



Metro-Inner North Joint Development Assessment Panel Minutes

Meeting Date and Time: Wednesday, 28 September 2022; 9.30am
Meeting Number: MINJDAP/155
Meeting Venue: City of Vincent
244 Vincent Street, Leederville

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Attendance

DAP Members

Ms Francesca Lefante (Presiding Member)
Ms Gabriela Poezyn (A/Deputy Presiding Member)
Mr John Syme (Third Specialist Member)
Cr Susan Gontaszewski (Local Government Member, City of Vincent)
Cr Ashley Wallace (Local Government Member, City of Vincent)

Officers in attendance

Item 8.1

Mr Dan McCluggage (City of Vincent)
Mr John Corbellini (City of Vincent)

Item 8.2

Mr Mitchell Hoad (City of Vincent)

Minute Secretary

Ms Kylie Tichelaar (City of Vincent)

Applicants and Submitters

Item 8.1

Mr Peter Macliver
Ms Kylee Schoonens (Fratelle Architecture)
Ms Bianca Sandri (Urbanista Town Planning)

Item 8.2

Mr Thomas Bruins
Mr Daniel Visser (Parcel Property)
Mr Jonathan Ng (Plus Architecture)
Mr Peter Simpson (PTS Town Planning)

Members of the Public / Media

There were 6 members of the public in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:31am on 28 September 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

Ms Lee O'Donohue (Deputy Presiding Member)

3. Members on Leave of Absence

DAP Member, Ms Lee O'Donohue has been granted leave of absence by the Director General for the period of 1 September 2022 to 28 September 2022 inclusive.

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 Mr Peter Macliver addressed the DAP against the recommendation for the application at Item 8.1.
- 7.2 Ms Bianca Sandri (Urbanista Town Planning) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.3 Ms Kylee Schoonens (Fratelle Architecture) addressed the DAP 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 responded to questions from the panel in relation to Item 8.1.

The presentations at Item 7.1 – 7.4 were heard prior to the application at Item 8.1.



- 7.5** Mr Thomas Bruins addressed the DAP against the recommendation for the application at Item 8.2.
- 7.6** Mr Daniel Visser (Parcel Property) addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.
- 7.7** Mr Jonathan Ng (Plus Architecture) addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.
- 7.8** Mr Peter Simpson (PTS Town Planning) 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 responded to questions from the panel in relation to Item 8.1.

The presentations at Items 7.5 - 7.9 were heard prior to the application at Item 8.2.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 No. 170-180 (Lots: 14, 15 & 16; D/P: 384) Brisbane Street

Development Description: 10 Grouped Dwellings
Applicant: Urbanista Town Planning
Owner: Alexandra Farsalas & Aikaterini Katsavounidis
Responsible Authority: City of Vincent
DAP File No: DAP/22/02170

REPORT RECOMMENDATION

Moved by: Cr Susan Gontaszewski

Seconded by: Cr Ashley Wallace

That the Metro Inner-North JDAP resolves to:

- Approve** DAP Application reference DAP/22/02170 and accompanying plans as 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.

2. Visual Privacy

Prior to occupancy or use of the development, all privacy screening shown on the approved plans shall be installed and shall be visually impermeable and is to comply in all respects with the requirements of Clause 5.4.1 of the Residential Design Codes (Visual Privacy) deemed to comply provisions, to the satisfaction of the City.

3. Public Art

3.1. 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 \$55,000 being one percent of the \$5.5 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 percent discount on the Percent for Art contribution.

3.2. The owner(s), or the applicant on behalf of the owner(s), shall comply with the City of Vincent Policy No. 7.5.13 – Percent for Public Art 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.



4. Landscaping

- 4.1. All works shown in the approved landscaping plans prepared by The Greenscape Collective and dated 10 May 2022 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.
- 4.2. 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.
- 4.3. **Prior to occupancy or use of the development**, two new verge trees shall be planted within the Brisbane Street verge adjacent to the subject site, at the expense of the applicant/owner, to the satisfaction of the City. The species of the new street tree shall be *Angophora costata* (Apple Gum) and shall be a minimum of 200 litre capacity.

