use of the development** and maintained thereafter by the owner/occupier, to the satisfaction of the City.

9.4 **Prior to the occupation or use of the development**, a minimum of 40 bicycle parking bays shall be provided on site in accordance with the approved plans to the satisfaction of the City. The design and construction of the bike bays shall be in accordance with Australian Standards AS2890.3: 2015 Parking Facilities Part 3: Bicycle Parking.

#### 10. Cash-in-lieu of Car Parking

10.1 A cash-in-lieu contribution shall be paid to the City for the shortfall of 11 car parking bays, based on the cost of \$5,400 per bay as set out in the City's 2022-23 Schedule of Fees and Charges being a contribution of \$59,400 **prior to the commencement of development** or by entering into a written agreement with the City to pay the cash-in-lieu over an agreed period up to five years.

10.2 Prior to the occupation or use of the development the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:

a) pay a cash-in-lieu contribution of \$59,400 for the equivalent value of 11 car parking bays, based on the cost of \$5,400 per bay as set out in the City's 2022-23 Schedule of Fees and Charges;

OR

b) lodge an appropriate assurance bond/ bank guarantee of a value of \$59,400 to the satisfaction of the City. This assurance bond / bank guarantee will only be released to the owner(s) / applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.

#### 11. Signage

All signage is to be in strict accordance with the City's Local Planning Policy: Signs and Advertising, unless further development approval is obtained.



12. Acoustic Report

**Prior to the issue of the relevant Building Permit as set out in the Construction Management and Staging Plan**, the submitted acoustic report (Lloyd George Acoustics, 2 December 2021) shall be updated to demonstrate compliance with the City's Sound Attenuation Policy No. 7.5.21, namely in relation to the details of the commercial tenancy and to Section 4.4 and demonstrating that all mechanical plant / equipment proposed to be installed would comply with the *Environmental Protection (Noise) Regulations 1997*. All recommended measures included in this updated report shall be implemented as part of the development, to the satisfaction of the City **prior to the use or occupation of the development** and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers.

13. Waste Management Plan

The approved Waste Management Plan (Instant Waste Management, March 2022) shall be operated in accordance with and must be implemented at all times to the satisfaction of the City.

14. Construction Management Plan

**Prior to the issue of a Building Permit**, a Construction Management and Staging Plan is to be prepared and submitted to the City that details how the construction of the development will be staged and managed to minimise the impact on the surrounding area (including demolition and/or forward works). The Construction Management and Staging 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;
- Building Permit and implementation staging; and
- Compliance with AS4970-2009 relating to the protection of trees.

15. Environmentally Sustainable Design

All of the details and recommended measures of the approved sustainability report prepared by Sustainability WA, shall be implemented **prior to the occupation or use of the development**, to the satisfaction of the City.



## 16. Management Plan and Code of Conduct

16.1 **Prior to the occupation or use of the development**, an updated Management Plan and Code of Conduct shall be submitted to and approved by the City. This shall generally be in accordance with the submitted Hotel Management Plan (The Great Southern Hotel, 2 June 2016), and shall address the minimum requirements of the City's Local Planning Policy: Short Term Accommodation as well as specifically, the control of noise and guest requirements in relation to the use of the balconies and roof terrace shown on the approved plans, and the appropriate guest behaviour and management procedures for when guests are entering and exiting the Hotel and using Robinson Avenue. The development shall operate in accordance with the updated Management Plan and Code of Conduct at all times, to the satisfaction of the City. All of the recommended measures included shall be implemented as part of the development, to the satisfaction of the City **prior to the use or occupation of the development** and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers.

16.2 The Management Plan and Code of Conduct is to be reviewed to the satisfaction of the City:

- every 24 months or as improvements are identified by the operator or the City; and
- within 30 days of a change of the Hotel operator.

16.3 The purpose of the review as set out in condition 15.2 above is to consider whether any additional and/or updated measures or procedures are required in response to the Hotel operations or the presence of or potential risk of anti-social behaviour at or around the Hotel as identified through any issues or complaints received by the City or in an incident register maintained by the operator.

16.4 Any changes identified during a review as set out in condition 15.2 and 15.3 above are to be incorporated into an updated Management Plan and Code of Conduct, and approved by the City. The development shall operate in accordance with the Management Plan and Code of Conduct as amended from time to time to the satisfaction of the City.

## 17 Stormwater

17.1 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.

17.2 **Prior to the issue of the relevant Building Permit as set out in the Construction Management and Staging Plan**, a geotechnical report prepared by a qualified consultant shall be submitted to and approved by the City. This report is to demonstrate if on-site retention of stormwater is possible, or if connection to the City's drainage system is required.





All stormwater produced on the subject land shall be retained on site, or connected to the City's drainage system at the expense of the applicant/landowner, in accordance with the recommendations of the approved geotechnical report, to the satisfaction of the City.

### **Advice Notes**

1. This is a development approval issued under the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme only. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/owner to obtain any other necessary approvals and to commence and carry out development in accordance with all other laws.
2. If the development the subject of this approval is not substantially commenced within a period of four years the approval will lapse and be of no further effect. 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.
3. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.
4. The owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls.
5. No verge trees shall be removed. The verge trees shall be retained and protected from any damage including unauthorised pruning.
6. 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.
7. 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.
8. The City encourages landscaping methods and species selection which do not rely on reticulation.
9. The subject site has been identified as potentially being in an area affected by acid sulfate soils. As such it is the applicant/owner's responsibility to ensure that all building works comply with the Acid Sulfate Soils Planning Guidelines published by the Western Australian Planning Commission and the Department of Water and Environmental Regulation's requirements. For more information please contact the



Department of Water and Environmental Regulation on (08) 6364 7000. An acid sulfate soils management plan may be required to be submitted as part of the geotechnical report.

10. No further consideration shall be given to the disposal of stormwater 'offsite' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater 'offsite' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings.
11. With respect to the geotechnical report, should connection to the City's drainage infrastructure be required, this is to be in accordance with the City's Policy No. 2.2.10 – Stormwater Drainage Connections.
12. Lighting is to be designed in accordance with the Australian Standards for the Control of Obtrusive Effects of Outdoor Lighting (AS4282) and shall be internally directed to not overspill into nearby lots. All floodlights shall be oriented and hooded to eliminate disturbance to occupants on the surrounding properties.

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

**REASON:** The proposed development is considered consistent with the planning framework and the building design, scale and form is appropriate with the character and context of the site. The inclusion of a café to the Monger Street frontage is considered to enhance the streetscape interaction. Minor condition modifications to increase the cash in lieu contribution were supported given the limited on-site parking and pressure for on-street parking. On balance the JDAP supported the proposal consistent with comments contained within the RAR and minor condition modifications as contained in the applicants submission and supported by city officers.

**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/21/02136 DR60/2022	City of Nedlands	No. 43 Esplanade, Nedlands	Proposed Mixed Use Development - One consulting room and three multiple dwellings	01/04/2022
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
DAP/20/01923 DR89/2022	City of Subiaco	Lot 11 (No.379), Lot 81 (375), Lot 82 (377) Railway Road, Lot 80 (101), Lot 84 (No.97), Lot 85 (No.99), Evans Street, Shenton Park	5 storey mixed use development & demolition of existing building on Lot 82	30 May 2022

## 11. General Business

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

## 12. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 12:05pm.