



Metro West Joint Development Assessment Panel Minutes

Meeting Date and Time: 13 March 2020; 9:30AM
Meeting Number: MWJDAP/261
Meeting Venue: 244 Vincent Street,
Leederville

Attendance

DAP Members

Ms Francesca Lefante (Presiding Member)
Mr Jarrod Ross (Deputy Presiding Member)
Mr Jason Hick (Specialist Member)
Cr Josh Topelberg (Local Government Member, City of Vincent)
Cr Susan Gontaszewski (Local Government Member, City of Vincent)

Officers in attendance

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

Minute Secretary

Ms Kylie Tichelaar (City of Vincent)

Applicants and Submitters

Item 8.1

Ms Jelena May
Mr Peter Taylor
Mr Ben Doyle (Planning Solutions)
Ms Mandy Leung (Hillam Architects)
Mr Felipe Soto (Hillam Architects)

Item 9.1

Ms Bianca Sandri (Urbanista Town Planning)

Members of the Public / Media

There were 4 members of the public in attendance.

Ms Victoria Rifici from Eastern Reported was in attendance.



1. Declaration of Opening

The Presiding Member declared the meeting open at 9:34 am on 13 March 2020 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 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

Nil

3. Members on Leave of Absence

Nil

4. Noting of Minutes

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

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of Interests

Nil

7. Deputations and Presentations

- 7.1 Ms Jelena May presenting against the application at Item 8.1.
- 7.2 Mr Peter Taylor presenting against the application at Item 8.1.
- 7.3 Mr Ben Doyle (Planning Solutions) presenting in support of the application at Item 8.1 and responded to questions from the panel.
- 7.4 Mr Felipe Soto (Hillam Architects) presenting in support of the application at Item 8.1.
- 7.5 Ms Mandy Leung (Hillam Architects) presenting in support of the application at Item 8.1 and responded to questions from the panel.



7.6 Ms Bianca Sandri (Urbanista Town Planning) presenting in support of the application at Item 9.1.

7.7 The City of Vincent officers responded to questions from the panel in relation to Item 8.1 and Item 9.1.

8. Form 1 – Responsible Authority Reports – DAP Application

8.1 Property Location: No. 194 – 200 Carr Place, Leederville
Development Description: Multiple Dwellings
Applicant: Hillam Architects
Owner: Hanrise Pty Ltd Bo Wang
Responsible Authority: City of Vincent
DAP File No: DAP/19/01686

REPORT RECOMMENDATION

Moved by: Mr Jarrod Ross

Seconded by: Ms Francesca Lefante

That the Metro West JDAP resolves to:

- 1. Approve** DAP Application reference DAP/19/01686 and accompanying plans A01-000, A02-00, A02-001, A02-02 to A02-06, A02-07 (Rev D), A02-08, A02-09, A02-07 (Rev B) and A03-01 to A03-04, included in **Attachment 2**, in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* of the City of Vincent Local Planning Scheme No. 2, and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme subject to the following conditions:

Conditions

- 1. Use of Premises**

This approval is for Multiple Dwellings as shown on the plans dated 12 February 2020 as defined in the City of Vincent Local Planning Scheme No.2 and the subject land may not be used for any other use without the prior approval of the City.

- 2. Amalgamation**

Prior to the lodgement of a building permit application for the proposed development, Lots 6, 7, 8 and 9 Carr Place, Leederville ('The lots') are to be amalgamated into a single lot on a Certificate of Title; or alternatively, the owner entering into a legal agreement with the City and secured by an absolute caveat lodged over the certificates of title to the Lots requiring the amalgamation to be completed within twelve months of the issue of a Building Permit for the proposed works; and

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



3. Boundary Walls

The surface finish of boundary walls facing an adjoining property shall be of a good and clean condition, prior to the practical completion of the development, and thereafter maintained, to the satisfaction of the City. The finish of boundary walls is to be fully rendered or face brick; or material as otherwise approved; to the satisfaction of the City.

