



# Metro Inner-South Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Wednesday, 20 July 2022; 09:30am  
**Meeting Number:** MISJDAP/104  
**Meeting Venue:** City of South Perth  
Cnr Sandgate Street & South Terrace

## 1 Table of Contents

1.	Opening of Meeting, Welcome and Acknowledgement.....	2
3.	Members on Leave of Absence.....	3
4.	Noting of Minutes.....	3
5.	Declaration of Due Consideration.....	3
6.	Disclosure of Interests.....	3
7.	Deputations and Presentations.....	3
8.	Form 1 – Responsible Authority Reports – DAP Applications.....	4
8.1	No. 127 (Lot 1) Melville Parade, Como .....	4
9.	Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval .....	20
	Nil.....	20
10.	State Administrative Tribunal Applications and Supreme Court Appeals ...	20
11.	General Business.....	20
12.	Meeting Closure .....	20



## Attendance

### DAP Members

Mr Clayton Higham (Presiding Member)  
Mr Gene Koltasz (A/Deputy Presiding Member)  
Ms Diana Goldswain (A/Third Specialist Member)  
Cr Carl Celedin (Local Government Member, City of South Perth)  
Cr Stephen Russell (Local Government Member, City of South Perth)

### Officers in attendance

Ms Valerie Gillum (City of South Perth)  
Ms Fiona Mullen (City of South Perth)  
Ms Vicki Lummer (City of South Perth)  
Ms Laura Kelliher (City of South Perth)

### Minute Secretary

Ms Faith Zulu (City of South Perth)

### Applicants and Submitters

Mr Simon Burnell (CLE Town Planning)  
Mr Harry Norman (CLE Town Planning)  
Mr Clement Liao (Client/Landowner)  
Mr Stephen Pennock (Pennock Architects)

### Members of the Public / Media

There were 3 members of the public in attendance.

## 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:30am on 20 July 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 Rachel Chapman (Deputy Presiding Member)  
Mr Peter Lee (Third Specialist Member)

## **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** Mr Stephen Pennock (Pennock Architects) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.2** Mr Simon Burrell (CLE Town Planning) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.3** The City of South Perth Officers addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.



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

### 8.1 No. 127 (Lot 1) Melville Parade, Como

Development Description: Proposed 13 Multiple dwellings in a 5-storey building  
Applicant: CLE Town Planning  
Owner: Ling Pty Ltd  
Responsible Authority: City of South Perth  
DAP File No: DAP/22/02180

### REPORT RECOMMENDATION

**Moved by:** Cr Carl Celedin

**Seconded by:** Cr Stephen Russell

That the Metro Inner-South JDAP resolves to:

**Refuse** DAP Application reference DAP/22/02180 and accompanying plans as included in Attachment 1 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, and the provisions of the City of South Perth Town Planning Scheme No. 6 for the proposed multiple dwelling development comprising 13 dwellings in a five (5) storey building at Lot 1, No. 127 Melville Parade, Como for the following reasons:

### Reasons

1. The proposed multiple dwelling development does not comply with Clause 4.6 and 1.6(2)(c) of Town Planning Scheme No. 6, specifically that the development exceeds the respective R80 density coding depicted on the Scheme Maps and is proposed to be developed to a density coding greater than R100.
2. The proposed multiple dwelling development does not comply with *Element Objective O2.4.2 'Side and rear setbacks' of State Planning Policy SPP7.3 Volume 2* and *Clause 67 (m) of Schedule 2 Part 9 of the Planning and Development (Local Planning Schemes) Regulations 2015*, insofar as the building boundary nil side setbacks and the street setback associated with the south side boundary wall are not consistent with the existing streetscape pattern.
3. The proposal is contrary to the Policy Objectives of Planning Policy P350.02 – Lot Boundary Setbacks (Boundary Walls), in that the boundary wall setbacks proposed are not appropriate for the streetscape, nor compatible with its setting, including the relationship with adjoining properties.
4. Even though there are ample on-site vehicle parking bays to accommodate such, the development does not fulfil the SPP 7.3 Volume 2 requirement for visitor vehicle parking bays

### Advice Notes

1. 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.



