



Metro Inner Development Assessment Panel Agenda

Meeting Date and Time: Wednesday, 11 February 2026; 9:30am
Meeting Number: MIDAP/118
Meeting Venue: 140 William Street, Perth

A live stream will be available at the time of the meeting, via the following link:
[MIDAP/118 - 11 February 2026 - City of Nedlands](#)

PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement
2. Apologies
3. Noting of Minutes

PART B – CITY OF NEDLANDS

1. Declarations of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
4. Form 2 DAP Applications
 - 4.1 Lot 129 (No.38) Portland Street, Nedlands - Proposed 10 Multiple Dwellings - request to grant two additional years to development approval period of approval – DAP/21/02014
5. Section 31 SAT Reconsiderations

PART C – OTHER BUSINESS

1. State Administrative Tribunal Applications and Supreme Court Appeals
2. Meeting Closure

Please note, presentations for each item will be invited prior to the items noted on the agenda and the presentation details will be contained within the related information documentation



DAP Members
Karen Hyde (Presiding Member)
Eugene Koltasz (Deputy Presiding Member)
Francesca Lefante
Commission David Caddy (Part B – City of Nedlands)

DAP Secretariat
Kristen Gray
Ashlee Kelly



PART A – INTRODUCTION

- 1. Opening of Meeting, Welcome and Acknowledgement**
- 2. Apologies**
- 3. Noting of Minutes**



PART B – CITY OF NEDLANDS

1. Declarations of Due Consideration

2. Disclosure of Interests

3. Form 1 DAP Applications

Nil.

4. Form 2 DAP Applications

- 4.1 Lot 129 (No.38) Portland Street, Nedlands - Proposed 10 Multiple Dwellings - request to grant two additional years to development approval period of approval – DAP/21/02014

5. Section 31 SAT Reconsiderations

Nil.

Part B – Item 4.1 - LOT 129 (NO.38) PORTLAND STREET, NEDLANDS – PROPOSED 10 MULTIPLE DWELLINGS

Form 2 – Responsible Authority Report (Regulation 17)

DAP Name:	Metro Inner Development Assessment Panel
Local Government Area:	City of Nedlands
Proposed Amendments:	Request to grant two additional years to development approval period
Applicant:	Urbanista Town Planning
Owner:	Hyquality Developments Pty Ltd
Responsible Authority:	City of Nedlands
Authorising Officer:	Bruce Thompson – Director Planning and Development
LG Reference:	DA25-107341
DAP File No:	DAP/21/02014
Date of Original DAP decision:	1 November 2021
Application Received Date:	26 October 2025
Application Statutory Process Timeframe:	90 days
Attachment(s):	1. Determination Plans 2. Development Application 3. Additional Information Received

Responsible Authority Recommendation

That the Metro Inner Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/21/02014 as detailed on the DAP Form 2 dated 22 October 2025 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** DAP Application reference DAP/21/02014 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Nedlands Local Planning Scheme No.3 for the request to grant two additional years to development approval period to the approved development at Lot 129 (No.38) Portland Street, Nedlands, subject to the following conditions:

New Conditions

Sustainability

1. Prior to issue of a building permit, specifications shall be provided demonstrating that the roof colour and material has a maximum solar absorptance rating of 0.4 for metal flat roofs not visible from the street or adjacent properties, 0.5 for all other metal roofs, and 0.58 for roof tiles. The specified roof colour is to be installed to the satisfaction of the City.