5. Schedule of External Finishes

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**.

6. Car Parking and Access

- 6.1. 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 occupancy or use of the development** and maintained thereafter by the owner/occupier to the satisfaction of the City.
- 6.2. The layout and dimensions of all driveway(s) and parking area(s) shall be in accordance with AS2890.1.
- 6.3. **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.

7. 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.

8. External Fixtures

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.



9. Acoustic Report

All of the recommended measures included in the approved acoustic report prepared by Stantec and dated 8 April 2022 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.

10. Construction Management Plan

Prior to the commencement of development 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.

11. Amalgamation of Lots

In accordance with the City's Policy No. 7.5.19 – Amalgamation Condition on Planning Approvals, **prior to the commencement of development**, Lots 14, 15 and 16 ('The lots') are to be amalgamated into a single lot on a Certificate of Title; or alternatively, the owner entering into a legal agreement with the City and secured by an absolute caveat lodged over the certificates of title to the Lots requiring the amalgamation to be completed within twelve months of the issue of a Building Permit for the proposed works.

The owner shall be responsible to pay all costs associated with the City's solicitor's costs incidental to the preparation of (including all drafts) and stamping of the agreement and lodgement of the absolute caveat.

Prior to the occupation of the development, the subject land shall be amalgamated into one lot on the Certificate of Title.



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. In reference to the visual privacy screening requirements, Clause 5.4.1 C1.2 Visual Privacy requirements of the R codes states that *screening devices such as obscure glazing, timber screens, external blinds, window hoods and shutters are to be at least 1.6m in height, at least 75 percent obscure, permanently fixed, made of durable material and restrict view in the direction of the overlooking into any adjoining property.*



9. 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.
10. The applicant is advised that any future strata title of the property must be consistent with this approval and the lot sizes demonstrated in the application.
11. In reference to the amalgamation of Lots requirements, this condition would be satisfied in the instance that the conditions of the approved subdivision are cleared and new titles issued for the 10 proposed lots prior to the issue of a building permit.
12. The City of Vincent's Health Services team have provided the following advice:

The premises is to be provided with a suitable enclosure for the storage and cleaning of refuse receptacles. The enclosure is to be provided with:

- a) a tap connected to an adequate supply of water;
- b) adequate ventilation to remove objectionable odours;
- c) of sufficient size to accommodate all receptacles used on the premises but in any event having floor area not less than 3 square metres;
- d) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the City;
- e) having walls not less than 1.5 metres in height and having an access way of not less than 1 metre in width and fitted with a self-closing gate;
- f) containing a smooth and impervious floor-
 - of not less than 75 millimetres in thickness; and
 - which is evenly graded to an approved liquid refuse disposal system and
 - which is easily accessible to allow for the removal of the receptacles.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The panel members were of the opinion that the proposal is consistent with the planning framework and scheme provisions. The townhouse building form is a welcomed and positive street interface and is appropriate with the future character and context of the location of the site. The retention of the character building, design and materials is considered to complement the eclectic mix of housing and buildings in the area. Modifications to the design have successfully addressed overlooking, and removal of the garage and retention of mature street tree fronting Brisbane Street improvements the streetscape. Due regard was given to the Built Form Guidelines and the envisaged future streetscape, including setbacks, height and form. On balance the proposal is supported having regard to the above and the reasons as given in the RAR.