2. There is discretion within the R Codes for the panel to look at a range of solutions for this site. The proposal match the intent of the objective, and comments of the Design Review Panel approve.
3. The proposal before the panel satisfies the intent.
4. Discretionary steps are not measured, they are a consideration based on the situation the panel finds itself in for this particular site and happy the discretion is not going to cause any amenity impact on the neighbours or the locality. For those reasons, the proposal is supported

## PROCEDURAL MOTION

**Moved by:** Cr Stephen Russell

**Seconded by:** Cr Carl Celedin

That the Metro Inner-South JDAP receive legal advice from representatives of the Department of Planning, Lands and Heritage and that such advice is received behind closed doors, in accordance with section 5.10.2g of the DAP Standing Orders 2020.

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

**REASON:** To receive legal advice from a DPLH representative behind closed doors.

*The meeting was closed to the public at 10.15am.*

*The meeting was reopened to the public at 10.45am.*

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

For: Cr Carl Celedin  
Cr Stephen Russell

Against: Mr Clayton Higham  
Mr Gene Koltasz  
Ms Diana Goldswain

## ALTERNATE MOTION

**Moved:** Mr Gene Koltasz

**Seconded:** Ms Diana Goldswain

That the Metro Inner-South Joint Development Assessment Panel resolves to:

1. **Approve** the DAP Application reference DAP/22/02180 and accompanying plans A0.00-A0.01 (Revision B dated 30/05/2022), A1.01 (dated 1/12/2017), A1.02, A2.01-A2.02 (Revision B dated 30/05/2022), A2.03-A2.04 (Revision C dated 15/06/22) A2.05 (Revision C dated 16/05/2022), A3.01-A3.05 (Revision B dated 30/05/22), A4.01-A4.03 (Revision B dated 30/05/2022) and A5.01-A5.04 (Revision B dated 30/05/2022) in accordance with *Schedule 2, Clause 68(2) of the Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of South Perth Town Planning Scheme No. 6, subject to the following conditions and advice notes as follows:



### **Conditions:**

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. The development shall be in accordance with the approved plans unless otherwise authorised by the City of South Perth or where relevant the Metro Inner-South JDAP.
4. This approval does not pertain to the erection, placement and display of any advertisement other than what has been included in the approved drawings. A separate application is to be submitted and development approval is to be obtained for any proposed advertisements that are not exempt from requiring development approval of the local government.
5. The property shall not be used for the approval hereby granted until an inspection has been carried out by the City of South Perth and the City of South Perth being satisfied that the conditions of development approval have been complied with.

### Construction Management

6. Prior to the submission of a building permit application or demolition permit application, whichever is earlier, a Construction Management Plan must be submitted to, and approved by, the City of South Perth. The Construction Management Plan must address the following issues, where applicable:
  - (i) Public safety and amenity;
  - (ii) Site plan and security;
  - (iii) Contact details of essential site personnel, construction period and operating hours;
  - (iv) Community information, consultation and complaints management plan;
  - (v) Noise, vibration, air and dust management;
  - (vi) Dilapidation reports of nearby properties;
  - (vii) Traffic, access and parking management;
  - (viii) Waste management and materials re-use;
  - (ix) Earthworks, excavation, land retention/piling methods and associated matters;
  - (x) Stormwater and sediment control;
  - (xi) Street tree management and protection;
  - (xii) Asbestos removal management plan; and/or
  - (xiii) Any other matter deemed to be relevant by the City of South Perth.

The Construction Management Plan must be complied with at all times during development, to the satisfaction of the City of South Perth.



### Waste Management

7. Waste management shall occur in accordance with the Waste Management Plan prepared by Tallis Consultants, dated 25 May 2022 or as amended by the City of South Perth, and shall be implemented and adhered to at all times, to the satisfaction of the City of South Perth.
8. Any enclosure or area used for the storage of waste receptacles on the premises shall be provided with:
  - a. a hose cock, connected to potable mains water supply;
  - b. smooth and impervious floor evenly graded to floor waste drainage to sewer mains in a manner approved by the Water Corporation;
  - c. adequate space to allow bins to be washed and disinfected; and
  - d. easily access to allow for the manoeuvring and removal/replacement of the receptacles.
  - e. ventilation such that persons are not subjected to objectionable odours.

### Liveable Housing Design Guidelines

9. Prior to the submission of a building permit application, certification completed by a Liveable Housing Australia assessor confirming that the detailed design of 20% of the dwellings are compliant with the 'Silver Level' of the 'Liveable Housing Design Guidelines' produced by Liveable Housing Australia, must be submitted to, and approved in writing by, the City of South Perth. Prior to the submission of an occupancy permit application, all required design features shall be installed and operational.

