



## **Metro West Joint Development Assessment Panel Minutes**

**Meeting Date and Time:** 14 December 2018, 9:00am  
**Meeting Number:** MWJDAP/215  
**Meeting Venue:** City of Vincent  
244 Vincent Street  
Leederville

### **Attendance**

#### **DAP Members**

Ms Megan Adair (Presiding Member)  
Mr Christopher Antill (A/Deputy Presiding Member)  
Mr John Syme (A/Specialist Member)

#### *Item 8.1*

Cr Andres Timmermanis (Local Government Member, Town of Cambridge)  
Cr Rod Bradley (Local Government Member, Town of Cambridge)

#### *Item 8.2*

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

### **Officers in attendance**

#### *Item 8.1*

Mr Ryan Munyard (Town of Cambridge)  
Mr Michael Cook (Porter Consulting Engineers on behalf of Town of Cambridge)

#### *Item 8.2*

Mr Mitchell Hoad (City of Vincent)  
Ms Joslin Colli (City of Vincent)  
Mr Jay Naidoo (City of Vincent)

### **Minute Secretary**

Ms Kylie Tichelaar (City of Vincent)

### **Applicants and Submitters**

#### *Item 8.1*

Ms Sarah Asher (MJA Studio)

#### *Item 8.2*

Mr Bruce Dodd (Trinity Theological College)  
Mr Trent Durward (Megara)  
Mr Kris Mainstone (Maine Architects)  
Mr Paul Broderick (Emerge and Associates)  
Mr Evan Logan (CADDs)



## Members of the Public / Media

There were 3 members of the public in attendance.

There was one member of the media from the Western Suburbs Weekly in attendance.

### 1. Declaration of Opening

The Presiding Member declared the meeting open at 9:04 am on 14 December 2018 and acknowledged the past and present traditional owners and custodians of the land on which the meeting was being held.

Due to the conflict of interest of the Deputy Presiding Member and in the absence of a Presiding Member, Ms Megan Adair has been appointed as Presiding Member for this meeting in accordance with regulation 27(3A) of the *Planning and Development (Development Assessment Panel) Regulations 2011*.

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

The Presiding Member advised that the meeting is being audio recorded in accordance with Section 5.16 of the DAP Standing Orders 2017 which states 'A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.' The Presiding Member granted permission for the minute taker to record proceedings for the purpose of the minutes only.

### 2. Apologies

Mr Jarrod Ross (Deputy Presiding Member)  
Mr Jason Hick (Specialist Member)  
Cr Joshua Topelberg (Local Government Member, City of Vincent)

### 3. Members on Leave of Absence

Nil

### 4. Noting of Minutes

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

### 5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

### 6. Disclosure of Interests

DAP Members, Mr Jarrod Ross and Mr Jason Hick, declared an impartiality interest in item 8.1. Mr Ross' employer, Taylor Burrell Barnett, is employed by the



Town of Cambridge to prepare their Local Planning Strategy, including community engagement, preparation of the required documentation and advice on process. Mr Hick is an employee and shareholder of Emerge Environmental Services Pty Ltd (trading as Emerge Associates), who have been engaged by the Town of Cambridge to prepare a sustainability strategy for the Town.

DAP Member, Mr Jarrod Ross, also declared a direct pecuniary interest at item 8.2 as Megara, the applicant, are current clients of his employer's firm, Taylor Burrell Barnett.

In accordance with section 6.3.1 of the DAP Standing Orders 2017, the Presiding Member, Ms Megan Adair, determined that the members listed above, who had disclosed an impartiality and direct pecuniary interest, was not permitted to participate in the discussion or voting on the item.

## **7. Deputations and Presentations**

**7.1** Ms Sarah Asher (MJA Studio) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.

**7.2** Mr Ryan Munyard and Mr Michael Cook (Town of Cambridge) addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

***The presentations at Item 7.1 to 7.2 were heard prior to the application at Item 8.1.***

**7.3** Mr Bruce Dodd (Trinity Theological College) addressed the DAP against the application at Item 8.2.

**7.4** Mr Trent Durward (Megara) addressed the DAP in support of the application at Item 8.2 and responded to questions from the panel.

