



Metro Inner-North Joint Development Assessment Panel Minutes

Meeting Date and Time: Friday, 1 December 2023; 9.30am
Meeting Number: MINJDAP/207
Meeting Venue: City of Subiaco
Level 2, 388 Hay Street, Subiaco

1 Table of Contents

1.	Opening of Meeting, Welcome and Acknowledgement.....	2
2.	Apologies.....	3
3.	Members on Leave of Absence.....	3
4.	Noting of Minutes.....	3
5.	Declaration of Due Consideration.....	3
6.	Disclosure of Interests.....	3
7.	Deputations and Presentations.....	4
8.	Form 1 – Responsible Authority Reports – DAP Applications.....	4
	Nil.....	4
9.	Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval	4
	Nil.....	4
10.	State Administrative Tribunal Applications and Supreme Court Appeals	5
	10.1 No. 414 (Lot 27) Rokeby Road, Subiaco	5
11.	General Business.....	17
12.	Meeting Closure	17

Lee O'Donohue
A/Presiding Member, Metro Inner-North JDAP



Attendance

DAP Members

DAP Members

Lee O'Donohue (A/Presiding Member)
Rachel Chapman (Deputy Presiding Member)
John Syme (Third Specialist Member)
Cr Garry Kosovich (Local Government Member, City of Subiaco)
Cr Simon White (Local Government Member, City of Subiaco)

Officers in attendance

Anthony Denholm (City of Subiaco)
Brendan Philipps (City of Subiaco)
Aoise Noone (City of Subiaco)

Minute Secretary

Anthea Astone (City of Subiaco)
Taj Pelham (City of Subiaco)

Applicants and Submitters

Jon Ferguson (Porter Commercial)
Naden Scarfone (Hames Sharley (WA) Pty Ltd)
Tim Boekhoorn (Hames Sharley (WA) Pty Ltd)
Ken Perry
Tom Hockley (Allerding & Associates)
Jackie Greenshields

Members of the Public / Media

There were 12 members of the public in attendance.

Lloyd Gorman from The Post was in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The A/Presiding Member declared the meeting open at 9:31am on 1 December 2023 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

The A/Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2020 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

Lee O'Donohue
A/Presiding Member, Metro Inner-North JDAP



1.1 Announcements by Presiding Member

The A/Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2020 which states '*A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.*', the meeting would not be recorded.

2. Apologies

Francesca Lefante (Presiding Member)
Cr Rick Powell (Local Government Member, City of Subiaco)
Cr Rosemarie de Vries (Local Government Member, City of Subiaco)

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

The A/Presiding Member noted that an addendum to the agenda was published to include details of a DAP direction for further information and responsible authority response in relation to Item 10.1, received on 30 November 2023.

All members declared that they had duly considered the documents.

6. Disclosure of Interests

DAP Member, Cr Simon White, declared an impartiality interest in item 10.1. Cr White participated in community planning events relating to this application, prior to becoming a DAP member.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the A/Presiding Member determined that the member listed above, who had disclosed an impartiality interest, was permitted to participate in the discussion and voting on the item.

In accordance with section 2.4.10 of the DAP Code of Conduct 2017, DAP Member, Lee O'Donohue, declared that she had participated in a State Administrative Tribunal process in relation to the application at item 10.1. However, under section 2.1.3 of the DAP Code of Conduct 2017, Lee O'Donohue acknowledged that they are not bound by any confidential discussions that occurred as part of the mediation process and undertakes to exercise independent judgment in relation to any DAP applications before them, which will be considered on its planning merits.

Lee O'Donohue
A/Presiding Member, Metro Inner-North JDAP



7. Deputations and Presentations

- 7.1** Jackie Greenshields addressed the DAP against the application at Item 10.1 and responded to questions from the panel.
- 7.2** Ken Perry addressed the DAP in support of the recommendation but against the application at Item 10.1 and responded to questions from the panel.
- 7.3** Tom Hockley (Allerding & Associates) addressed the DAP against the application at Item 10.1.
- 7.4** Tim Boekhoorn (Hames Sharley) addressed the DAP against the recommendation but in support of the application at Item 10.1 and responded to questions from the panel.
- 7.5** Naden Scarfone (Hames Sharley) addressed the DAP against the recommendation but in support of the application at Item 10.1 and responded to questions from the panel.
- 7.6** The City of Subiaco addressed the DAP in relation to the application at Item 10.1 and responded to questions from the panel.