8.2 No. 370-374 (Lots: 8 & 16) Oxford Street, Mount Hawthorn

Development Description: Proposed Mixed Use Development
Applicant: PTS Town Planning
Owner: Thirty Three Pty Ltd
Responsible Authority: City of Vincent
DAP File No: DAP/22/02241

REPORT RECOMMENDATION

Moved by: Cr Susan Gontaszewski

Seconded by: Cr Ashley Wallace

That the Metro Inner North JDAP resolves to:

1. **Approve** DAP Application reference DAP/22/02241 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 a mixed use development comprising of 36 Multiple Dwellings and one Shop as shown on the approved plans dated 31 August 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. Doors and windows and adjacent floor areas fronting Oxford Street and Anzac Road shall maintain an active and interactive relationship with this street, darkened obscured, mirrored or tinted glass or other similar materials as considered by the City is prohibited.
- 2.4. 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.
- 2.5. Metre boxes shall be located behind the primary street setback area, not be visible from the street or be integrated into the building, to the satisfaction of the City.
- 2.6. The fire hydrant booster shall be integrated into the design of the building, to the satisfaction of the City.
- 2.7. The awning within the Oxford Street and Anzac Road reservations attached to the façade of the building shall be designed to be removable, to the satisfaction of the City.
- 2.8. All privacy screening shown on the plans is to be installed **prior to the occupation or use of the development** to a minimum height of 1.6 metres above the finished floor level and be 75% obscure, permanently fixed, made of durable material and restricts views into any adjoining property

This privacy screening is to be shown on the plans at the time of lodging a Building Permit.

3. Colours and Materials

Prior to the issuing of a building permit, a schedule detailing the colour and texture of the building materials, demonstrating that the proposed development complements the surrounding area, and included details of the finish of the northern and eastern boundary walls. The schedule must be submitted to and approved by the City to the satisfaction of the City's Design Review Panel.

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**

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 31 August 2022 prepared by See Design Studio 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 1.9 percent deep soil area, as defined by the Residential Design Codes Volume 2;



- The provision of a minimum of 31.8 percent on-structure planting areas;
 - The provision of a minimum of three medium and 18 small trees contributing towards 37.2 percent canopy coverage within deep soil areas and on-structure planting areas provided. The tree species are to be in accordance with the City's recommended tree species list;
 - The provision of new trees within the verge adjacent to the subject site to the satisfaction of the City, including:
 - One additional street tree within the Oxford Street verge, being either *Melaleuca viridiflora* or *Melaleuca leucadendra* with a minimum of 90 litre capacity; and
 - Two additional street trees within the Anzac Road verge, being either *Eucalyptus victrix* or *Agonis flexuosa* with a minimum of 90 litre capacity.
- 4.2. All works shown in the approved landscaping plan 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.
- 4.3. No verge trees shall be removed without the prior written approval of the City. Verge trees shall be retained and protected from damage including unauthorised pruning to the satisfaction of the City. Prior to any pruning of verge trees, an arborist report shall be prepared by the landowner and submitted to the City.
5. Car Parking, Access and Bicycle Facilities
- 5.1. **Prior to the first occupation or use of the development**, a minimum of 33 resident bay, six visitor bays, 10 non-residential bays shall be provided on site and are to be permanently marked for the exclusive use of the mixed use development parking in accordance with Australian Standard AS2890.1.
- 5.2. **Prior to the first occupation or use of the development**, the car parking spaces provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development.
- 5.3. Six 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.
- 5.4. 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 or use of the development** and maintained thereafter by the owner/occupier to the satisfaction of the City.
- 5.5. **Prior to the first occupation 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.



- 5.6. Bicycle racks shall be designed and constructed in accordance with Australian Standards AS2890.3: 2015 Parking Facilities Part 3: Bicycle Parking, and shall be installed **prior to occupancy or use of the development** in the following locations, to the satisfaction of the City:
- A minimum of three long term bicycle racks provided on-site; and
 - A minimum of four short term bicycle racks provided within the adjacent verge.
- 5.7. **Prior to the occupation or use of the development**, an amended Parking Management Plan shall be submitted to and approved by the City. The Parking Management Plan is to include, but not limited to, addressing the following:
- Detailed management measures for the operation of the vehicular entry gate/s, to ensure access is readily available for owners/visitors/tenants to the residential and non-residential units at all times;
 - The installation of signage along the Anzac Road frontage of the building to identify the location of, and access to the on-site car parking area. and
 - The allocation of the car parking bays to ensure that there is a minimum of 33 resident bays, six visitor bays and 10 non-residential bays.