**7.5** Mr Kris Mainstone (Maine Architects) addressed the DAP in support of the application at Item 8.2 and responded to questions from the panel.

**7.6** Mr Paul Broderick (Emerge and Associates) addressed the DAP in support of the application at Item 8.2.

**7.7** Mr Evan Logan (CADDs) addressed the DAP in support of the application at Item 8.2 and responded to questions from the panel.

**7.8** Mr Jay Naidoo (City of Vincent) addressed the DAP in relation to the application at Item 8.2 and responded to questions from the panel.

***The presentations at Item 7.3 – 7.8 were heard prior to the application at Item 8.2.***



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

8.1 Property Location:	Lot 26 (No.12) and Lot 27 (No.2) Hortus Way, Jolimont
Development Description:	71 Multiple Dwellings
Applicant:	MJA Studio
Owner:	Stirling Jolimont Pty Ltd
Responsible Authority:	Town of Cambridge
DAP File No:	DAP/18/01481

### REPORT RECOMMENDATION

**Moved by:** Cr Andres Timmermanis

**Seconded by:** Cr Rod Bradley

That the Metro West JDAP resolves to:

1. **Approve** DAP Application reference DAP/18/01481 and accompanying plans in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Town of Cambridge Town Planning Scheme No. 1, for 71 Multiple Dwellings at Lot 26 (No.12) and Lot 27 (No.2) Hortus Way, Jolimont subject to the following:

#### Conditions:

1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any conditions of this approval.
2. Lot 26 (No.12) and Lot 27 (No.2) Hortus Way, Jolimont shall be amalgamated into a single lot on one Certificate of Title prior to the lodgement of a Building Permit application.
3. The development shall be modified as follows:
  - Clothes-drying areas (or a mechanical alternative) for Units 1, 12, 13, 22, 36, 50, 64, 65, 70 and 71 that are completely screened from view of the abutting public realm in accordance 6.4.5 C5.7 of *State Planning Policy 3.1 - Residential Design Codes*.

Prior to the lodgement of the Building Permit application, amended plans are to be submitted to, and approved by, the Town showing the above.

4. A detailed drainage plan, demonstrating on-site retention and disposal, is to be submitted to, and approved by, the Town prior to the lodgement of the Building Permit application.

That Drainage Plan is to be thereafter implemented upon commencement of site works and thereafter maintained for the life of the development to the satisfaction of the Town.

5. Should any dewatering of the development site be required (as determined by the Town), then prior to lodgement of the Building Permit application, a



Dewatering Management Plan must be submitted to, and approved by, the Town.

The Plan must be implemented upon commencement of any site works/development for their entire duration.

6. Vehicle access for the subject site shall be restricted to that shown on the approved plans.
7. The crossover shall be constructed in accordance with the Town's specifications and thereafter maintained for the life of the development to the satisfaction of the Town.
8. The carparking bays, as shown on the accompanying plans, shall be provided and be clearly marked on the ground and served by a minimum 5.8m wide paved/sealed accessway. All basement vehicle access ramps, all vehicle accessways and all car bays are to have a minimum headroom clearance of 2.2m (as measured to the lowest roof projection) in accordance with cl5.3.1 of *Australian Standard 2890.1:2004 - Off-street Car Parking*.
9. All basement carpark columns are to be located in accordance with cl5.2 and Figure 5.1 of *Australian Standard 2890.1:2004 - Off-street Car Parking*.
10. All 20 visitors' carparking bays shall be located outside any security barrier and shall be marked and sign posted according and available for use for the life of the development, to the satisfaction of the Town and prior to the occupancy of any dwelling.
11. All bicycle parking spaces are to be provided in accordance with *Australian Standard 2890.3:2015 - Bicycle parking*.
12. The development shall be connected to the Water Corporation's sewer where available.
13. All structures (and associated footings) shall be contained within the lot boundaries of the subject site.
14. The development shall incorporate all colours and materials as shown on the approved Elevation Plans to the satisfaction of the Town prior to the occupation of any dwelling.
15. A detailed Landscaping and Reticulation Plan shall be submitted to, and approved by, the Town prior to the lodgement of the Building Permit application.