8. Form 1 – Responsible Authority Reports – DAP Applications

Nil

9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval

Nil

Lee O'Donohue
A/Presiding Member, Metro Inner-North JDAP



10. State Administrative Tribunal Applications and Supreme Court Appeals

10.1 No. 414 (Lot 27) Rokeby Road, Subiaco

- Development Description:
- Reduction in building height by one storey and increased setbacks
 - Reduction in the number of dwellings by three (seven in lieu of ten)
 - Addition of a café tenancy on ground floor
 - Reduction in on-site commercial car parking by one
 - Increased street setbacks
 - Increased deep soil areas for trees and landscaping
 - Changes to materiality selection and design of the facades
 - Updated waste management plan

Summary of Modifications: Porter Commercial
Applicant: GBW Property Pty Ltd
Owner: City of Subiaco
Responsible Authority: DAP/22/02218
DAP File No:

REPORT RECOMMENDATION

Moved by: NIL

Seconded by: NIL

The Council unanimously resolved not to endorse the Officer Recommendation.

The Report Recommendation LAPSED for want of a mover and a seconder.

Moved by: Cr Garry Kosovich

Seconded by: Cr Simon White

ALTERNATE MOTION 1

Reconsider its decision on 7 December 2022 and **VARY the Deemed Refusal and substitute a new decision to Refuse** the DAP Application reference DAP/22/02218 and amended plans dated 2 October 2023 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, the City of Subiaco Local Planning Scheme No. 5 and Metropolitan Region Scheme for the following reasons:

Lee O'Donohue
A/Presiding Member, Metro Inner-North JDAP



Reasons

1. The proposed development does not satisfy the provisions of Local Planning Scheme No. 5 in so far as:
 - a. The proposal is inconsistent with the following aims of the Scheme:
 - i. The scale of the development is considered to compromise the visual and social amenity of the City, and result in undue adverse impact on the amenity of adjoining properties, and does not meet Clauses 9 (f) (iv) and (vi) of the Scheme; and
 - ii. The proposal is considered to compromise the existing character of the City and does not meet Clause 9 (g) (iii) of the Scheme.
 - b. The proposal is inconsistent with the following objectives of the Mixed Use Zone:
 - i. The office land use proposed on the ground floor does not provide an active land use and would result in limited street engagement, and does not meet objective (a);
 - c. The proposal is inconsistent with clause 34(5) – Variations to Site and Development Requirements owing to:
 - i. Approval of the development and specifically the building height proposed would not be appropriate having regard to the matters to be considered in clause 67 of the Deemed Provisions in the *Planning and Development (Local Planning Schemes) Regulations 2015*.
 - ii. The variations being sought would have a significant adverse impact on the inhabitants of the locality and the likely future development of the locality.
2. Having regard to *State Planning Policy 7.0 Design of the Built Environment*, the form and scale of the proposed development does not adequately satisfy the following design principles:
 - a. Principle 3 *Built Form and Scale*, as the height and massing of the proposal is not considered to adequately respond to the desired built form of the site as identified in the Rokeby Road South Local Development Plan.
3. Having regard to *State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments*, the form and scale of the proposed development is inappropriate to the context and local character, and does not adequately satisfy all Element Objectives of the following Elements:
 - a. Element 2.2 Building Height;
 - b. Element 2.4 Side and Rear Setback;
 - c. Element 2.8 Community Benefits; and
 - d. Element 4.8 Dwelling Mix.

Lee O'Donohue
A/Presiding Member, Metro Inner-North JDAP



4. Having regard to the *Rokeby Road South Local Development Plan* (RRSLDP), the proposal is not considered to satisfy the following Specific Objectives under Part 1.4 of the RRSLDP:
- Objective iv), as the proposal does not preserve fine grain development at the activity node and does not support active land uses by virtue of the Office land use being the predominant use at the ground floor.
 - Objective v), as the proposal does not enhance access to sunlight at activity nodes due to the proposed height.
 - Objective xii), as the proposal does not appropriately link development potential to design excellence outcomes. The design quality of the proposal is not considered to justify the additional building height sought in the proposal.