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

6. Acoustic Report and Noise Management

- 6.1. **Prior to the issue of the building permit** a revised Acoustic Report shall be lodged with and approved by the City, in accordance with the City's Policy No. 7.5.21 – Sound Attenuation. The revised acoustic report shall include details related to mechanical and plant equipment.
- 6.2. All recommended measures included in the approved Acoustic Report and the SPP5.4 Road Traffic Noise Assessment dated 30 August 2021 shall be implemented **prior to the occupation or use of the development** and be maintained thereafter, to the satisfaction of the City, at the expense of the owners/occupiers.

Written certification from an acoustic consultant shall be provided to the City demonstrating that the recommended measures have been undertaken to the City's satisfaction, **prior to occupancy or use of the development**.

- 6.3. A Notification under Section 70A of the *Transfer of Land Act 1893* must be registered over the certificate of title to the land the subject of the proposed development. The notification shall notify owners and prospective purchasers of the property as follows:



“The lot is situated in the vicinity of a transport corridor and in close proximity to commercial and non-residential activities. The use or enjoyment of the property may be affected by increased noise levels resulting from live and/or amplified music, traffic, car parking and other impacts associated with nearby commercial and non-residential activities within the transport corridor.”

This notification shall be lodged and registered **prior to the occupation or use of the development.**

7. Construction Management

7.1. **Prior to the issue of a Building Permit**, a Construction Management 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 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;
- Where undertaken by the builder, 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.

7.2. The approved Construction Management Plan shall be complied with at all times, for the duration of the construction of the development.

8. 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.

9. 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.



10. Sight Lines

No walls, letterboxes or fences above 0.75 metres in height to be constructed within the 1.5 metre of where:

- walls, letterboxes or fences adjoin vehicular access points to the site; or
- a driveway meets a public street; or
- two streets intersect;

Unless otherwise approved by the City of Vincent.

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 \$150,000 being one percent of the \$15 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. Waste Management

13.1. **Prior to the issue of a Building Permit** an amended Waste Management Plan must be submitted to and approved by the City. The plan must include the following details to the satisfaction and specification of the City:

- Fortnightly collection of residential recycling bins; or
- The provision of residential bins in accordance with the City's Waste Guidelines, including
 - Nine x 240L general waste bins;
 - Either 12 x 240L or eight x 360L recycling bins; and
 - Four x 240L FOGO bins.

13.2. The approved Waste Management Plan shall be complied with at all times, for the duration of the construction of the development.

14. 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 8 and 16) shall be amalgamated into a single lot on the Certificate of Title.