4. Building Design

4.1 Prior to the issuing of a building permit, details of privacy screening, including to the living room of the north-western apartment on the fourth floor, are to be submitted to and approved by the City to the satisfaction of the City's Design Review Panel. The approved privacy screening shall be installed thereafter prior to occupancy or use of the development to the satisfaction of the City.

4.2 Doors and windows and adjacent floor areas to Carr Place shall maintain an active and interactive relationship with this street, and 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.

5. Schedule of External Finishes

Prior to the issuing of a building permit, a schedule detailing the colour and texture of the building materials, demonstrating that the proposed development complements the surrounding area, must be submitted to and approved by the City to the satisfaction of the City's Design Review Panel. The development must be finished, and thereafter maintained, in accordance with the schedule provided to and approved by the City, prior to occupation of the development.

6. Boundary Walls

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

7. Landscaping

7.1 A detailed landscape and reticulation plan for the development site and adjoining road verge, to the satisfaction of the City, shall be lodged with and approved by the City prior to issuing of a Building Permit. 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 8.4% deep soil area, as defined by the Residential Design Codes Volume 2 – Apartments;
- The provision of trees contributing towards canopy coverage within deep soil areas provided, communal open space areas and within the front and rear setback areas. The tree species are to be in accordance with the City's recommended tree species list;



- Landscaping indicated around the perimeter of balconies and major openings to habitable rooms to be a minimum height of 1.6m to provide privacy screening;
 - Provision of three trees within the Carr Place verge adjoining the development shall be provided. The tree species shall be Jacaranda Mimosaeifolia with a minimum size of 200 litres each; and
 - Lighting detail for the pocket park and communal open space areas.
- 7.2 All works shown in the plans as identified in landscaping plan identified above shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers.
- 7.3 No verge trees shall be removed without the prior written approval of the City. Verge trees shall be retained and protected from damage including unauthorised pruning to the satisfaction of the City. Prior to any pruning of verge trees, an arborist report shall be prepared by the landowner and submitted to the City.
8. Car Parking, Access and Bicycle Facilities
- 8.1 Prior to the occupation or use of the development a total of 102 car parking bays shall be provided, including:
- 94 bays residents parking bays; and
 - 8 visitor parking bays.
- Visitor parking shall be permanently marked, maintained and legally accessible at all times for use exclusively by visitors to the property, be sign posted from the communal driveway.
- 8.2 A minimum of 34 bicycle bays shall be provided within the development, including:
- 28 resident bicycle bays; and
 - 6 visitor bicycle bays.
- The bicycle bay shall be designed in accordance with AS2890.3 and installed prior to occupation to the satisfaction of the City.
- 8.3 All driveways, car parking and manoeuvring area(s) which form part of this approval shall be sealed, drained, paved and line marked in accordance with AS2890.1 and the approved plans prior to the first occupation of the development and maintained thereafter by the owner/occupier to the satisfaction of the City.
- 8.4 Prior to the first occupation of the development, the car parking spaces provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling.



- 8.5 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. 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.
- 8.6 Prior to the first occupation of the development, redundant or "blind" crossovers shall be removed and the verge and kerb made good to the satisfaction of the City, at the applicant/owner's full expense.
- 8.7 No walls, letterboxes or fences above 0.75 metres in height to be constructed within the 1.5 metre of where:
- a) walls, letterboxes or fences adjoin vehicular access points to the site;
 - b) a driveway meets a public street; or
 - c) two streets intersect;
- unless otherwise approved by the City of Vincent.
- 8.8 Prior to occupancy the power pole within the proposed crossover shall be relocated to the satisfaction of the City.
9. Parking Management Plan
- 9.1 Prior to the occupation or use 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 dwellings at all times; and
 - The allocation of the car parking bays to ensure that there is a total of 94 resident bays and 8 visitor bays, and that tandem bays are allocated so that both bays service the same dwelling.
- 9.2 The approved Parking Management Plan shall be implemented, and the development shall be carried out in accordance with the approved Parking Management Plan and approved plans, to the satisfaction of the City at the expense of the owners/occupiers.