The Alternate Motion 1 was put and LOST (2/3).

For: Cr Garry Kosovich
Cr Simon White

Against: John Syme
Rachel Chapman
Lee O'Donohue

ALTERNATE MOTION 2

Moved by: John Syme

Seconded by: Rachel Chapman

That the Metro Inner North Joint Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 216 of 2022, resolves to:

Reconsider its decision on 7 December 2022 and **SET ASIDE the Deemed Refusal and substitute a new** decision to **Approve** DAP Application reference DAP/22/02218 and amended plans dated 2 October 2023 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the City of Subiaco Local Planning Scheme No. 5 and Metropolitan Region Scheme subject to the following conditions:

Conditions

General

- Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
- This decision constitutes planning approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within four (4) years, the approval shall lapse and be of no further effect.

Lee O'Donohue
A/Presiding Member, Metro Inner-North JDAP



3. All stormwater generated on site is to be retained on site. An onsite storage/infiltration system is to be provided within the site for at least the 1 per cent annual exceedance probability (AEP) event. No stormwater will be permitted to enter the City of Subiaco's stormwater drainage system unless otherwise approved.
4. Prior to the issue of a building permit (but not including a demolition permit or building permit for forward works only), the applicant is to demonstrate incorporation of water efficient irrigation systems and water harvesting or re-use technologies within the development, to the satisfaction of the City of Subiaco.
5. Prior to the issue of a building permit (but not including a demolition permit or building permit for forward works only), the applicant shall demonstrate how all external fixtures including, but not limited to TV and radio antennae, satellite dishes, plumbing vents and pipes, solar panels, air conditioners and hot water systems are integrated into the design of the building and not be visible from the street, to the satisfaction of the City of Subiaco.
6. Prior to occupation, each multiple dwelling shall be provided with a mechanical clothes dryer or alternatively shall have an adequate area provided for drying clothes. This drying area shall be screened from view from any adjacent public place, to the satisfaction of the City of Subiaco.
7. Prior to occupation, each multiple dwelling shall be provided with a storeroom with a minimum area of 5 square meters; minimum dimension of 1.5m; and minimum height of 2.1m, to the satisfaction of the City of Subiaco.
8. Prior to the issue of a building permit (but not including a demolition permit or building permit for forward works only), a final landscaping plan shall be submitted which includes further detail for on-structure planting. The landscaping shall be completed in accordance with the approved plans or any approved modifications thereto, to the satisfaction of the City of Subiaco. All landscaped areas, are to be maintained on an ongoing basis for the life of the development on the site, to the satisfaction of the City of Subiaco.
9. Prior to occupation of the development, brickwork and finishes on or adjacent to boundaries, including exposed parapet walls, are to be finished externally to the same standard as the rest of the development in either:
 - Face brick;
 - Painted render;
 - Painted brickwork; or
 - Other clean material,And are to be thereafter maintained to the satisfaction of the City of Subiaco.
10. Prior to the issue of a building permit (but not including a demolition permit or building permit for forward works only), the applicant shall submit a schedule of materials, colours, finishes and textures for the development to the satisfaction of the City of Subiaco. The schedule may be subject to review and comment by the City's Design Review Panel.

Lee O'Donohue
A/Presiding Member, Metro Inner-North JDAP



11. Prior to issue of a building permit (but not including a demolition permit or building permit for forward works only), an outdoor lighting plan must be submitted and approved by the City of Subiaco. The outdoor lighting is to be designed, baffled and located to prevent any increase in light spill onto the adjoining properties. Prior to occupation of the development, the endorsed lighting plan shall be implemented and maintained thereafter, to the satisfaction of the City of Subiaco.
12. Tenancies one (1), two (2) and three (3) are hereby approved as an 'office' and tenancy four (4) is hereby approved as a 'restaurant/cafe', unless otherwise approved by the City of Subiaco.
13. Prior to the issue of a building permit (but not including a demolition permit of building permit for forward works only), the applicant is to demonstrate that the development achieves either a minimum of:
 - a) 20 per cent of all dwellings, across a range of dwelling sizes, meet Silver Level requirements as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia); or
 - b) 5 per cent of dwellings are designed to Platinum Level as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia).
14. Prior to the issue of a building permit (but not including a demolition permit or building permit for forward works only), the applicant shall submit amended plans detailing that the glazing to the ground floor commercial tenancies contain transparent glass or a similar treatment to minimum of 75% of the surface area of the windows in order to maintain a connection to the streetscape, to the satisfaction of the City of Subiaco.