Design

1. Prior to the issuing of a building permit, the applicant/owner shall comply with the City of Nedlands *Local Planning Policy 7.9: Percent for Art* and the City's *Public Art Strategy 2025-2035* by contributing a sum equivalent of one percent (1%) of the total construction value of the development towards public art, being either:
 - a. Payment to the City of Nedlands of the one percent (1%) cash-in-lieu amount, to be made prior to the date specified in an invoice issued by the City or prior to the issue of a building permit, whichever occurs first; or
 - b. The provision of public art on the subject site, or on public land in proximity to the development, to a minimum value equivalent to the one percent (1%) cash-in lieu amount, subject to the following:
 - i. The owner(s) or applicant on behalf of the owner(s), shall obtain the City's written approval for the proposed public art, including the artist and artwork details, to the satisfaction of the City, in accordance with Local Planning Policy 7.9: Percent for Art and the City's Public Art Strategy 2025-2035. The City may impose additional conditions in relation to the approved public art;
 - ii. No part of the development may be occupied, strata titled or used unless the approved public art has been installed in accordance with the City's approval.

The Public Art approved must be maintained thereafter in accordance with the conditions of approval and to the satisfaction of the City of Nedlands.

Amended Conditions

General

1. This decision constitutes planning approval only and is valid for a period of an additional two (2) years from the date of original approval. If the subject development is not substantially commenced by 1 November 2027, the approval shall lapse and be of no further effect.

Deleted Conditions

General

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.

All other conditions and requirements detailed on the original development approval shall remain unless altered by this application.

Details: outline of development application

Region Scheme	Metropolitan Region Scheme
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Region Scheme Zone	Urban
Local Planning Scheme	City of Nedlands Local Planning Scheme No.3
Local Planning Scheme Zone	Residential 'R60'
Structure Plan/Precinct Plan	N/A
Structure Plan/Precinct Plan Land Use Designation	N/A
Use Class (proposed) and permissibility:	Residential (Multiple Dwellings) – 'P' use
Lot Size:	989m ²
Existing Land Use:	Residential (Single House)
State Heritage Register	No
Local Heritage	☒ N/A ☐ Heritage List ☐ Heritage Area
Design Review	☒ N/A ☐ Local Design Review Panel ☐ State Design Review Panel ☐ Other
Bushfire Prone Area	No
Swan River Trust Area	No

Proposal:

The applicant seeks an extension of the term of the development approval for 10 two-storey multiple dwellings at the subject site. The development was previously approved by the former Metro Inner North Joint Development Assessment Panel (now the Metro Inner Development Assessment Panel) on 1 November 2021.

The application has been made in accordance with regulation 17(1)(a) of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

The applicant is seeking to extend the period of approval for a further two years, until 1 November 2027.

Background:

Site Description

The site is located within the street block bounded by Portland Street to the west, Gordan Street to the north, Williams Road to the east and Stirling Highway to the south. The subject site has a land area of 989m², comprising of a single lot with an existing single house. The site slopes from south-east to north-west, with a fall of approximately 1m. The site has a total street frontage of 20.1m and a depth of 48.4m to the northern side and 50m to the southern side of the boundary.