10. Waste Management Plan

10.1 A Waste Management Plan must be submitted to and approved by the City prior to issuing a building permit. The plan must include the following details to the satisfaction and specification of the City of Vincent:

- The location of bin storage areas and bin collection areas;
- The number, volume and type of bins, and the type of waste to be placed in the bins;
- Details on the future ongoing management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas;
- Frequency of bin collections; and
- Details regarding the City's collection of waste from within the development site, including:
 - A waiver form signed by the developer;
 - The provision of a minimum length of 10m (with a minimum ceiling height of 3.5m) within the property boundary to accommodate the City's waste vehicle;
 - Civil drawings indicating the design and construction of the crossover and driveway to ensure that adequate manoeuvring for the City's waste vehicle is provided;
 - Access to the site through the gates; and
 - A suitable collection area provided within the site and adjacent to the driveway for bin presentation.

Alternatively, the Waste Management Plan shall outline that waste from the development will be collected by a private contractor at the expense of the applicant/landowner.

10.2 The Waste Management Plan must be implemented at all times to the satisfaction of the City of Vincent.

11. Acoustic Report and Noise Management

11.1 An Acoustic Report in accordance with the City's Policy No. 7.5.21 – Sound Attenuation and State Planning Policy 5.4 – Road and Rail Noise shall be lodged with and approved by the City prior to issuing a building permit. All recommended measures in the report shall be undertaken in accordance with the report to the City's satisfaction, 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.

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



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

This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development.

12. 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 issuing of a building permit (including demolition and/or forward works). The Construction Management Plan is required to address the following concerns that relate to any works to take place on the site:

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

13. Public Art

13.1 In accordance with City of Vincent Policy 7.5.13 Percent for Art the application is required to make a public art contribution of \$170,000 being one percent of the \$17 million cost of development. In order to comply with the Policy, the owner(s) or applicant, on behalf of the owner(s) shall submit a statutory declaration prior to the lodgement of a Building permit stipulating the choice of:

Option 1:

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

OR

Option 2:

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



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

Option 1:

- Prior to the issue of a Building Permit for the development, obtain approval for the Public Art Project and associated Artist; and
- Prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work;

OR

Option 2:

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

14. Stormwater

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

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

15. External Fixtures

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

16. Clothes Drying Facilities

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

17. General

17.1 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.



17.2 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.

Advice Notes

1. This is a development approval only and is issued under the City of Vincent's Local Planning Scheme No. 2 only. It is the responsibility of the applicant/owner to obtain any other necessary approvals and to commence and carry out development in accordance with any other laws.
2. The footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the City's specification. The verge upgrade may include landscaping, as directed by the City. A plan of the proposed works must be submitted and approved prior to commencement of works. A refundable footpath upgrade bond shall be lodged prior to the commencement of building works and will be held until all works have been completed and/or any damage to the existing facilities have been re-instated to the satisfaction of the City. An application to the City for the refund of the upgrade bond must be made in writing.
3. The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5m) shall be maintained for all users at all times during construction works. Permits are required for placement of any material within the road reserve.
4. 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.
5. The City's solicitors, McLeods Barristers and Solicitors, may prepare the caveat associated with the amalgamation of the lots. McLeods will provide you with an estimate of the costs to prepare the associated documents. The owner/applicant is responsible for the costs associated with the preparation of these.
6. Visually permeable is defined as "*in reference to a wall, gate, door or fence that the vertical surface has continuous vertical or horizontal gaps of 50mm or greater width occupying not less than one third of the total surface area; continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate; or a surface offering equal or lesser obstruction to view; as viewed directly from the street*".
7. With reference to boundary walls, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls



8. The approved landscaping plan is required to be maintained once implemented and maintenance requirements should be outlined in the strata management plan to ensure landscaping areas within strata properties are suitably maintained. Modifications to the approved landscaping that has been installed on site at the time of occupancy will require subsequent approval of the City.
9. The applicant and landowner are advised that sufficient parking can be provided on the subject site and as such the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential dwellings. This information should be provided to all prospective purchasers and it is recommended that a notice be placed on Sales Contracts to advise purchasers of this restriction.
10. With respect to stormwater, should connection to the City's drainage infrastructure be required, this is to be in accordance with the City's Policy No. 2.2.10 – Stormwater Drainage Connections.
11. The applicant is advised that any future strata title of the property must be consistent with this approval and the lot sizes demonstrated in the application.
12. 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. The applicant/landowner is advised to liaise with the Water Corporation and Western Power in regards to servicing and infrastructure requirements for the development.
13. 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.
14. 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.
15. 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: Cr Joshua Topelberg