Public Art

15. Prior to issue of a building permit (but not including a demolition permit or building permit for forward works only), the applicant/owner shall either:
 - a) Obtain approval from the City of Subiaco for an artist to provide public art on the development site in accordance with an approved Public Art Plan, to a minimum value of 1% (\$80,000 exclusive GST) of the construction cost. Prior to occupation, the endorsed public art or works shall be implemented and maintained thereafter to the satisfaction of the City of Subiaco; or
 - b) Enter into a legal agreement with the City of Subiaco for a cash-in-lieu payment of 1% (\$80,000 exclusive GST) of the construction cost for the purpose of public art works. The agreement is to be prepared by the City's solicitors at the expense of the owner and executed by all parties prior to occupation.

Sustainability

16. Prior to the issue of a building permit (but not including a demolition permit or building permit for forward works only), the applicant shall submit a statement of compliance prepared by a Green Star Accredited Professional confirming that the development can achieve the targeted informal (equivalency) 5 star Green Star Buildings rating, to the satisfaction of the City of Subiaco.



Lee O'Donohue
A/Presiding Member, Metro Inner-North JDAP



17. Prior to occupation of the development, the applicant is to submit to the City of Subiaco documentation confirming that the sustainability initiatives identified in the statement of compliance can be implemented, to the satisfaction of the City of Subiaco.
18. Within 12 months of practical completion of the development, the applicant is to submit to the City of Subiaco documentation confirming that the sustainability initiatives identified in the statement of compliance have been implemented, to the satisfaction of the City of Subiaco.

Noise

19. Prior to the issue of a building permit (but not including a demolition permit or building permit for forward works only), the applicant shall submit and have approved by the City of Subiaco, a final noise management plan demonstrating that potential noise from the proposed development will comply with the requirements of the Environmental Protection (Noise) Regulations 1997. The plan is to be prepared by a suitably qualified consultant and is to address matters including, but not limited to:
 - a) Type and specifications of selected mechanical plant and equipment and screening;
 - b) Predictions of noise levels;
 - c) Sound proofing measures used in the design and construction of the development;
 - d) Control measures to be undertaken (including monitoring procedures); and
 - e) A complaint response procedure.The approved plan and its recommendations, as well as any additional requirements by the City, shall be implemented prior to occupancy of the development and adhered to at all times, to the satisfaction of the City of Subiaco.

Demolition and Construction

20. Prior to the issue of a demolition permit and building permit, a Construction Management Plan shall be prepared to the City of Subiaco's satisfaction. This plan is to address:
 - a) construction noise;
 - b) hours of construction;
 - c) traffic management;
 - d) parking management;
 - e) access management;
 - f) management of loading and unloading of vehicles;
 - g) heavy vehicle access;
 - h) dust;
 - i) protection of verge trees; and
 - j) any other relevant matters.The requirements of this plan are to be observed at all times during the construction process to the satisfaction of the City of Subiaco.

Lee O'Donohue
A/Presiding Member, Metro Inner-North JDAP



21. Prior to the issue of a building permit, a dilapidation report prepared by a suitably qualified professional shall be submitted to the City of Subiaco for approval, and the owners of the adjoining properties listed below detailing the current condition and status of all buildings (both internal and external together with surrounding paved areas and rights of ways), including ancillary structures located on these properties:
- a) No. 419 Rokeby Road, Subiaco
 - b) No. 417 Rokeby Road, Subiaco
 - c) No. 415 Rokeby Road, Subiaco
 - d) No. 402 Rokeby Road, Subiaco
 - e) No. 399 Rokeby Road, Subiaco
 - f) No. 396 Rokeby Road, Subiaco
 - g) No. 392 Rokeby Road, Subiaco
 - h) No. 388 Rokeby Road, Subiaco
 - i) No. 385 Rokeby Road, Subiaco
 - j) No. 384 Rokeby Road, Subiaco
 - k) No. 20 Nicholson Road, Subiaco
 - l) No. 1-8/18 Nicholson Road, Subiaco
 - m) No. 125-127 Nicholson Road, Subiaco
 - n) No. 123 Rupert Street, Subiaco
 - o) No. 121 Rupert Street, Subiaco
 - p) No. 117 Rupert Street, Subiaco
 - q) No. 115 Rupert Street, Subiaco
 - r) No. 111 Rupert Street, Subiaco

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate in writing to the satisfaction of the City of Subiaco, that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Dilapidation reports shall be prepared to the satisfaction of the City of Subiaco.