That Plan shall reflect the submitted Landscape Concept Plan (prepared by 'CAPA Landscape Design Studio' and undated, but received 13 August 2018) and is to specify:

- deep soil planting areas, showing the location and type of proposed trees, shrubs and other plantings within the development site.
- maintenance scheduling and designation of responsibilities; and
- pavement treatments (if relevant).



All landscaping must be completed in accordance with the approved Plan prior to the occupation of any dwelling and thereafter be maintained to the satisfaction of the Town for the life of the development.

16. The Waste Management Plan (prepared by 'Talis Consultants Pty Ltd' and dated 15 November 2018, Rev. 2a) is to be implemented to the satisfaction of the Town prior to the occupation of any dwelling and is to be thereafter maintained for the life of the development.
17. Prior to lodgement of the Building Permit application, a Construction Management Plan must be submitted to, and approved by, the Town. The Plan must address the following issues, where applicable (as determined by the Town):
  - a) Staging plan for the entire works, including timeframes and assigned responsibilities for tasks;
  - b) Contact details of essential site personnel, construction period and operating hours;
  - c) The on-site storage of materials and equipment
  - d) Site security and public safety and amenity measures;
  - e) Community information, consultation and complaints and incident procedures;
  - f) Traffic, access and parking management;
  - g) Vibration, air, dust and noise management;
  - h) Dilapidation reports of nearby properties;
  - i) Waste management and materials re-use;
  - j) Earthworks, excavation, land retention/piling methods and associated matters;
  - k) Stormwater and sediment control;
  - l) Protection of existing roads, kerbs, footpaths, street trees and miscellaneous services;
  - m) Asbestos removal; and
  - n) Any other matter deemed relevant by the Town.

The Plan must be implemented upon commencement of any site works/development for their entire duration to the satisfaction of the Town.

**Advice Notes:**

1. This is a development approval of the Town under its Town Planning Scheme No.1. It is not an approval to commence or carry out the development under any other legislation (including any of the Town's local laws).

It is the responsibility of the landowner/applicant to obtain any other necessary approvals, permits, licences or consent required under any other legislation, and to commence and carry out the development in accordance with all relevant legislation.

2. In accordance with the *Building Act 2011* and *Building Regulations 2012*, a Building Permit application shall be submitted to, and approved by the Town's Building Services branch prior to any construction or earthworks commencing on the subject site.



3. With respect to the requisite Drainage Plan, the landowner/applicant is advised that the proposed drainage infrastructure shall be accessible for inspection by camera inspection equipment and jetting/cleaning equipment.
4. The landowner/applicant shall be responsible for ensuring that all lot boundaries as shown on the approved plans are correct.
5. The landowner/applicant is advised that dividing fencing between properties is a civil matter between abutting landowners in accordance with the *Dividing Fences Act 1961*.
6. All works within the road reserve, such as crossovers, verge treatments and landscaping require a separate application and approval by the Town's Infrastructure branch. All works shall conform to the Town's specifications.
7. The noise generated by activities on-site, including machinery motors or vehicles is not to exceed the levels as set out under the *Environmental Protection (Noise) Regulations 1997*.

All development works are to be carried out in accordance with control of noise practices set out in Section 6 of *Australia Standard 2436:2010 - Guide to Noise and Vibration Control on Construction, Demolition and Maintenance Sites*.

No works shall commence prior to 7am without the Town's approval.

8. The landowner/applicant is advised that the installation of any external air conditioning units shall be in a location and manner that ensures noise emissions comply with the *Environmental Protection (Noise) Regulations 1997*.
9. The implementation of the development shall not cause a dust nuisance to surrounding properties (as determined by the Town) in accordance with the Town of Cambridge Private Property Local Law 2016 (as amended).

Where appropriate, measures such as installation of sprinklers, use of water tanks, mulching or other land management systems shall be implemented by the landowner/developer at the direction of the Town if the Town determines that a dust nuisance exists.