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 must be retained. The proposed crossover levels shall match into the existing footpath levels. Should the footpath not 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 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.
3. 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.
4. With reference to boundary walls, 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. In reference the Construction Management Plan, the owner/applicant may be required to obtain a Work Zone Permit from the City in order to satisfy this Condition due to the location of the site with 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. Any external artificial lighting installations, including in carparks and common areas, is to comply with Australian Standard AS 4282-1997 'Control of the obtrusive effects of outdoor lighting' and must not be permitted to shine or reflect into other properties, creating a nuisance.
7. The development is to be provided with a suitable enclosure for the storage and cleaning of refuse receptacles. The applicant is advised that the enclosure is to be provided with:
 - A tap connected to an adequate supply of water;
 - Adequate ventilation to remove objectionable odours;
 - Be of sufficient size to accommodate all receptacles used on the premises but in any event having floor area not less than 3 square metres;
 - Be constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the City;
 - Have walls not less than 1.5 metres in height and having an access way of not less than 1 metre in width and fitted with a self-closing gate;
 - Contain a smooth and impervious floor-
 - of not less than 75 millimetres in thickness; and
 - which is evenly graded to an approved liquid refuse disposal system; and
 - Which is easily accessible to allow for the removal of the receptacles.
8. Visually permeable is defined as *"in reference to a wall, gate, door or fence that the vertical surface has continuous vertical or horizontal gaps of 50mm or greater width occupying not less than one third of the total surface area; continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate; or a surface offering equal or lesser obstruction to view; as viewed directly from the street"*.
9. The approved landscaping plan is required to be maintained once implemented and maintenance requirements should be outlined in the strata management plan to ensure landscaping areas within strata properties are suitably maintained. Modifications to the approved landscaping that has been installed on site at the time of occupancy will require subsequent approval of the City.
10. The applicant and landowner are advised that sufficient parking can be provided on the subject site and as such the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential dwellings. This information should be provided to all prospective purchasers and it is recommended that a notice be placed on Sales Contracts to advise purchasers of this restriction.
11. The applicant is advised that any future strata title of the property must be consistent with this approval and the lot sizes demonstrated in the application



AMENDING MOTION 1

Moved by: Ms Gabriela Poezyn

Seconded by: Cr Ashley Wallace

The following amendments to the report recommendation were made en bloc:

- (i) That Condition No. 3 be amended to read as follows:

Prior to the issuing of a building permit, a schedule detailing the colour and texture of the building materials, demonstrating that the proposed development complements the surrounding area, and includes details of the finish of the northern and eastern boundary walls shall be submitted to the City for approval. The schedule must be submitted to and approved by the City to the satisfaction of the City's Design Review Panel.

- (ii) That Advice Note 9 be deleted and a new Condition 4.4 be added and the remaining conditions be renumbered accordingly to read as follows:

4.4 The approved landscaping plan is required to be maintained once implemented and maintenance requirements should be outlined in the strata management plan to ensure landscaping areas within strata properties are suitably maintained. Modifications to the approved landscaping that has been installed on site at the time of occupancy will require subsequent approval of the City.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To provide clarity that landscaping onsite and on-structure is the maintenance responsibility of the strata company.

REPORT RECOMMENDATION (AS AMENDED)

1. **Approve** DAP Application reference DAP/22/02241 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 a mixed use development comprising of 36 Multiple Dwellings and one Shop as shown on the approved plans dated 31 August 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. Doors and windows and adjacent floor areas fronting Oxford Street and Anzac Road shall maintain an active and interactive relationship with this street, darkened obscured, mirrored or tinted glass or other similar materials as considered by the City is prohibited.
- 2.4. 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.
- 2.5. Metre boxes shall be located behind the primary street setback area, not be visible from the street or be integrated into the building, to the satisfaction of the City.
- 2.6. The fire hydrant booster shall be integrated into the design of the building, to the satisfaction of the City.
- 2.7. The awning within the Oxford Street and Anzac Road reservations attached to the façade of the building shall be designed to be removable, to the satisfaction of the City.
- 2.8. All privacy screening shown on the plans is to be installed **prior to the occupation or use of the development** to a minimum height of 1.6 metres above the finished floor level and be 75% obscure, permanently fixed, made of durable material and restricts views into any adjoining property

This privacy screening is to be shown on the plans at the time of lodging a Building Permit.

3. Colours and Materials

Prior to the issuing of a building permit, a schedule detailing the colour and texture of the building materials, demonstrating that the proposed development complements the surrounding area, and includes details of the finish of the northern and eastern boundary walls shall be submitted to the City for approval.