Verge Infrastructure and Traffic

22. All infrastructure in the road reserve adjacent to the development site shall be protected from damage for the duration of the construction of the development, and reinstated to the condition that existed prior to the commencement of the development.
23. Prior to occupation of the development, all bicycle parking spaces are to be provided in accordance with Australian Standard AS2890.3, to the satisfaction of the City of Subiaco.
24. Prior to occupation, a minimum of one (1) shower and three (3) lockers are to be provided within the development for the use of the tenants, to the satisfaction of the City of Subiaco.
25. Prior to occupation of the development, all existing redundant crossovers are to be removed and the verge reinstated. The new crossover associated with the hereby approved development must receive separate approval from the City of Subiaco.

Lee O'Donohue
A/Presiding Member, Metro Inner-North JDAP



26. Prior to issue of a building permit (but not including a demolition permit or building permit for forward works only), the applicant shall submit further details on a visual warning system and waiting bay in the basement level in order to mitigate vehicle driver conflict upon entering or exiting the basement access ramp, to the satisfaction of the City of Subiaco. Prior to occupation of the development, the endorsed visual warning system and waiting bay shall be implemented and maintained thereafter to the satisfaction of the City of Subiaco.
27. All car parking dimensions, manoeuvring areas, crossovers and driveways shall accord with the Australian Standard AS2890.1 (as amended).
28. Prior to occupation, all car parking bays are to be clearly marked and maintained to the satisfaction of the City of Subiaco.
29. Prior to occupation of the development, a minimum of one (1) electrical car charging station is to be provided within a commercial car parking bay, and publicly available at all times and maintained thereafter to the satisfaction of the City of Subiaco.
30. Prior to occupation of the development, the applicant shall submit certification from an appropriately qualified consultant to verify that all vehicle parking bays have capacity to be converted to electric vehicle charging bays in the future, to the satisfaction of the City of Subiaco.
31. Prior to the issue of a building permit (but not including a demolition permit or building permit for forward works only), the applicant shall submit an updated awning plan that facilitates safe vehicle movements on Rokeby Road and Nicholson Road, to the satisfaction of the City of Subiaco.
32. Prior to occupation of the development, the applicant is to formalise the ceding of 1.5 metres of land abutting the right-of-way on the northern boundary. The right-of-way is to be accurately illustrated and denoted on the Diagram or Plan of Survey (Deposited Plan) and vested in the Crown under Section 152 of the Planning and Development Act 2005 upon registration of the Strata Plan. Such land to be ceded free of cost and without any payment of compensation by the Crown.

Waste

33. Prior to the issue of a building permit, a final waste management plan shall be submitted to the City of Subiaco for approval. The plan shall be implemented and adhered to throughout the life of the development to the satisfaction of the City of Subiaco.

Advice Notes

- i. This is a planning approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or the requirements of any other external agency.*