*With the approval of the Mover and Secunder Condition 3 dot point 1 was deleted as the Town indicated that the plans meet the requirements of C1.2 of State Planning Policy 3.1 Residential Design Codes:*

- ~~• Screening details for Units 1-5 (inclusive), 8-12 (inclusive), 63-65 (inclusive) and 71 in accordance 6.4.1 C1.1(ii) and C1.2 of State Planning Policy 3.1 Residential Design Codes.~~

**The Report Recommendation was put and CARRIED UNANIMOUSLY.**

**REASON:** In accordance with details contained in the Responsible Authority Report.



<b>8.2</b> Property Location:	No. 636-640 (Lot 102) Newcastle Street, Leederville
Development Description:	Mixed Use Development comprising of 32 Multiple Dwellings, 10 Offices, One Restaurant/Café and One Shop
Applicant:	Megara
Owner:	Alan Marsh, Lynn Marsh and Alan Marsh Nominees Pty Ltd
Responsible Authority:	City of Vincent
DAP File No:	DAP/18/01491

## REPORT RECOMMENDATION

**Moved by:** Cr Dan Loden

**Seconded by:** Cr Susan Gontaszewski

That the Metro West JDAP resolves to:

1. **Approve** DAP Application reference DAP/18/01491 and accompanying plans DA-01 to DA-12 dated 23 November 2018 in accordance with Clause 68 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. This decision constitutes development approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.
2. Use of Premises

The use of the tenancies on the ground floor indicated as 'café' and 'retail' and the 'office' on the first, second and third floors on the approved plans shall only be used in accordance with the respective definitions of Restaurant/Café, Shop and Office within the City of Vincent Local Planning Scheme No. 2 as follows:

**Office** means premises used for administration, clerical, technical, professional or similar business activities.

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

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

3. Maximum Patronage

A maximum of 36 patrons are permitted within the Restaurant/Café at any one time.





4. Boundary Walls

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls in a good and clean condition prior to occupation or use of the development. The finish of the walls are to be fully rendered or face brickwork to the satisfaction of the City.

5. External Fixtures

All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and surrounding properties to the satisfaction of the City.

6. Car Parking, Access and Bicycle Facilities

6.1 A minimum of 24 parking bays for the Office, Restaurant/Café and Shop and 45 parking bays for the Multiple Dwellings shall be provided on-site.

6.2 Vehicle and pedestrian access points are required to match into existing footpath levels.

6.3 The car parking and access areas shall be sealed, drained, paved and line marked in accordance with the approved plans and are to comply with the requirements of AS2890.1 prior to the occupation or use of the development.

6.4 The car park shall be used only by owners, visitors and tenants directly associated with the development.

6.5 Bicycle racks shall be design in accordance with AS2890.3 and installed in the following locations to the satisfaction of the City:

- Five (5) spaces on the ground floor, with two (2) located within the car parking area and three (3) located adjacent to the landscaped area in the central courtyard; and
- 41 spaces on the first floor within the car parking area.

6.6 Four visitor car parking spaces shall be marked and clearly signposted as dedicated for visitor use only, to the satisfaction of the City.

7. Parking Management Plan

7.1 Prior to the occupation of the development, a 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, to ensure access is readily available for owners/visitors/tenants to the residential and non-residential units at all times; and



- Reciprocal car parking arrangements for the 15 car bays on the ground floor for use by visitors outside of business hours of the non-residential tenancies.

7.2 The Parking Management Plan as identified in Condition 7.1 above 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.

8. Stormwater

All stormwater produced on the subject land shall be retained on site, by suitable means to the full satisfaction of the City.

9. Verge Infrastructure

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

10. Building Design

10.1 Windows and doors of the ground floor tenancies fronting Newcastle Street shall provide an active and interactive relationship to the street to the satisfaction of the City and shall be maintained thereafter to the satisfaction of the City.

10.2 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.

11. Acoustic Report and Noise Management

An Acoustic Report to the satisfaction of the City, which accords with the City's Policy No. 7.5.21 – Sound Attenuation, shall be lodged with and approved by the City prior to the commencement of the development. All of the recommended measures included in the approved Acoustic Report shall be implemented prior to the occupation or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers.

12. Landscape and Reticulation Plan

12.1 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 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 of 15 percent deep soil area as defined by the City's Policy No. 7.1.1 – Built Form; and



- The appropriate selection of tree species (consistent with the City's Tree Selection Tool) to be located within the deep soil areas to maximise the provision of canopy coverage.