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**

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 31 August 2022 prepared by See Design Studio 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 1.9 percent deep soil area, as defined by the Residential Design Codes Volume 2;
- The provision of a minimum of 31.8 percent on-structure planting areas;
- The provision of a minimum of three medium and 18 small trees contributing towards 37.2 percent canopy coverage within deep soil areas and on-structure planting areas provided. The tree species are to be in accordance with the City's recommended tree species list;
- The provision of new trees within the verge adjacent to the subject site to the satisfaction of the City, including:
 - One additional street tree within the Oxford Street verge, being either *Melaleuca viridiflora* or *Melaleuca leucadendra* with a minimum of 90 litre capacity; and
 - Two additional street trees within the Anzac Road verge, being either *Eucalyptus victrix* or *Agonis flexuosa* with a minimum of 90 litre capacity.

4.2 All works shown in the approved landscaping plan 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.

4.3 No verge trees shall be removed without the prior written approval of the City. Verge trees shall be retained and protected from damage including unauthorised pruning to the satisfaction of the City. Prior to any pruning of verge trees, an arborist report shall be prepared by the landowner and submitted to the City.

4.4 The approved landscaping plan is required to be maintained once implemented and maintenance requirements should be outlined in the strata management plan to ensure landscaping areas within strata properties are suitably maintained. Modifications to the approved landscaping that has been installed on site at the time of occupancy will require subsequent approval of the City.



5. Car Parking, Access and Bicycle Facilities

- 5.1. **Prior to the first occupation or use of the development**, a minimum of 33 resident bay, six visitor bays, 10 non-residential bays shall be provided on site and are to be permanently marked for the exclusive use of the mixed use development parking in accordance with Australian Standard AS2890.1.
- 5.2. **Prior to the first occupation or use of the development**, the car parking spaces provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development.
- 5.3. Six 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.
- 5.4. 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 or use of the development** and maintained thereafter by the owner/occupier to the satisfaction of the City.
- 5.5. **Prior to the first occupation 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.
- 5.6. Bicycle racks shall be designed and constructed in accordance with Australian Standards AS2890.3: 2015 Parking Facilities Part 3: Bicycle Parking, and shall be installed **prior to occupancy or use of the development** in the following locations, to the satisfaction of the City:
- A minimum of three long term bicycle racks provided on-site; and
 - A minimum of four short term bicycle racks provided within the adjacent verge.
- 5.7. **Prior to the occupation or use of the development**, an amended Parking Management Plan shall be submitted to and approved by the City. The Parking Management Plan is to include, but not limited to, addressing the following:
- Detailed management measures for the operation of the vehicular entry gate/s, to ensure access is readily available for owners/visitors/tenants to the residential and non-residential units at all times;
 - The installation of signage along the Anzac Road frontage of the building to identify the location of, and access to the on-site car parking area. and
 - The allocation of the car parking bays to ensure that there is a minimum of 33 resident bays, six visitor bays and 10 non-residential bays.

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



6. Acoustic Report and Noise Management

- 6.1. **Prior to the issue of the building permit** a revised Acoustic Report shall be lodged with and approved by the City, in accordance with the City's Policy No. 7.5.21 – Sound Attenuation. The revised acoustic report shall include details related to mechanical and plant equipment.
- 6.2. All recommended measures included in the approved Acoustic Report and the SPP5.4 Road Traffic Noise Assessment dated 30 August 2021 shall be implemented **prior to the occupation or use of the development** and be maintained thereafter, to the satisfaction of the City, at the expense of the owners/occupiers.

Written certification from an acoustic consultant shall be provided to the City demonstrating that the recommended measures have been undertaken to the City's satisfaction, **prior to occupancy or use of the development.**

- 6.3. A Notification under Section 70A of the *Transfer of Land Act 1893* must be registered over the certificate of title to the land the subject of the proposed development. The notification shall notify owners and prospective purchasers of the property as follows:

"The lot is situated in the vicinity of a transport corridor and in close proximity to commercial and non-residential activities. The use or enjoyment of the property may be affected by increased noise levels resulting from live and/or amplified music, traffic, car parking and other impacts associated with nearby commercial and non-residential activities within the transport corridor."