### Landscaping

10. Prior to the submission of a building permit application, the finalised Landscaping Plan for the development site shall be submitted to and approved in writing by the City of South Perth.
11. Prior to submission of an occupancy permit application, landscaping areas shall be installed in accordance with the approved landscaping plan. All landscaping areas shall be maintained thereafter to the satisfaction of the City of South Perth.
12. Prior to submission of an occupancy permit application, all vegetation, structures, ground coverings and treatments within the Council verge area, aside from the crossover, are to be modified or reinstated to meet the provisions of the City's Verge Street Landscape Guidelines, to the satisfaction of the City of South Perth.
13. Prior to the submission of an occupancy permit, the following conditions will apply to the City's verge:
  - i. Ground level paving adjacent the lot (public footpath) is to be upgraded to be trafficable in-situ, broom finished concrete with no picture framing;
  - ii. Public footpath to continue through crossover (in existing materials).
  - iii. Verge planting, turf and paving to be left in a clean, tidy condition subject to City of South Perth approval; and
  - iv. Any damage to verge or verge paving caused by development to be rectified by the proponent prior to issue of the occupancy permit.



### Public Art

14. Prior to the submission of a building permit application, a public art concept for the subject development or alternatively a contribution to public art within the vicinity of the development, to the value of 1.0% of the total construction value of development (maximum \$500,000 contribution) shall be submitted and approved in writing by the City of South Perth. The approved public art concept shall be to the satisfaction of the City of South Perth.
15. Prior to the submission of an occupancy permit application, the approved public art shall be implemented and maintained thereafter, to the satisfaction of the City of South Perth.

### Parking and Traffic Safety

16. The car stacker system shall achieve the following minimum internal dimensions and specifications for all car bays within the system:
  - a. Height: 2.1 metres.
  - b. Length: 5.5 metres.
  - c. Width: 2.5 metres.
  - d. Weight bearing capacity: 2,600 kilograms.Details are to be provided prior to submission of a building permit application to the satisfaction of the City of South Perth. The car stacker system shall be maintained as operational for the life of the building, including in the event of a power failure.
17. Car park ventilation shall be in accordance with AS 1668.2-2012 and it shall be maintained in good working condition and in operation at all times when the car park is in use.
18. The car parking bays shall be marked on site as indicated on the approved plans, in order to comply with the requirements of clause 6.3 (10) (c) of Town Planning Scheme No. 6 and such marking shall be subsequently maintained so that the delineation of parking bays remains clearly visible at all times.
19. Hard standing areas approved for the purpose of car parking or vehicle access shall be maintained in good condition at all times.
20. Visitor parking bays shall be permanently marked, maintained and accessible at all times for use exclusively by visitors to the property, be clearly visible or suitably sign posted from the street or internal driveway, to the satisfaction of the City of South Perth.
21. Prior to the submission of an occupancy permit application, the applicant shall supply certification confirming the constructed design of all car parks, vehicle access-ways and bicycle bays are compliant with Australian Standards AS2890.1 and AS2890.3 and the approved plans, to the satisfaction of the City of South Perth.





22. Prior to the submission of a building permit application, the applicant shall submit details to confirm the provisioning of an electrical supply system to a minimum of 20 per cent of all car parking bays to allow for future capacity to supply electric vehicle charging points in the form of general power outlets (GPOs), to the satisfaction of the City of South Perth. Prior to submission of an occupancy permit application, the endorsed electrical supply system shall be implemented and maintained thereafter, to the satisfaction of the City of South Perth.
23. Prior to the submission of an occupancy permit application, all bicycle parking and associated end-of-trip facilities shall be installed and operational. The provision of bicycle parking bays (including the residential bicycle parking in storerooms), associated bicycle infrastructure and end-of-trip facilities (including showers and clothes lockers) for residents, staff and visitors shall be provided as indicated on the approved development plans and retained in perpetuity and maintained for the life of the development, to the satisfaction of the City of South Perth.
24. Prior to the submission of an occupancy permit application, provision shall be made for the parking of four (4) visitor bicycles in bays, the design and location of which shall be to the satisfaction of the City of South Perth.
25. The height of any wall, fence or other structure, shall be no higher than 0.75 metres within 1.5 metres of where any driveway meets any public street or right of way, to the satisfaction of the City of South Perth.