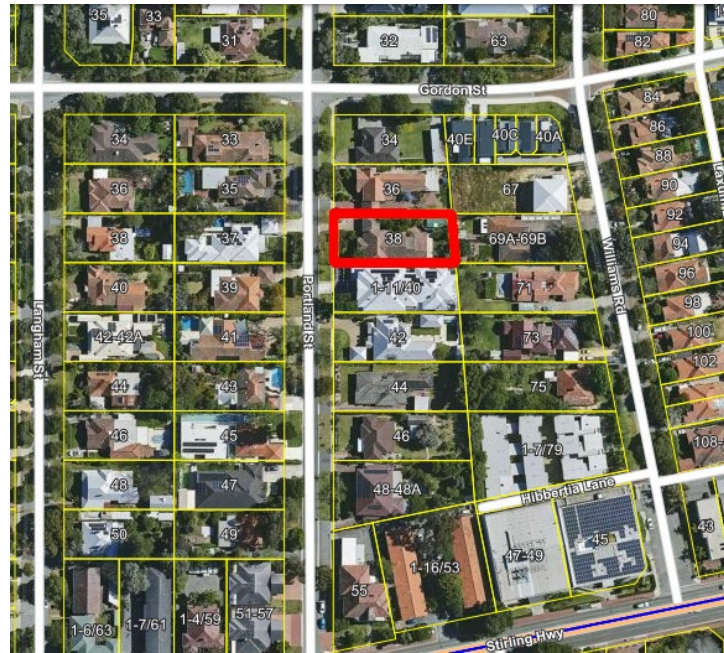


Figure 1. Location Plan

Existing Character

The site is located within an existing residential street predominately comprising of single storey houses with a mix of architectural styles. The predominant style within the street is interwar and post-war single houses with pitched and gabled roofs, red and rendered face-brick with large front and rear setbacks with landscaping. A recently completed development comprising 11 two-storey multiple dwellings is located immediately south of the subject site.

Future Character

The street block of Portland Street, situated to the south of Gordon Street and the north of Stirling Highway, have varied density codes under the City of Nedlands Local Planning Scheme No.3 (**LSP3**), which transition from (Mixed Use) R-AC1 along the highway, through to residential R160 and then R60 further south. North of Gordon Street is R12.5.

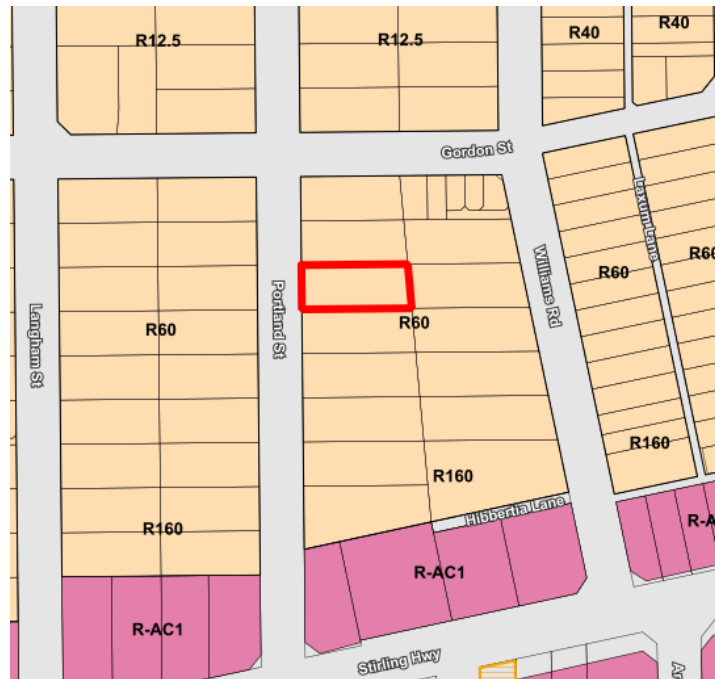


Figure 2. LPS3 Zoning and Density Map

The site also forms part of the Nedlands Stirling Highway Activity Centre Corridor (**NSHAC**) – Residential Precinct under Local Planning Policy 5.14 – Precincts, details of which are discussed later in this Report.



Figure 3. NSHAC Residential Precinct

Previous Approval

The previously approved development comprised of 10 two-storey units, which included three (3) single bedroom apartments and seven (7) two-bedroom apartments. The development included 10 residential car parking bays and one (1) visitor parking bay, all contained on-site.

In its role as decision-maker, the Panel exercised discretion to approve variations to the Residential Design Codes Volume 2 – Apartments (**R-Codes V2**) element objectives. The following matters were key considerations in determining the application:-

- Element 2.4 – Side and Rear Setbacks;
- Element 2.5 – Plot Ratio;
- Element 3.5 – Visual Privacy;
- Element 3.6 – Public Domain Interface;
- Element 3.7 – Pedestrian Access and Entries;
- Element 3.9 – Car and Bicycle Parking; and
- Element 4.1 – Solar and Daylight Access.

Legislation and Policy:

Legislation

- Planning and Development Act 2005;
- Planning and Development (Local Planning Schemes) Regulations 2015;
- Planning and Development (Development Assessment Panel) Regulations 2011;
- Metropolitan Region Scheme; and
- City of Nedlands Local Planning Scheme No.3.