This notification shall be lodged and registered **prior to the occupation or use of the development.**

7. Construction Management

- 7.1. **Prior to the issue of a Building Permit**, a Construction Management 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 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;
 - Where undertaken by the builder, 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.

7.2. The approved Construction Management Plan shall be complied with at all times, for the duration of the construction of the development.

8. 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.

9. 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.

10. Sight Lines

No walls, letterboxes or fences above 0.75 metres in height to be constructed within the 1.5 metre of where:

- walls, letterboxes or fences adjoin vehicular access points to the site; or
- a driveway meets a public street; or
- two streets intersect;

Unless otherwise approved by the City of Vincent.

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 \$150,000 being one percent of the \$15 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. Waste Management

13.1. **Prior to the issue of a Building Permit** an amended Waste Management Plan must be submitted to and approved by the City. The plan must include the following details to the satisfaction and specification of the City:

- Fortnightly collection of residential recycling bins; or
- The provision of residential bins in accordance with the City's Waste Guidelines, including
 - Nine x 240L general waste bins;
 - Either 12 x 240L or eight x 360L recycling bins; and
 - Four x 240L FOGO bins.

13.2. The approved Waste Management Plan shall be complied with at all times, for the duration of the construction of the development.

14. 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 8 and 16) shall be amalgamated into a single lot on the Certificate of Title.

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 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 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.
3. 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.
4. With reference to boundary walls, 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. In reference the Construction Management Plan, the owner/applicant may be required to obtain a Work Zone Permit from the City in order to satisfy this Condition due to the location of the site with 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. Any external artificial lighting installations, including in carparks and common areas, is to comply with Australian Standard AS 4282-1997 'Control of the obtrusive effects of outdoor lighting' and must not be permitted to shine or reflect into other properties, creating a nuisance.
7. The development is to be provided with a suitable enclosure for the storage and cleaning of refuse receptacles. The applicant is advised that the enclosure is to be provided with:
 - A tap connected to an adequate supply of water;
 - Adequate ventilation to remove objectionable odours;
 - Be of sufficient size to accommodate all receptacles used on the premises but in any event having floor area not less than 3 square metres;
 - Be constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the City;
 - Have walls not less than 1.5 metres in height and having an access way of not less than 1 metre in width and fitted with a self-closing gate;
 - Contain a smooth and impervious floor-
 - of not less than 75 millimetres in thickness; and
 - which is evenly graded to an approved liquid refuse disposal system; and
 - Which is easily accessible to allow for the removal of the receptacles.



8. Visually permeable is defined as *“in reference to a wall, gate, door or fence that the vertical surface has continuous vertical or horizontal gaps of 50mm or greater width occupying not less than one third of the total surface area; continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate; or a surface offering equal or lesser obstruction to view; as viewed directly from the street”*.
9. The applicant and landowner are advised that sufficient parking can be provided on the subject site and as such the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential dwellings. This information should be provided to all prospective purchasers and it is recommended that a notice be placed on Sales Contracts to advise purchasers of this restriction.
10. The applicant is advised that any future strata title of the property must be consistent with this approval and the lot sizes demonstrated in the application.

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

REASON: The proposal is considered a high-quality building design with strong and positive street interaction. The building height is appropriate in the context of area and the consistent with the intended future streetscape character of Oxford Street in terms of purpose and function, noting the ongoing transition of the area to meet the planning framework

The additional development height is well managed through the measures taken to transition to the site through setbacks and on structure landscaping to the lower zoned residential sites along Anzac Road. The main building design, form and scale incorporating upper floor design, setback and material variations creating architectural interest to Oxford Street.

The provision of dedicated on-site commercial tenancy and residential visitor parking was considered warranted given parking pressure in the area and reflecting the transition change in transport modes and impact from the development. The provision of parklets and landscaping within the road reserve does not form part of the current approval and is subject to separate approval from the City.

On balance the proposal is supported having regard to the above and the reasons as given in the RAR.

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

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 11:31 am.