#### Crossovers

26. Prior to the submission of a building permit application, the applicant must be in receipt of an approved "Crossings Application" that confirms the design is to the satisfaction of the City of South Perth. The existing verge levels at the front property boundary and verge assets (inclusive of street trees) shall not be altered without prior approval of the City of South Perth.

#### Water Management

27. Prior to the submission of a building permit application, the applicant must be in receipt of an approved "Stormwater Drainage Application" that confirms the design is to the satisfaction of the City of South Perth.

#### Building Design

28. The balconies are to be designed as naturally ventilated spaces that are not able to be fully enclosed, with no balcony treatments or furnishings being permitted that could substantially diminish the transparency of the balconies or obstruct views from the street, to the satisfaction of the City of South Perth.
29. All storerooms, bin store and bulky waste store doors are to open outwards and be marked accordingly, to the satisfaction of the City of South Perth.
30. Prior to the submission of a building permit application, the applicant is to submit a final material, colours and finishes schedule to the satisfaction of the City of South Perth. Prior to submission of an occupancy permit application, the endorsed material and finishes schedule shall be implemented into the building design and maintained thereafter to the satisfaction of the City of South Perth.



31. Prior to the submission of a building permit application, the applicant is to submit further detail confirming the development and material selection achieves minimal noise transfer between dwellings, in order to address Element 4.7 (Managing the Impact of Noise) of State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments, to the satisfaction of the City of South Perth. Prior to submission of an occupancy permit application, the necessary acoustic treatments shall be implemented and maintained thereafter, to the satisfaction of the City of South Perth.
32. Prior to the submission of an occupancy permit application, boundary walls on or adjacent to the lot boundaries are to be finished externally to the same standard as the rest of the development and maintained thereafter, to the satisfaction of the City of South Perth.

#### Sustainability

33. The development is to achieve the equivalence of a 4 Star Green Star design as outlined within the Sustainable Strategy, prepared by CADDs Group (dated 7 December 2021). Prior to the submission of a building permit, the applicant is to submit an updated sustainability report confirming the final green star strategy that will guide the construction stage and further demonstrate how an equivalent sustainable design rating is to be achieved.

#### Noise Management

34. All of the recommended measures included in the Acoustic Report prepared by Lloyd George Acoustics Pty Ltd, dated 22 November 2021 (Ref: 21106765-01), are to be implemented in full with the final plans being certified by a qualified acoustic consultant confirming the development incorporates the recommendations prior to submission of the relevant building permit application. All noise attenuation measures, identified by the Acoustic Report shall be implemented and adhered to at all times, to the satisfaction of the City of South Perth.
35. Prior to the submission of a building permit application, a further acoustic report compiled by a suitably qualified acoustic consultant shall be submitted to the City of South Perth, which addresses Lloyd George Acoustics Development Application: Acoustics 127 Melville Parade, South Perth Reference: 21106765-01; 4 Future Reporting, page 13, notably:
  - a. noise prediction based on mechanical equipment selection / specification including but not limited to that from ventilation and exhaust systems, car stackers, mechanical plant and air-conditioning, compared with the Environmental Protection (Noise) Regulations 1997; and
  - b. an updated road traffic noise assessment report in accordance with State Planning Policy 5.4, which considers the final design.



36. Prior to the submission of a building permit application, an Acoustic Report, completed by a suitably qualified acoustic engineer, and demonstrating that potential noise from the proposed development will comply with the Environmental Protection (Noise) Regulations 1997, must be submitted to, and approved in writing by, the City of South Perth. The approved Acoustic Report, including any specifications, requirements and recommendations cited in the report plus any additional requirements by the City of South Perth, shall be implemented and adhered to all times, including being incorporated into the building permit application documentation, to the satisfaction of the City of South Perth.
37. Prior to the submission of a building permit application, a notification, pursuant to section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the lot(s) at the expense of the applicant. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:  
"The lot is situated in the vicinity of a transport corridor and is currently affected or may in the future be affected by transport noise. Transportation noise controls and Quiet House Design strategies at potential cost to the owner may be required to achieve an acceptable level of noise reduction. Further information is available on request from the relevant local government offices."