State Government Policies

- State Planning Policy 5.4 – Road and Rail Noise;
- State Planning Policy 7.0 – Design of the Built Environment; and
- State Planning Policy 7.3 (Residential Design Codes) Volume 2 (**R-Codes V2**).

Structure Plans/Activity Centre Plans

N/A

Local Policies

Local Planning Policy 1.3 – Sustainable Design;
Local Planning Policy 3.1 – Trees and Landscaping (formerly Landscaping Plans);
Local Planning Policy 3.2 – Waste Management;
Local Planning Policy 3.4 – Tree Retention R25-R80;
Local Planning Policy 5.14 – Precincts;
Local Planning Policy 7.2 – Design Review Panel;
Local Planning Policy 7.3 – Consultation of Planning Proposals; and
Local Planning Policy 7.9 – Percent for Art.

Consultation:

Public Consultation

The application did not require public consultation.

Referrals/consultation with Government/Service Agencies

The application did not require referral to any Government or service agencies.

Design Review Panel Advice

N/A.

Other Advice

Nil.

Planning Assessment:

The proposal has been assessed against all relevant legislative requirements of LPS 3, State and Local Planning Policies and R-Codes as outlined above. The matters below have been identified as key considerations for the determination of this Form 2 application.

Local Planning Policy 1.3 – Sustainable Design

The City's Local Planning Policy 1.3 Sustainable Design - Residential was adopted on 27 February 2024 for the purpose of setting criteria for sustainable design for all single houses, grouped dwellings, multiple dwellings and mixed use developments.

Clauses 5 and 8 apply to all new multiple dwellings and mixed-use development assessed under Volume 2 of the R-Codes. As such, one (1) additional condition of development approval has been recommended to address the relevant requirements of the Policy (Clause 5.1). In relation to Clauses 8.2 and 8.3, the requirement to provide a Sustainability Report is already required under Condition No.28 of the original development approval.

Local Planning Policy 3.1 – Trees and Landscaping (formerly Landscaping Plans)

The City's Local Planning Policy 3.1 – Trees and Landscaping was amended on 10 December 2025 to reinforce the integration of landscaping into all developments and to ensure the protection and ongoing maintenance of street trees.

Clause 5.2 of the Policy specifies the minimum setback required between a proposed crossover/driveway and a street tree, with the required distance determined by the tree's diameter at breast height (DBH).

In this instance, the proposed development achieves a minimum separation of 2 metres from the two adjoining verge trees. Both trees have a DBH of less than 400mm, and the proposed setback exceeds the minimum requirement prescribed by the Policy.

Accordingly, the development is consistent with both the provisions and the intent of Local Planning Policy 3.1.

Local Planning Policy 3.4 - Tree Retention R25-R80

The City adopted the Tree Retention R25-R80 local planning policy on 27 May 2025, after the original development received approval in November 2021. The tree retention policy requires development approval to remove large, mature trees on residential lots coded R25 through to R80. The subject site does not host any mature trees that qualify as 'regulated trees' based on their height and size, as defined under the Policy.

Local Planning Policy 5.14 – Precincts

The City adopted the Precincts local planning policy on 27 August 2024, after the original development received approval in November 2021. The Policy applies to land coded R60 and R160 within the NSHAC residential precinct, within which the subject site is situated.

The Policy replaces or augments several deemed-to-comply provisions of the R-Codes V2. The policy also includes the objective to define the desired future character of the Precincts in context of their zoning and density code and provides a desired future character statement for the NSHAC residential precinct.

Assessment against Clause 8.3 - Primary Controls of the Policy is outlined in the table below.