Seconded by: Cr Susan Gontaszweski

That a dot point 5 be added to condition 7.1 be amended to read as follows:

7.1 A detailed landscape and reticulation plan for the development site and adjoining road verge, to the satisfaction of the City, shall be lodged with and approved by the City prior to issuing of a Building Permit. 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 8.4% deep soil area, as defined by the Residential Design Codes Volume 2 – Apartments;
- The provision of trees contributing towards canopy coverage within deep soil areas provided, communal open space areas and within the front and rear setback areas. The tree species are to be in accordance with the City's recommended tree species list;
- **The northern wall of the podium element of the development is to include significant landscaping elements covering a minimum of 80% of the wall at maturity.**
- Landscaping indicated around the perimeter of balconies and major openings to habitable rooms to be a minimum height of 1.6m to provide privacy screening;
- Provision of three trees within the Carr Place verge adjoining the development shall be provided. The tree species shall be Jacaranda Mimosaeifolia with a minimum size of 200 litres each; and
- Lighting detail for the pocket park and communal open space areas.

The Amending Motion was put and CARRIED UNANIMOUSLY

REASON: To specify the expectation of 80% of the wall being covered at maturity.

AMENDING MOTION 2

Moved by: Mr Jarrod Ross

Seconded by: Cr Joshua Topelberg

That Condition 1 be amended to read as follows:

1. Use of Premises

This approval is for Multiple Dwellings as shown on the plans dated 12 February 2020 as defined in the City of Vincent Local Planning Scheme No.2 and the subject land may not be used for any other use without the prior approval of the City.

The Amending Motion was put and CARRIED UNANIMOUSLY

REASON: To clarify what can't and can be approved on a site and that there is no contradiction of the deemed provisions.



AMENDING MOTION 3

The following amendments were made en bloc:

Moved by: Mr Jarrod Ross

Seconded by: Mr Jason Hick

- (i) That Condition 2 be amended to read as follows:

Amalgamation

*Prior to the **lodgement issue** of an **building occupancy** permit application for the **proposed approved** development, Lots 6, 7, 8 and 9 Carr Place, Leederville ('The lots') are to be amalgamated into a single lot on a Certificate of Title. ~~or alternatively, the owner entering into a legal agreement with the City and secured by an absolute caveat lodged over the certificates of title to the Lots requiring the amalgamation to be completed within twelve months of the issue of a Building Permit for the proposed works; and~~*

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

That Advice Note 5 be deleted and the remaining advice notes be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To allow the applicant to lodge their amalgamation proposal with the WAPC so as to not hold up lodgement of the building permit. Amalgamation is only required prior the occupancy

AMENDING MOTION 4

Moved by: Mr Jarrod Ross

Seconded by: Mr Jason Hick

That Condition 6 be deleted and the remaining conditions be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: It is a duplication of Condition 3.



AMENDING MOTION 5

Moved by: Mr Jarrod Ross

Seconded by: Mr Jason Hick

That Condition 17.2 (now Condition 16.2) be amended to read as follows:

16.2 This decision constitutes development approval only and is valid for a period of ~~two~~ **four** 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.

That Advice Note 13 (now Advice Note 12) be amended to read as follows:

12 If the development the subject of this approval is not substantially commenced within a period of ~~2~~ **4** years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Presales may exceed the 2 year period in the current economic climate so is reasonable to allow a 4 year period for the purposes of substantial commencement.