#### Utilities and Facilities

38. External fixtures such as air-conditioning infrastructure shall be integrated into the design of the building so as to not be visually obtrusive when viewed from the street and to protect the visual amenity of residents in neighbouring properties, to the satisfaction of the City of South Perth.
39. External clothes drying facilities shall be screened from view from the street or any other public place.

#### Safety and Lighting

40. Prior to the submission of a building permit application, a lighting strategy for the development must be submitted to, and approved in writing, by the City of South Perth, in order to address Element 3.7 (Pedestrian Access and Entries) of State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments, to the satisfaction of the City of South Perth.
41. Prior to the submission of an occupancy permit application, the recommended specifications and measures of the lighting strategy shall be installed and maintained thereafter, to the satisfaction of the City of South Perth.

#### **Advice Notes**

1. 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.



2. This is a notice of determination on application for development approval issued in accordance the Planning and Development Act 2005, the Planning and Development (Local Planning Schemes) Regulations 2015, the City of South Perth Town Planning Scheme No. 6, and related policies. It is not a building permit or an approval to carry out development under any other law. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
3. Prior to lodging an application for building permit and/or occupancy permit, the applicant/owner is required to satisfactorily address the outstanding planning matters identified in the Conditions of approval. The applicant/owner are advised that a matrix detailing actions taken to meet conditions of this approval is to be submitted to the City's Planning department and written confirmation is to be received that all outstanding conditions are met, prior to submitting a building permit application. A copy of this confirmation is to be submitted with the building permit application. If associated actions are incomplete, the application for building permit will not be accepted by the City.
4. Where conditions have a time limitation for compliance, and if the condition is not met in the required timeframe, the obligation to comply with the requirement of the condition(s) continues whilst the approved development exists.

#### **AMENDING MOTION**

**Moved by:** Mr Clayton Higham

**Seconded:** Ms Diana Goldswain

That Condition No.13i be amended to read as follows:

*Prior to the submission of an occupancy permit, the following conditions will apply to the City's verge:*

- i. ***In the event of damage to the adjacent footpath, the Ground level paving adjacent the lot (public footpath) is to be upgraded to be trafficable in-situ, broom finished concrete with no picture framing, to the satisfaction of the City of South Perth;***

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

**REASON:** To provide clarity regarding what is required in the event there is damage to the adjacent footpath.



## **ALTERNATE MOTION (AS AMENDED)**

That the Metro Inner-South Joint Development Assessment Panel resolves to:

1. **Approve** the DAP Application reference DAP/22/02180 and accompanying plans A0.00-A0.01 (Revision B dated 30/05/2022), A1.01 (dated 1/12/2017), A1.02, A2.01-A2.02 (Revision B dated 30/05/2022), A2.03-A2.04 (Revision C dated 15/06/22) A2.05 (Revision C dated 16/05/2022), A3.01-A3.05 (Revision B dated 30/05/22), A4.01-A4.03 (Revision B dated 30/05/2022) and A5.01-A5.04 (Revision B dated 30/05/2022) in accordance with *Schedule 2, Clause 68(2)* of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of South Perth Town Planning Scheme No. 6, subject to the following conditions and advice notes as follows:

### **Conditions:**

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. The development shall be in accordance with the approved plans unless otherwise authorised by the City of South Perth or where relevant the Metro Inner-South JDAP.
4. This approval does not pertain to the erection, placement and display of any advertisement other than what has been included in the approved drawings. A separate application is to be submitted and development approval is to be obtained for any proposed advertisements that are not exempt from requiring development approval of the local government.
5. The property shall not be used for the approval hereby granted until an inspection has been carried out by the City of South Perth and the City of South Perth being satisfied that the conditions of development approval have been complied with.

### Construction Management

6. Prior to the submission of a building permit application or demolition permit application, whichever is earlier, a Construction Management Plan must be submitted to, and approved by, the City of South Perth. The Construction Management Plan must address the following issues, where applicable:
  - (i) Public safety and amenity;
  - (ii) Site plan and security;
  - (iii) Contact details of essential site personnel, construction period and operating hours;
  - (iv) Community information, consultation and complaints management plan;
  - (v) Noise, vibration, air and dust management;
  - (vi) Dilapidation reports of nearby properties;
  - (vii) Traffic, access and parking management;
  - (viii) Waste management and materials re-use;



- (ix) Earthworks, excavation, land retention/piling methods and associated matters;
- (x) Stormwater and sediment control;
- (xi) Street tree management and protection;
- (xii) Asbestos removal management plan; and/or
- (xiii) Any other matter deemed to be relevant by the City of South Perth.