Primary Control	Required	Provided	Compliance
Building Height	As per R-Codes	No change	Yes
Minimum Primary Street	Ground & 1 st storey – 4m All other storeys - 6m	GF: 6.5m FF: 5.4m	Yes
Minimum Secondary Street	Ground & 1 st storey – 1.5m All other storeys – 3m	N/A	N/A
Minimum Side setback	As per R-Codes	No change	Yes
Rear setback	As per R-Codes	No change	Yes
Boundary walls	max 1 storey located 3m behind primary setback and excluding rear setback to one side boundary	1 storey high parapet walls Northern boundary wall setback 6.5m in lieu of 7m and southern boundary wall setback 10.1m, boundary walls not to rear setback to two side boundaries	No

The NSHAC residential precinct anticipates a leafy, walkable residential precinct that transitions from higher intensity development near Stirling Highway to lower density

neighbourhoods, with an emphasis on generous setbacks, landscaped front yards, minimised boundary wall impacts, and limited crossovers. The subject development is largely aligned with the intended vision, with the exception that full compliance with the primary boundary wall controls of Clause 8.3 has not been achieved.

The proposed boundary walls do not detract from the intent to provide an open streetscape character with a deep, landscaped frontage. The building is generally setback in excess of the minimum street setback requirements, which further reinforces a landscaped and residential presentation to the street. The boundary walls, which were previously approved, have been designed to have minimal impact on the amenity of adjoining properties and do not result in a streetscape-dominant wall condition. Accordingly, the development maintains the policy intent of prioritising landscaping, pedestrian access and building setback over built form at the street interface.

Local Planning Policy 7.2 – Design Review Panel

State Planning Policy 7.0 – Design of the Built Environment (**SPP 7.0**) remains unchanged since the original approval was granted and as the application seeks an extension of term of the development approval only, referral to the City's Design Review Panel was not required. The approved development had previously undergone a comprehensive review process, with the approved plans (September 2021) achieving support against all ten design principles under SPP 7.0.

Local Planning Policy 7.9 – Percent for Art

The City adopted the Percent for Art Local Planning Policy on 29 April 2025, following approval of the original development in November 2021. The Policy has been prepared to enhance the streetscape and contribute to a sense of place by requiring public art contributions from eligible developments.

The Policy requires, unless otherwise exempt, that all development applications subject to the Policy include a public art contribution equal to one percent (1%) of the estimated cost of development, where the estimated cost is \$2 million or more. The estimated cost of development for the subject application exceeds \$2 million.

The subject development (10 multiple dwellings) is not exempt from the Policy and has an estimated cost of development exceeding \$2 million. Accordingly, the City recommends imposing a new public art contribution condition, in the event that development approval is granted.

As per clause 5.1.2, satisfaction of the public art contribution requirement can be fulfilled by:

- (a) Provision of public artwork by the landowner or developer in an on-site contribution to the value of the required contribution amount (Option A) either:
 - i. On the same site as the development; or
 - ii. On public land in close proximity to the development site (subject to Council approval); or

(b) Payment of cash-in-lieu of the required contribution amount into the City of Nedlands' Capital Reserve for Public Art, for the future provision of public art by the City of Nedlands (Option B).

Extension of the term of the development approval

As no works required for the development had been undertaken to date, the development is not considered to be substantially commenced, and the original development approval lapsed on 1 November 2025.

The *Planning and Development Act 2005* does not specify the relevant matters to extend a development application approval period. However, the following 'tests' have been considered by decision-makers, such as the State Administrative Tribunal in *GEORGIUO PROPERTY 2 PTY LTD and PRESIDING MEMBER OF THE METRO WEST JOINT DEVELOPMENT ASSESSMENT PANEL [2017] WASAT 138*.

This includes:-

- a) Has the planning framework changed substantially since the development approval was granted?
- b) Would the development likely receive approval now?
- c) Has the proponent actively and relatively conscientiously pursued implementation?

Each of these three tests have been applied to the subject Form 2 application, as tabled below.