Lee O'Donohue
A/Presiding Member, Metro Inner-North JDAP



- ii. *In relation to dilapidation report(s), these should address the following matters to satisfy the City of Subiaco:*
- a) *Dilapidation reports are to clearly identify the name of the organisation and person(s) undertaking the inspection and shall include their relevant qualifications;*
 - b) *Dilapidation reports are to be prepared in accordance with relevant legislation and standards, including Australian Standard AS4349.1 (or equivalent);*
 - c) *A calibration gauge should be used for measurement, in combination with high resolution photos for accurate record keeping;*
 - d) *Landowners of properties requiring dilapidation reports are to be afforded the opportunity by the applicant to identify any existing areas of concern that can be visually identified and recorded in any dilapidation report;*
 - e) *The applicant, in consultation with the owner of the property requiring the dilapidation report, is to ensure that every reasonable effort is made to ensure that they can obtain safe and reasonable access to any and all areas of a property requiring dilapidation reports;*
 - f) *Landowners of properties requiring dilapidation reports are to be provided the same copy and version of the dilapidation report as any submitted to the City of Subiaco as part of any request to clear conditions of development approval as required; and*
 - g) *For the City to be fully satisfied, consideration will be given to written feedback from landowners up to seven days after receipt of the dilapidation report.*
 - h) *In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate in writing to the satisfaction of the City of Subiaco, that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed. Dilapidation reports shall be prepared to the satisfaction of the City of Subiaco.*
- iii. *Any modification of the footpath or verge infrastructure requires the prior written approval of the City of Subiaco.*
- iv. *In relation to Environmental Health matters:*
- a) *The applicant is to ensure noise emissions from the site comply with the Environmental Protection (Noise) Regulations 1997 (as amended).*
 - b) *All mechanical service systems including air-conditioners etc. to be designed and installed to prevent emitted noise levels from exceeding the relevant decibel levels as set out in the Environmental Protection (Noise) Regulations 1997 (as amended).*
 - c) *The residential component of the development is to be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation is to be in accordance with recommendations developed in consultation with the City and an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The engagement of the acoustic consultant and the implementation of the recommendations are to be at the owner's cost.*
 - d) *The handling and removal of any asbestos material must be carried out in accordance with the Health (Asbestos) Regulations 1992 (as amended). Safe work procedures are required to be adhered to and all material must be disposed of at an approved land fill facility.*



Lee O'Donohue
A/Presiding Member, Metro Inner-North JDAP



- e) *The applicant is to take all reasonable and practical measures to prevent or minimise the generation of dust from all material handling operations, stockpiles, open areas & transport activities.*
 - f) *The applicant is to ensure the design and construction, by the use of controlled ventilation, filters and/or activated carbon or other measures, is such that no odours emanating from the premises are detectable at any time on adjacent properties.*
 - g) *A suitable bin enclosure is to be provided in accordance with the City of Subiaco Health Local Laws 1999 which require bin enclosures to be of sufficient size to accommodate all bins used on the premises and serviced with an approved liquid refuse disposal system, have a tap connected to an adequate supply of water, have walls at least 1.8m in height, have an access way of not less than 1.0m in width and have a self-closing gate.*
 - h) *The applicant is to ensure the car park design and construction complies with the Health Act (Carbon Monoxide) Regulations 1975 (as amended).*
 - i) *The applicant is to ensure the design and construction complies with Metropolitan Water Supply, Sewerage and Drainage By Laws 1981 (as amended).*
 - j) *The applicant is to ensure the location, design and construction of the laundry complies with the City of Subiaco Health Local Laws 1999. Where, in any building, a laundry is situated adjacent to kitchen or a room where food is stored or consumed the laundry shall be separated from the kitchen by a wall extending from the floor to the floor to the roof or ceiling. Where there is an opening between a laundry and a kitchen or other room where food is stored or consumed, the opening shall not be more than 1220mm wide; and have a door which when closed shall completely fill the opening.*
 - k) *Prior to the construction and fit out of any food premises, detailed plans and specifications of all internal fixtures, finishes and fittings must be submitted to the City of Subiaco for assessment.*
- v. *In relation to Building matters:*
- a) *A demolition permit is required to be obtained from the City prior to the removal of any buildings or structures.*
 - b) *A certified building permit is required to be obtained from the City prior to the commencement of any physical works.*
 - c) *The applicant must ensure the proposed works address the requirements relating to work affecting other land under the Building Act and Regulations, and have the adjoining property owners sign the specified BA 20 forms confirming consent for the works. Alternatively, the structural engineer for the project must certify the proposed building works will have no adverse effect to the adjoining properties.*
 - d) *In addition to the disabled access and facility requirements of the Building Code of Australia, it is the responsibility of the building owner/developer to ensure the development complies with the Disability Discrimination Act 1992.*