12.2 All works shown in the plans as identified in Condition 12.1 above shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers.

### 13. Schedule of External Finishes

Prior to the commencement of development, 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.

### 14. Clothes Drying Facilities

Each multiple dwelling shall be provided with a clothes drying area that shall be adequately screened in accordance with the Residential Design Codes or mechanical drying prior to occupancy or use of the development and shall be completed to the satisfaction of the City.

### 15. Construction Management Plan

A Construction Management Plan that details how the construction of the development will be managed to minimise the impact on the surrounding area shall be lodged with and approved by the City prior to the commencement of the development. 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; and
- Consultation plan with nearby properties.

### 16. Public Art

16.1 Percent for public art contribution of \$140,000 being one percent of the total \$14 million value of the development shall be allocated towards public art prior to the commencement of the development;

16.2 Confirmation in writing outlining how the proposed development will comply with the City of Vincent Policy No. 7.5.13 – Percent for Art shall be submitted prior to commencement of development; and



16.3 Public art shall be approved by the City and fully installed or alternatively a cash-in-lieu payment made prior to occupation of the development.

17. Waste Management

17.1 A Waste Management Plan prepared to the satisfaction of the City shall be submitted and approved by the City.

17.2 Waste management for the development shall thereafter comply with the approved Waste Management Plan.

17.3 Waste and refuse generated on the site by of the Office, Restaurant/Café and Shop shall be collected by a private contractor at the expense of the applicant/landowner.

18. General

Conditions that have a time limitation for compliance, and the condition is not met in the required timeframe, the obligation to comply with the requirements of the condition continues whilst the approved development exists.

**Advice Notes:**

1. This is a development approval only and is issued under the City of Vincent's Local Planning Scheme No. 2 and the Western Australian Planning Commission's Metropolitan Region Scheme 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 applicant/landowner is advised to liaise with the Water Corporation in regards to servicing and infrastructure requirements for the development.
3. 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.
4. 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.
5. An Infrastructure Protection Bond for the sum of \$3,000 together with a non-refundable inspection fee of \$100 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.
6. All pedestrian access and vehicle driveway/crossover levels shall match into existing verge, footpath and right of way levels to the satisfaction of the City.



7. With respect to stormwater, no further consideration shall be given to the disposal of stormwater 'off-site' without the submission of a geotechnical report from a qualified consultant. Should the approval to dispose of stormwater 'off-site' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings.
8. The City accepts no liability for the relocation of any public utility and/or any other services that may be required as a consequence of this development. The applicant/owner shall ensure that the location of all services is identified prior to submitting an application of building permit. The cost of relocated any services shall be borne by the applicant/owner.
9. With respect to vehicle parking permits, the applicant and owner 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. With respect to waste, the applicant/landowner is advised that should the private waste collection cease and the City be required to collect the waste generated on-site, the applicant/landowner is to liaise with the City in respect to the City's requirements and specifications. Any alterations made in order to meet the City's specifications may require an amendment to this approval.
11. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
12. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first be sought and obtained.
13. 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.

#### **AMENDING MOTION 1**

**Moved by:** Mr Christopher Antill

**Seconded by:** Mr John Syme

That Condition 1 be amended to read as follows:

1. This decision constitutes development approval only and is valid for a period of ~~two~~**three** years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.



**The Amending Motion was put and CARRIED (4/1).**

For: Mr Christopher Antill  
Mr John Syme  
Ms Megan Adair  
Cr Susan Gontaszewski

Against: Cr Dan Loden

**REASON:** The applicant sort an additional year to reach substantial commencement due to current market circumstances, taking the approval period to 3 years. The panel agreed it was a reasonable request given the very low level of the market.

**AMENDING MOTION 2**

**Moved by:** Mr Christopher Antill

**Seconded by:** Mr John Syme

That Condition 14 be amended to read as follows:

*Each multiple dwelling shall be provided with a clothes drying area that shall be adequately screened in accordance with the Residential Design Codes **or mechanical drying** prior to occupancy or use of the development and shall be completed to the satisfaction of the City.*

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

**REASON:** To provide for an alternative means for drying within each apartment.

**AMENDING MOTION 3**

**Moved by:** Mr Christopher Antill

**Seconded by:** Mr John Syme

That Condition 16 be deleted and the remaining conditions be renumbered accordingly.