REPORT RECOMMENDATION (AS AMENDED)

Moved by: Mr Jarrod Ross

Seconded by: Ms Francesca Lefante

That the Metro West JDAP resolves to:

1. **Approve** DAP Application reference DAP/19/01686 and accompanying plans A01-000, A02-00, A02-001, A02-02 to A02-06, A02-07 (Rev D), A02-08, A02-09, A02-07 (Rev B) and A03-01 to A03-04, included in **Attachment 2**, in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* of the City of Vincent Local Planning Scheme No. 2, and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme subject to the following conditions:

Conditions

1. Use of Premises

This approval is for Multiple Dwellings as shown on the plans dated 12 February 2020 as defined in the City of Vincent Local Planning Scheme No.2.

2. Amalgamation

Prior to the issue of an occupancy permit application for the approved development, Lots 6, 7, 8 and 9 Carr Place, Leederville ('The lots') are to be amalgamated into a single lot on a Certificate of Title.



3. Boundary Walls

The surface finish of boundary walls facing an adjoining property shall be of a good and clean condition, prior to the practical completion of the development, and thereafter maintained, to the satisfaction of the City. The finish of boundary walls is to be fully rendered or face brick; or material as otherwise approved; to the satisfaction of the City.

4. Building Design

4.1 Prior to the issuing of a building permit, details of privacy screening, including to the living room of the north-western apartment on the fourth floor, are to be submitted to and approved by the City to the satisfaction of the City's Design Review Panel. The approved privacy screening shall be installed thereafter prior to occupancy or use of the development to the satisfaction of the City.

4.2 Doors and windows and adjacent floor areas to Carr Place shall maintain an active and interactive relationship with this street, and 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.

5. Schedule of External Finishes

Prior to the issuing of a building permit, a schedule detailing the colour and texture of the building materials, demonstrating that the proposed development complements the surrounding area, must be submitted to and approved by the City to the satisfaction of the City's Design Review Panel. The development must be finished, and thereafter maintained, in accordance with the schedule provided to and approved by the City, prior to occupation of the development.

6. Landscaping

6.1 A detailed landscape and reticulation plan for the development site and adjoining road verge, to the satisfaction of the City, shall be lodged with and approved by the City prior to issuing of a Building Permit. 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 8.4% deep soil area, as defined by the Residential Design Codes Volume 2 – Apartments;
- The provision of trees contributing towards canopy coverage within deep soil areas provided, communal open space areas and within the front and rear setback areas. The tree species are to be in accordance with the City's recommended tree species list;
- The northern wall of the podium element of the development is to include significant landscaping elements covering a minimum of 80% of the wall at maturity.
- Landscaping indicated around the perimeter of balconies and major openings to habitable rooms to be a minimum height of 1.6m to provide privacy screening;



- Provision of three trees within the Carr Place verge adjoining the development shall be provided. The tree species shall be Jacaranda Mimosaeifolia with a minimum size of 200 litres each; and
 - Lighting detail for the pocket park and communal open space areas.
- 6.2 All works shown in the plans as identified in landscaping plan identified 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.
- 6.3 No verge trees shall be removed without the prior written approval of the City. Verge trees shall be retained and protected from damage including unauthorised pruning to the satisfaction of the City. Prior to any pruning of verge trees, an arborist report shall be prepared by the landowner and submitted to the City.

7. Car Parking, Access and Bicycle Facilities

- 7.1 Prior to the occupation or use of the development a total of 102 car parking bays shall be provided, including:
- 94 bays residents parking bays; and
 - 8 visitor parking bays.
- Visitor parking shall be permanently marked, maintained and legally accessible at all times for use exclusively by visitors to the property, be sign posted from the communal driveway.
- 7.2 A minimum of 34 bicycle bays shall be provided within the development, including:
- 28 resident bicycle bays; and
 - 6 visitor bicycle bays.
- The bicycle bay shall be designed in accordance with AS2890.3 and installed prior to occupation to the satisfaction of the City.
- 7.3 All driveways, car parking and manoeuvring area(s) which form part of this approval shall be sealed, drained, paved and line marked in accordance with AS2890.1 and the approved plans prior to the first occupation of the development and maintained thereafter by the owner/occupier to the satisfaction of the City.
- 7.4 Prior to the first occupation of the development, the car parking spaces provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling.
- 7.5 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. 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.