Lee O'Donohue
A/Presiding Member, Metro Inner-North JDAP



- vi. *In relation to Parks matters:*
- a) *The City's street tree policy, protocols and Australian Standard relating to the protection of trees adjacent to the development site (AS 4970–2009) to be adhered to at all times.*
 - b) *The City would require vehicles and heavy vehicles entering and exiting the development site and the management of loading and unloading of materials do not impact the City's trees along Rokeby Road and Nicholson Road opposite to the development site.*
- vii. *In relation to Waste matters:*
- a) *The City will require a minimum of 12 weeks' notice prior to occupation of these premises to allow for procurement and delivery of the bins required for this development.*
 - b) *Please note the City does not provide 140L bins, the FOGO bins are 240L.*
- viii. *In relation to Traffic matters:*
- a) *The proposed awning over the footpath should adequately be setback (at least 600mm to the current kerb line) to prevent any traffic hazard as well as to prevent any damage caused to the awning by larger vehicles. It appears that the awning continues over the traffic lights (as per the drawing A201), and it would require Main Roads WA approval.*
 - b) *The proposed garden bed/planters at the laneway entry to Rokeby Road shall not obscure vehicle sightlines.*
- ix. *It is advised that car parking permits are unlikely to be granted by the City with respect to the residential units. The future strata corporate is encouraged to outline this in the strata by-laws so that future occupants are made aware of this. For further information contact the City's Compliance Services on 9237 9222 or via email at city@subiaco.wa.gov.au.*
- x. *Whilst there is no formal heritage associated with the subject site, the City requests that an Archival Record of the existing building be submitted to the City prior to demolition.*
- xi. *The Water Corporation has reviewed the documentation and has the following comments to make –*
- a) *The building plans need to be approved by our Building Services section prior to the commencement of any works. Infrastructure Contributions and fees may be required to be paid prior to approval being issued. For further information about building applications, please follow this link: <https://www.watercorporation.com.au/Developing-and-building/Building/Lodging-a-building-application>*
 - b) *The information provided is subject to review and may change. If the proposal has not proceeded within six months, it is recommended that the developer should contact us to confirm whether the above information is still valid.*

Lee O'Donohue
A/Presiding Member, Metro Inner-North JDAP



The Alternate Motion 2 was put and CARRIED (3/2).

For: Lee O'Donohue
Rachel Chapman
John Syme

Against: Cr Garry Kosovich
Cr Simon White

REASON: The majority of panel members were of the opinion that the development application will not undermine the Rokeby Road South Local Development Plan (LDP) area covered by the policy. It gives due regard to the LDP and the vision of the LDP is not compromised by this development. The surrounding streetscape and context was considered in the design of the proposal. The development has significantly setback the upper floor building bulk, and the ground floor level is setback to enhance community interaction with the development. This is a better outcome compared with the current development on the site and will result in a high-quality development at the southern end of the Rokeby Road precinct.

The A/Presiding Member noted the following SAT Applications –

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/20/01770 DR140/2022	City of Nedlands	97 (Lots 1-4) and 105 (Lot 500) Stirling Highway, Nedlands	Mixed use development comprising of basement car parking, restaurants, offices, motor vehicle sales and multiple dwellings.	23/08/2022
DAP/22/02219 DR154/2022	City of Bayswater	589-591 (Lot 160-161) Morley Drive, Morley	Proposed Childcare Centre	14/09/2022
DAP/22/02229 DR172/2022	Town of Cambridge	413 (Lot 11) Vincent Street West, West Leederville	Two-Storey Childcare Centre	04/10/2022
DAP/22/02366 DR74/2023	City of Stirling	House Numbers 432, 438 And 440 (Lots 23, 15 And 351) Scarborough Beach Road and House Number 57 (Lot 31) Howe Street, Osborne Park	Additions - Motor Vehicle, Boat or Caravan Sales and Motor Vehicle Repair to existing Automotive Sales	22/05/2023

Lee O'Donohue
A/Presiding Member, Metro Inner-North JDAP



Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/22/02364 DR75/2023	City of Bayswater	504A & 504-508 (Lot 30,4) Guildford Road, Bayswater	Proposed service station, fast food outlet and showroom development	23/05/2023
DAP/22/02248	City of Vincent	No. 129 (Lot: 62; D/P: 956) Loftus Street, Leederville	Proposed Child Care Premises	24/05/2023
DAP/22/02317 DR81/2023	City of Vincent	41-43 and 45 Angove Street, North Perth	Proposed Service Station	31/05/2023

11. General Business

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

12. Meeting Closure

There being no further business, the A/Presiding Member declared the meeting closed at 10:54am.

Lee O'Donohue
A/Presiding Member, Metro Inner-North JDAP