**The Amending Motion was put and LOST (4/1).**

For: Mr Christopher Antill

Against: Mr John Syme  
Ms Megan Adair  
Cr Susan Gontaszewski  
Cr Dan Loden

**REASON:** The requirement for a public art contribution is not fully consistent with the City's public art policy as the policy is silent in relation to the requirement for public art within the Regional Centre zone.



## REPORT RECOMMENDATION (AS AMENDED)

That the Metro West JDAP resolves to:

1. **Approve** DAP Application reference DAP/18/01491 and accompanying plans DA-01 to DA-12 dated 23 November 2018 in accordance with Clause 68 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. This decision constitutes development approval only and is valid for a period of three years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.

2. Use of Premises

The use of the tenancies on the ground floor indicated as 'café' and 'retail' and the 'office' on the first, second and third floors on the approved plans shall only be used in accordance with the respective definitions of Restaurant/Café, Shop and Office within the City of Vincent Local Planning Scheme No. 2 as follows:

**Office** means premises used for administration, clerical, technical, professional or similar business activities.

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

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

3. Maximum Patronage

A maximum of 36 patrons are permitted within the Restaurant/Café at any one time.

4. Boundary Walls

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls in a good and clean condition prior to occupation or use of the development. The finish of the walls are to be fully rendered or face brickwork to the satisfaction of the City.

5. External Fixtures

All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and



noise impact on surrounding landowners, and screened from view from the street, and surrounding properties to the satisfaction of the City.

6. Car Parking, Access and Bicycle Facilities

6.1 A minimum of 24 parking bays for the Office, Restaurant/Café and Shop and 45 parking bays for the Multiple Dwellings shall be provided on-site.

6.2 Vehicle and pedestrian access points are required to match into existing footpath levels.

6.3 The car parking and access areas shall be sealed, drained, paved and line marked in accordance with the approved plans and are to comply with the requirements of AS2890.1 prior to the occupation or use of the development.

6.4 The car park shall be used only by owners, visitors and tenants directly associated with the development.

6.5 Bicycle racks shall be design in accordance with AS2890.3 and installed in the following locations to the satisfaction of the City:

- Five (5) spaces on the ground floor, with two (2) located within the car parking area and three (3) located adjacent to the landscaped area in the central courtyard; and
- 41 spaces on the first floor within the car parking area.

6.6 Four visitor car parking spaces shall be marked and clearly signposted as dedicated for visitor use only, to the satisfaction of the City.

7. Parking Management Plan

7.1 Prior to the occupation of the development, a 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, to ensure access is readily available for owners/visitors/tenants to the residential and non-residential units at all times; and
- Reciprocal car parking arrangements for the 15 car bays on the ground floor for use by visitors outside of business hours of the non-residential tenancies.

7.2 The Parking Management Plan as identified in Condition 7.1 above 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.

8. Stormwater

All stormwater produced on the subject land shall be retained on site, by suitable means to the full satisfaction of the City.





9. Verge Infrastructure

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

10. Building Design

10.1 Windows and doors of the ground floor tenancies fronting Newcastle Street shall provide an active and interactive relationship to the street to the satisfaction of the City and shall be maintained thereafter to the satisfaction of the City.

10.2 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.

11. Acoustic Report and Noise Management

An Acoustic Report to the satisfaction of the City, which accords with the City's Policy No. 7.5.21 – Sound Attenuation, shall be lodged with and approved by the City prior to the commencement of the development. All of the recommended measures included in the approved Acoustic Report shall be implemented prior to the occupation or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers.

12. Landscape and Reticulation Plan

12.1 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 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 of 15 percent deep soil area as defined by the City's Policy No. 7.1.1 – Built Form; and
- The appropriate selection of tree species (consistent with the City's Tree Selection Tool) to be located within the deep soil areas to maximise the provision of canopy coverage.

12.2 All works shown in the plans as identified in Condition 12.1 above shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers.

13. Schedule of External Finishes

Prior to the commencement of development, 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.