- 7.6 Prior to the first occupation of the development, redundant or “blind” crossovers shall be removed and the verge and kerb made good to the satisfaction of the City, at the applicant/owner’s full expense.
- 7.7 No walls, letterboxes or fences above 0.75 metres in height to be constructed within the 1.5 metre of where:
- walls, letterboxes or fences adjoin vehicular access points to the site;
 - a driveway meets a public street; or
 - two streets intersect;
- unless otherwise approved by the City of Vincent.
- 7.8 Prior to occupancy the power pole within the proposed crossover shall be relocated to the satisfaction of the City.

8. Parking Management Plan

- 8.1 Prior to the occupation or use 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 dwellings at all times; and
 - The allocation of the car parking bays to ensure that there is a total of 94 resident bays and 8 visitor bays, and that tandem bays are allocated so that both bays service the same dwelling.
- 8.2 The approved Parking Management Plan shall be implemented, and the development shall be carried out in accordance with the approved Parking Management Plan and approved plans, to the satisfaction of the City at the expense of the owners/occupiers.

9. Waste Management Plan

- 9.1 A Waste Management Plan must be submitted to and approved by the City prior to issuing a building permit. The plan must include the following details to the satisfaction and specification of the City of Vincent:
- The location of bin storage areas and bin collection areas;
 - The number, volume and type of bins, and the type of waste to be placed in the bins;
 - Details on the future ongoing management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas;
 - Frequency of bin collections; and
 - Details regarding the City’s collection of waste from within the development site, including:
 - A waiver form signed by the developer;
 - The provision of a minimum length of 10m (with a minimum ceiling height of 3.5m) within the property boundary to accommodate the City’s waste vehicle;
 - Civil drawings indicating the design and construction of the crossover and driveway to ensure that adequate manoeuvring for the City’s waste vehicle is provided;
 - Access to the site through the gates; and



- A suitable collection area provided within the site and adjacent to the driveway for bin presentation.

Alternatively, the Waste Management Plan shall outline that waste from the development will be collected by a private contractor at the expense of the applicant/landowner.

- 9.2 The Waste Management Plan must be implemented at all times to the satisfaction of the City of Vincent.

10. Acoustic Report and Noise Management

10.1 An Acoustic Report in accordance with the City's Policy No. 7.5.21 – Sound Attenuation and State Planning Policy 5.4 – Road and Rail Noise shall be lodged with and approved by the City prior to issuing a building permit. All recommended measures in the report shall be undertaken in accordance with the report to the City's satisfaction, 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.

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

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

This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development.

11. 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 issuing of a building permit (including demolition and/or forward works). The Construction Management Plan is required to address the following concerns that relate to any works to take place on the site:

- Public safety, amenity and site security;
- Contact details of essential site personnel;
- Construction operating hours;
- Noise control and vibration management;
- Dilapidation Reports of nearby properties;
- Air, sand and dust management;
- Stormwater and sediment control;
- Soil excavation method;
- Waste management and materials re-use;
- Traffic and access management;
- Parking arrangements for contractors and subcontractors;



- Consultation plan with nearby properties; and
- The protection of existing verge trees.

12. Public Art

12.1 In accordance with City of Vincent Policy 7.5.13 Percent for Art the application is required to make a public art contribution of \$170,000 being one percent of the \$17 million cost of development. In order to comply with the Policy, the owner(s) or applicant, on behalf of the owner(s) shall submit a statutory declaration prior to the lodgement of a Building permit stipulating the choice of:

Option 1:

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

OR

Option 2:

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

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

Option 1:

- Prior to the issue of a Building Permit for the development, obtain approval for the Public Art Project and associated Artist; and
- Prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work;

OR

Option 2:

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

13. Stormwater

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

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



14. External Fixtures

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

15. Clothes Drying Facilities

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

16. General

16.1 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.

16.2 This decision constitutes development 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 two year period, the approval shall lapse and be of no further effect.