Tests	Officer Comment
a) Has the planning framework changed substantially since the development approval was granted?	LPS3 which sets out zoning, land use, density code and development standards was gazetted in April 2019 and is still the operative statutory planning document. Since then, the Scheme has undergone incremental amendments but no wholesale replacement has occurred. The structural basis of LPS3 remains intact. A number of new local planning policies has been either introduced or amended since original approval was granted, as outlined in detail earlier in this report.
b) Would the development likely receive approval now?	The Form 2 application is consistent with the existing planning framework.
c) Has the proponent actively and relatively conscientiously pursued implementation?	There is evidence that demonstrates reasonable progression had occurred between April and August 2022, with a number of documents being submitted to the City in an attempt to clear conditions No.5-8 (Noise), No.16 and No.21 (Building) and No.29 (Sustainability). Collectively however, the steps taken by the proponent to substantially progress development are considered minimal.

	The applicant for this Form 2 application has stated that <i>“due to a combination of unforeseen circumstances and project-specific challenges the applicant is seeking to extend the period of approval for a further two years, to 1 November 2027”</i>, to provide adequate time for the project to commence. While progress to date has been limited, the submission of documentation between April and August 2022 demonstrates some reasonable progression toward addressing key conditions. On balance, and having regard to the applicant’s explanation of unforeseen delays, there is scope to entertain the proposed extension of the approval period.
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Conclusion:

The application has been re-assessed in the context of the current planning framework, which has evolved since original development received approval in November 2021.

While the City has adopted several new local planning policies since the original DAP approval, the proposal continues to achieve the underlying intent and outcomes of the relevant framework, without requiring any redesign or amendment to the approved development. Accordingly, the application is recommended for approval subject to conditions.

01-Nov-2021



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01-Nov-2021



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KEY PLANS
GROUND FLOOR

SCALE: 1:100@A1		DATE: 05 OCT 2021	
DRAWN BY: SR		DRAWING NO: A-101 /10-101/	REVISION P16
CHECKED BY: K	APPROVED BY: K		

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01-Nov-2021



P6	2012/01/10/02	AMENDED DEVELOPMENT APPLICATION
P6	2012/01/09/06	AMENDED DEVELOPMENT APPLICATION
P6	2012/01/09/05	ISSUED TO CONSULTANTS
P6	2012/01/09/02	AMENDED DEVELOPMENT APPLICATION
P6	2012/01/09/01	DEVELOPMENT APPLICATION - ADDITIONAL LEVELS SHOWN
P6	2012/01/27/01	DEVELOPMENT APPLICATION
P6	2012/03/01/01	ISSUE FOR COMMENT
P6	2012/01/12/02	ISSUE FOR COMMENT
P6	2012/01/12/01	ISSUE FOR COMMENT
P6	2012/01/12/08	ISSUE FOR COMMENT
P6	2012/01/12/04	ISSUE FOR COMMENT
P6	2012/01/12/07	ISSUE FOR COMMENT
P6	2012/01/12/03	ISSUE FOR COMMENT
P6	2012/01/12/05	ISSUE FOR COMMENT
P6	2012/01/12/06	ISSUE FOR COMMENT
P6	2012/01/12/09	ISSUE FOR COMMENT



mobile 0400 829 579

10 UNIT DEVELOPMENT
38 PORTLAND STREET, NEDLANDS

TITLE:	KEY PLANS
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DRAWN BY:	SR	DRAWING NO:	A-102
REVISION NO:		20.54	P1