14. Clothes Drying Facilities

Each multiple dwelling shall be provided with a clothes drying area that shall be adequately screened in accordance with the Residential Design Codes or mechanical drying prior to occupancy or use of the development and shall be completed to the satisfaction of the City.

15. Construction Management Plan

A Construction Management Plan that details how the construction of the development will be managed to minimise the impact on the surrounding area shall be lodged with and approved by the City prior to the commencement of the development. 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; and
- Consultation plan with nearby properties.

16. Public Art

16.1 Percent for public art contribution of \$140,000 being one percent of the total \$14 million value of the development shall be allocated towards public art prior to the commencement of the development;

16.2 Confirmation in writing outlining how the proposed development will comply with the City of Vincent Policy No. 7.5.13 – Percent for Art shall be submitted prior to commencement of development; and

16.3 Public art shall be approved by the City and fully installed or alternatively a cash-in-lieu payment made prior to occupation of the development.

17. Waste Management

17.1 A Waste Management Plan prepared to the satisfaction of the City shall be submitted and approved by the City.

17.2 Waste management for the development shall thereafter comply with the approved Waste Management Plan.

17.3 Waste and refuse generated on the site by of the Office, Restaurant/Café and Shop shall be collected by a private contractor at the expense of the



17.4 applicant/landowner.

18. General

Conditions that have a time limitation for compliance, and the condition is not met in the required timeframe, the obligation to comply with the requirements of the condition continues whilst the approved development exists.

**Advice Notes:**

1. This is a development approval only and is issued under the City of Vincent's Local Planning Scheme No. 2 and the Western Australian Planning Commission's Metropolitan Region Scheme 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 applicant/landowner is advised to liaise with the Water Corporation in regards to servicing and infrastructure requirements for the development.
3. 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.
4. 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.
5. An Infrastructure Protection Bond for the sum of \$3,000 together with a non-refundable inspection fee of \$100 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.
6. All pedestrian access and vehicle driveway/crossover levels shall match into existing verge, footpath and right of way levels to the satisfaction of the City.
7. With respect to stormwater, no further consideration shall be given to the disposal of stormwater 'off-site' without the submission of a geotechnical report from a qualified consultant. Should the approval to dispose of stormwater 'off-site' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings.
8. The City accepts no liability for the relocation of any public utility and/or any other services that may be required as a consequence of this development. The applicant/owner shall ensure that the location of all services is identified prior to submitting an application of building permit. The cost of relocated any services shall be borne by the applicant/owner.



9. With respect to vehicle parking permits, the applicant and owner 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. With respect to waste, the applicant/landowner is advised that should the private waste collection cease and the City be required to collect the waste generated on-site, the applicant/landowner is to liaise with the City in respect to the City's requirements and specifications. Any alterations made in order to meet the City's specifications may require an amendment to this approval.
11. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
12. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first be sought and obtained.
13. 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.

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

**REASON:** In accordance with details contained in the Responsible Authority Report and Amending Motions.

**9. Form 2 – Responsible Authority Reports – Amending or cancelling DAP development approval**

Nil

**10. Appeals to the State Administrative Tribunal**

The Presiding Member noted the following State Administrative Tribunal Applications –

Current Applications		
LG Name	Property Location	Application Description
City of Vincent	Lot 181 (6) Burt Street and Lot 417 (51K) Monmouth Street, Mount Lawley	Mixed Use Development
City of Vincent	Lot 10 (125) Richmond Street, Leederville	Modifications to the external façade of a Three Storey Multiple Dwelling Development
Town of Cambridge	Lot 2 (130) and Lot 3 (132) Brookdale Street, Floreat	Child Care Centre



<b>Current Applications</b>		
<b>LG Name</b>	<b>Property Location</b>	<b>Application Description</b>
Town of Claremont	Lot 508 (3) Shenton Road, Claremont	Eight Storey Mixed Use Development
Town of Claremont	Lot 510 (58-62) Bay View Terrace, Claremont	Third storey additions and refurbishment of commercial tenancies and illuminated large format LED signage

#### **11. General Business / Meeting Close**

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

There being no further business, the Presiding Member declared the meeting closed at 10:24 am.