Advice Notes

1. This is a development approval only and is issued under the City of Vincent's Local Planning Scheme No. 2 only. It is the responsibility of the applicant/owner to obtain any other necessary approvals and to commence and carry out development in accordance with any other laws.
2. The footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the City's specification. The verge upgrade may include landscaping, as directed by the City. A plan of the proposed works must be submitted and approved prior to commencement of works. A refundable footpath upgrade bond shall be lodged prior to the commencement of building works and will be held until all works have been completed and/or any damage to the existing facilities have been re-instated to the satisfaction of the City. An application to the City for the refund of the upgrade bond must be made in writing.
3. The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5m) shall be maintained for all users at all times during construction works. Permits are required for placement of any material within the road reserve.



4. 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.
5. Visually permeable is defined as "*in reference to a wall, gate, door or fence that the vertical surface has continuous vertical or horizontal gaps of 50mm or greater width occupying not less than one third of the total surface area; continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate; or a surface offering equal or lesser obstruction to view; as viewed directly from the street*".
6. With reference to boundary walls, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls
7. The approved landscaping plan is required to be maintained once implemented and maintenance requirements should be outlined in the strata management plan to ensure landscaping areas within strata properties are suitably maintained. Modifications to the approved landscaping that has been installed on site at the time of occupancy will require subsequent approval of the City.
8. The applicant and landowner are advised that sufficient parking can be provided on the subject site and as such the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential dwellings. This information should be provided to all prospective purchasers and it is recommended that a notice be placed on Sales Contracts to advise purchasers of this restriction.
9. With respect to stormwater, should connection to the City's drainage infrastructure be required, this is to be in accordance with the City's Policy No. 2.2.10 – Stormwater Drainage Connections.
10. The applicant is advised that any future strata title of the property must be consistent with this approval and the lot sizes demonstrated in the application.
11. 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. The applicant/landowner is advised to liaise with the Water Corporation and Western Power in regards to servicing and infrastructure requirements for the development.
12. If the development the subject of this approval is not substantially commenced within a period of 4 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.



13. 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.
14. 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

- 9.1** Property Location: No. 212 Carr Place, Leederville
Development Description: Mixed Use Development Comprising Restaurant, Office, Multiple Dwellings and Basement Car Parking
Proposed Amendments: Reconsideration of Condition
Applicant: Urbanista Town Planning
Owner: Empire Enterprises WA Pty Ltd
Responsible Authority: City of Vincent
DAP File No: DAP/18/01415

REPORT RECOMMENDATION

Moved by: Cr Susan Gontaszewski

Seconded by: Cr Joshua Topelberg

That the Metro West JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/18/01415 as detailed on the DAP Form 2 dated 17 December 2019 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*; and
2. **Approve** the DAP Application reference DAP/18/01415 as detailed on the DAP Form 2 date 17 December 2019 in accordance with Clause 77 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Vincent Local Planning Scheme No. 2, for the proposed minor amendment to the approved development at No. 212 Carr Place, Leederville, subject to the following condition:



Amended Conditions

1. All conditions and advice notes detailed on the previous development approvals 5.2018.156.1, 5.2019.223.1 and 5.2019.428.1 granted on 6 August 2018, 19 August 2019 and 28 November 2019 respectively continue to apply to this approval, except as follows:

- 1.1 Condition 5.1 is amended to read as follows:

5.1 *A minimum of five (5) parking bays for the Restaurant/Cafe and 14 on-site car parking bays for residential units shall be provided. Reciprocal car parking for two (2) car bays for use by the commercial tenancies and visitors to the residential units shall be included in the Strata Management Plan and detailed in the Parking Management Plan.*

Advice Notes

The development shall be undertaken in accordance with the approved plans which formed part of the previous development approval 5.2019.428.1 granted by the City of Vincent on 28 November 2019, unless development approval is obtained for any subsequent amendment.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

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

10. Appeals to the State Administrative Tribunal

Current SAT Applications		
LG Name	Property Location	Application Description
Town of Cambridge	Lot 2 (130) and Lot 3 (132) Brookdale Street, Floreat	Child Care Centre
Town of Claremont	Lots 18 (164) and 19 (162) Alfred Road, Swanbourne	Proposed Childcare Centre

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 11:09 am.