The Construction Management Plan must be complied with at all times during development, to the satisfaction of the City of South Perth.

#### Waste Management

7. Waste management shall occur in accordance with the Waste Management Plan prepared by Tallis Consultants, dated 25 May 2022 or as amended by the City of South Perth, and shall be implemented and adhered to at all times, to the satisfaction of the City of South Perth.
8. Any enclosure or area used for the storage of waste receptacles on the premises shall be provided with:
  - a. a hose cock, connected to potable mains water supply;
  - b. smooth and impervious floor evenly graded to floor waste drainage to sewer mains in a manner approved by the Water Corporation;
  - c. adequate space to allow bins to be washed and disinfected; and
  - d. easily access to allow for the manoeuvring and removal/replacement of the receptacles.
  - e. ventilation such that persons are not subjected to objectionable odours.

#### Liveable Housing Design Guidelines

9. Prior to the submission of a building permit application, certification completed by a Liveable Housing Australia assessor confirming that the detailed design of 20% of the dwellings are compliant with the 'Silver Level' of the 'Liveable Housing Design Guidelines' produced by Liveable Housing Australia, must be submitted to, and approved in writing by, the City of South Perth. Prior to the submission of an occupancy permit application, all required design features shall be installed and operational.

#### Landscaping

10. Prior to the submission of a building permit application, the finalised Landscaping Plan for the development site shall be submitted to and approved in writing by the City of South Perth.
11. Prior to submission of an occupancy permit application, landscaping areas shall be installed in accordance with the approved landscaping plan. All landscaping areas shall be maintained thereafter to the satisfaction of the City of South Perth.
12. Prior to submission of an occupancy permit application, all vegetation, structures, ground coverings and treatments within the Council verge area, aside from the crossover, are to be modified or reinstated to meet the provisions of the City's Verge Street Landscape Guidelines, to the satisfaction of the City of South Perth.



13. Prior to the submission of an occupancy permit, the following conditions will apply to the City's verge:
  - i. In the event of damage to the adjacent footpath, Ground level paving adjacent the lot (public footpath) is to be upgraded to be trafficable in-situ, broom finished concrete with no picture framing to the satisfaction of the City of South Perth;
  - ii. Public footpath to continue through crossover (in existing materials).
  - iii. Verge planting, turf and paving to be left in a clean, tidy condition subject to City of South Perth approval; and
  - iv. Any damage to verge or verge paving caused by development to be rectified by the proponent prior to issue of the occupancy permit.

#### Public Art

14. Prior to the submission of a building permit application, a public art concept for the subject development or alternatively a contribution to public art within the vicinity of the development, to the value of 1.0% of the total construction value of development (maximum \$500,000 contribution) shall be submitted and approved in writing by the City of South Perth. The approved public art concept shall be to the satisfaction of the City of South Perth.
15. Prior to the submission of an occupancy permit application, the approved public art shall be implemented and maintained thereafter, to the satisfaction of the City of South Perth.

#### Parking and Traffic Safety

16. The car stacker system shall achieve the following minimum internal dimensions and specifications for all car bays within the system:
  - a. Height: 2.1 metres.
  - b. Length: 5.5 metres.
  - c. Width: 2.5 metres.
  - d. Weight bearing capacity: 2,600 kilograms.

Details are to be provided prior to submission of a building permit application to the satisfaction of the City of South Perth. The car stacker system shall be maintained as operational for the life of the building, including in the event of a power failure.

17. Car park ventilation shall be in accordance with AS 1668.2-2012 and it shall be maintained in good working condition and in operation at all times when the car park is in use.
18. The car parking bays shall be marked on site as indicated on the approved plans, in order to comply with the requirements of clause 6.3 (10) (c) of Town Planning Scheme No. 6 and such marking shall be subsequently maintained so that the delineation of parking bays remains clearly visible at all times.
19. Hard standing areas approved for the purpose of car parking or vehicle access shall be maintained in good condition at all times.



20. Visitor parking bays shall be permanently marked, maintained and accessible at all times for use exclusively by visitors to the property, be clearly visible or suitably sign posted from the street or internal driveway, to the satisfaction of the City of South Perth.
21. Prior to the submission of an occupancy permit application, the applicant shall supply certification confirming the constructed design of all car parks, vehicle access-ways and bicycle bays are compliant with Australian Standards AS2890.1 and AS2890.3 and the approved plans, to the satisfaction of the City of South Perth.
22. Prior to the submission of a building permit application, the applicant shall submit details to confirm the provisioning of an electrical supply system to a minimum of 20 per cent of all car parking bays to allow for future capacity to supply electric vehicle charging points in the form of general power outlets (GPOs), to the satisfaction of the City of South Perth. Prior to submission of an occupancy permit application, the endorsed electrical supply system shall be implemented and maintained thereafter, to the satisfaction of the City of South Perth.
23. Prior to the submission of an occupancy permit application, all bicycle parking and associated end-of-trip facilities shall be installed and operational. The provision of bicycle parking bays (including the residential bicycle parking in storerooms), associated bicycle infrastructure and end-of-trip facilities (including showers and clothes lockers) for residents, staff and visitors shall be provided as indicated on the approved development plans and retained in perpetuity and maintained for the life of the development, to the satisfaction of the City of South Perth.
24. Prior to the submission of an occupancy permit application, provision shall be made for the parking of four (4) visitor bicycles in bays, the design and location of which shall be to the satisfaction of the City of South Perth.
25. The height of any wall, fence or other structure, shall be no higher than 0.75 metres within 1.5 metres of where any driveway meets any public street or right of way, to the satisfaction of the City of South Perth.

#### Crossovers

26. Prior to the submission of a building permit application, the applicant must be in receipt of an approved "Crossings Application" that confirms the design is to the satisfaction of the City of South Perth. The existing verge levels at the front property boundary and verge assets (inclusive of street trees) shall not be altered without prior approval of the City of South Perth.

#### Water Management

27. Prior to the submission of a building permit application, the applicant must be in receipt of an approved "Stormwater Drainage Application" that confirms the design is to the satisfaction of the City of South Perth.





### Building Design

28. The balconies are to be designed as naturally ventilated spaces that are not able to be fully enclosed, with no balcony treatments or furnishings being permitted that could substantially diminish the transparency of the balconies or obstruct views from the street, to the satisfaction of the City of South Perth.
29. All storerooms, bin store and bulky waste store doors are to open outwards and be marked accordingly, to the satisfaction of the City of South Perth.
30. Prior to the submission of a building permit application, the applicant is to submit a final material, colours and finishes schedule to the satisfaction of the City of South Perth. Prior to submission of an occupancy permit application, the endorsed material and finishes schedule shall be implemented into the building design and maintained thereafter to the satisfaction of the City of South Perth.
31. Prior to the submission of a building permit application, the applicant is to submit further detail confirming the development and material selection achieves minimal noise transfer between dwellings, in order to address Element 4.7 (Managing the Impact of Noise) of State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments, to the satisfaction of the City of South Perth. Prior to submission of an occupancy permit application, the necessary acoustic treatments shall be implemented and maintained thereafter, to the satisfaction of the City of South Perth.
32. Prior to the submission of an occupancy permit application, boundary walls on or adjacent to the lot boundaries are to be finished externally to the same standard as the rest of the development and maintained thereafter, to the satisfaction of the City of South Perth.

### Sustainability

33. The development is to achieve the equivalence of a 4 Star Green Star design as outlined within the Sustainable Strategy, prepared by CADDs Group (dated 7 December 2021). Prior to the submission of a building permit, the applicant is to submit an updated sustainability report confirming the final green star strategy that will guide the construction stage and further demonstrate how an equivalent sustainable design rating is to be achieved.

### Noise Management

34. All of the recommended measures included in the Acoustic Report prepared by Lloyd George Acoustics Pty Ltd, dated 22 November 2021 (Ref: 21106765-01), are to be implemented in full with the final plans being certified by a qualified acoustic consultant confirming the development incorporates the recommendations prior to submission of the relevant building permit application. All noise attenuation measures, identified by the Acoustic Report shall be implemented and adhered to at all times, to the satisfaction of the City of South Perth.



35. Prior to the submission of a building permit application, a further acoustic report compiled by a suitably qualified acoustic consultant shall be submitted to the City of South Perth, which addresses Lloyd George Acoustics Development Application: Acoustics 127 Melville Parade, South Perth Reference: 21106765-01; 4 Future Reporting, page 13, notably:
- noise prediction based on mechanical equipment selection / specification including but not limited to that from ventilation and exhaust systems, car stackers, mechanical plant and air-conditioning, compared with the Environmental Protection (Noise) Regulations 1997; and
  - an updated road traffic noise assessment report in accordance with State Planning Policy 5.4, which considers the final design.
36. Prior to the submission of a building permit application, an Acoustic Report, completed by a suitably qualified acoustic engineer, and demonstrating that potential noise from the proposed development will comply with the Environmental Protection (Noise) Regulations 1997, must be submitted to, and approved in writing by, the City of South Perth. The approved Acoustic Report, including any specifications, requirements and recommendations cited in the report plus any additional requirements by the City of South Perth, shall be implemented and adhered to all times, including being incorporated into the building permit application documentation, to the satisfaction of the City of South Perth.
37. Prior to the submission of a building permit application, a notification, pursuant to section 70A of the Transfer of Land Act 1893 is to be placed on the certificate(s) of title of the lot(s) at the expense of the applicant. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:
- “The lot is situated in the vicinity of a transport corridor and is currently affected or may in the future be affected by transport noise. Transportation noise controls and Quiet House Design strategies at potential cost to the owner may be required to achieve an acceptable level of noise reduction. Further information is available on request from the relevant local government offices.”

#### Utilities and Facilities

38. External fixtures such as air-conditioning infrastructure shall be integrated into the design of the building so as to not be visually obtrusive when viewed from the street and to protect the visual amenity of residents in neighbouring properties, to the satisfaction of the City of South Perth.
39. External clothes drying facilities shall be screened from view from the street or any other public place.

#### Safety and Lighting

40. Prior to the submission of a building permit application, a lighting strategy for the development must be submitted to, and approved in writing, by the City of South Perth, in order to address Element 3.7 (Pedestrian Access and Entries) of State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments, to the satisfaction of the City of South Perth.



41. Prior to the submission of an occupancy permit application, the recommended specifications and measures of the lighting strategy shall be installed and maintained thereafter, to the satisfaction of the City of South Perth.

### Advice Notes

1. 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.
2. This is a notice of determination on application for development approval issued in accordance the Planning and Development Act 2005, the Planning and Development (Local Planning Schemes) Regulations 2015, the City of South Perth Town Planning Scheme No. 6, and related policies. It is not a building permit or an approval to carry out development under any other law. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
3. Prior to lodging an application for building permit and/or occupancy permit, the applicant/owner is required to satisfactorily address the outstanding planning matters identified in the Conditions of approval. The applicant/owner are advised that a matrix detailing actions taken to meet conditions of this approval is to be submitted to the City's Planning department and written confirmation is to be received that all outstanding conditions are met, prior to submitting a building permit application. A copy of this confirmation is to be submitted with the building permit application. If associated actions are incomplete, the application for building permit will not be accepted by the City.
4. Where conditions have a time limitation for compliance, and if the condition is not met in the required timeframe, the obligation to comply with the requirement of the condition(s) continues whilst the approved development exists.

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

For: Mr Clayton Higham  
Mr Gene Koltasz  
Ms Diana Goldswain

Against: Cr Carl Celedin  
Cr Stephen Russell

**REASON:** In considering whether it had discretion to approve the development the panel was mindful that, as the R Codes are performance based standards, it is open to it to consider a range of design solutions for the site and, in particular, consider the element objectives of the Codes. The majority of the panel considered that the design solutions for the site as submitted did significantly meet the element objectives which was also supported by comments received from the Design Review Panel and in the RAR.



The majority of the panel members considered that the relaxation of the side and street setbacks were appropriate given the scale and nature of existing development in the locality and given the relative narrow dimensions of the property, and that these variations are unlikely to have an amenity impact on the neighbours or the locality.

**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 -

<b>Current SAT Applications</b>				
<b>File No. &amp; SAT DR No.</b>	<b>LG Name</b>	<b>Property Location</b>	<b>Application Description</b>	<b>Date Lodged</b>
DAP/21/02116 DR 90/2022	City of South Perth	No. 3 & 3a (Lot 5) Davilak Street and Units 1-3, No. 135 (Lot 67) Robert Street, Como	Proposed Mixed Development in a 15 Storey Building	30/05/2022

**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 10:58am.