CHECKED BY: ☒ APPROVED BY: ☒ 20-07-19 102
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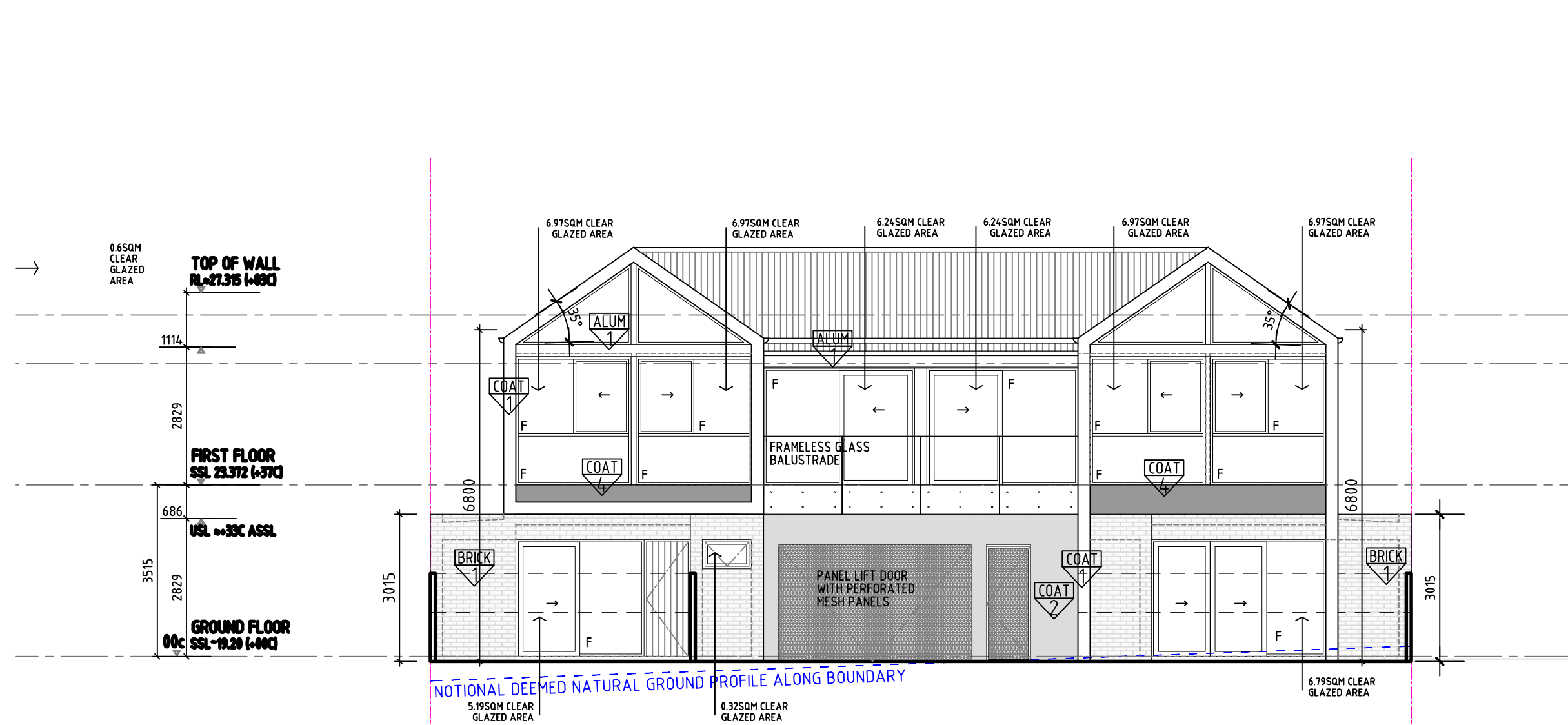
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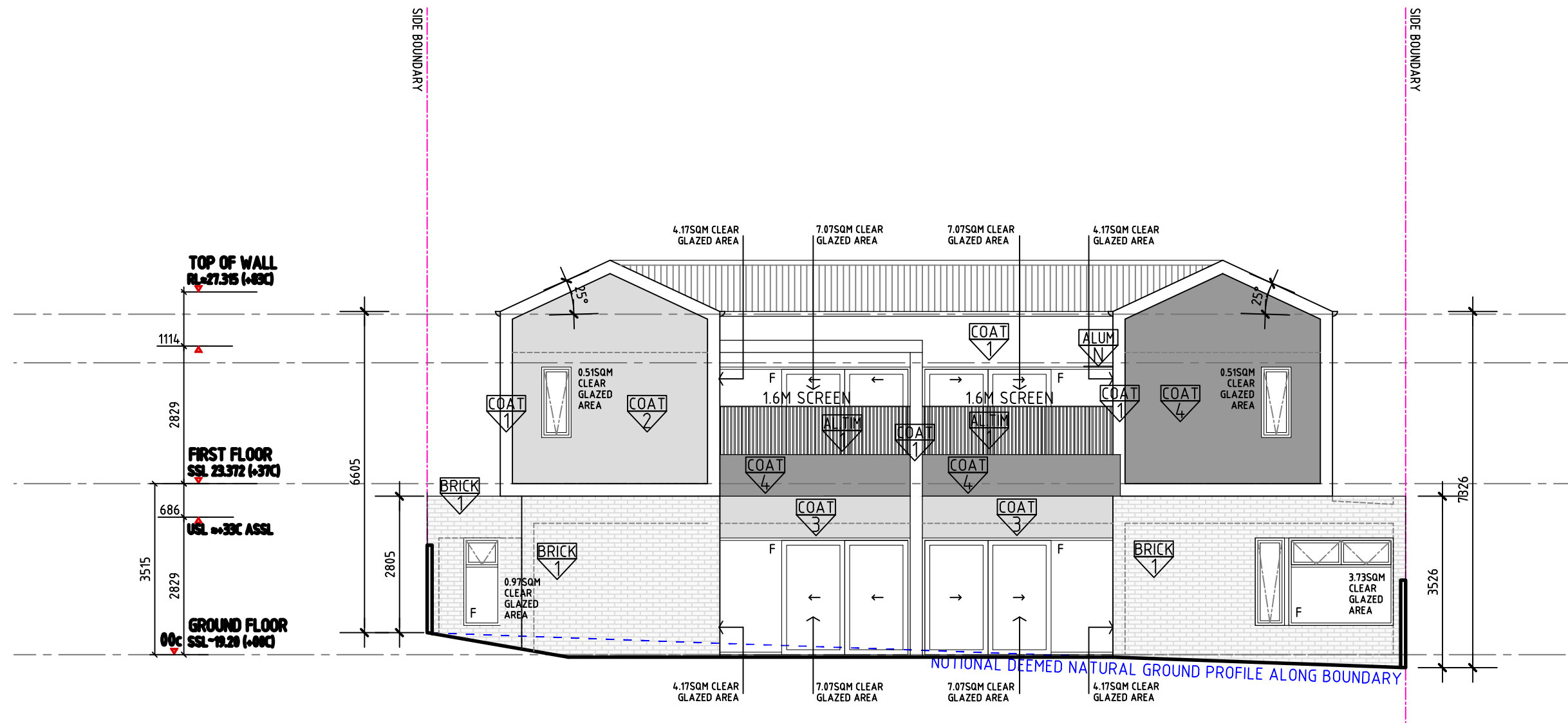
P1	INITIALS	APPROVED DEVELOPMENT APPLICATION		
P2	INITIALS	APPROVED SUBMITTAL APPLICATION		
P3	INITIALS	ISSUED TO COUNCIL LEADER		
P4	INITIALS	DEVELOPMENT APPLICATION - MATERIAL, SPINNING & SINKER		
P5	INITIALS	ISSUE FOR COMMENT		
P6	INITIALS	ISSUE FOR COMMENT		
P7	INITIALS	ISSUE FOR COMMENT		
P8	INITIALS	ISSUE FOR COMMENT		
REVISION		DATE	DESCRIPTION	
 fcachimsari architects telephone +61 08 9238 7238 facsimile +61 08 9238 7268 po box 211 mount lawley western australia 6059 mobile 0400 328 579				
10 UNIT DEVELOPMENT 38 PORTLAND STREET, NEDLANDS				
DATE 1/10/04@A1 DATE 05 OCT 2004				
KEY PLANS ROOF				
DRAWN BY SR CHECKED BY APPROVED BY	DATE 01-01-04 DATE 01-01-04			REVISION P9
APPROVED FOR SUBMITTAL TO THE CITY OF PERTH DATE: 01-01-04 BY: [Signature]				

LEGEND MATERIAL FINISH & COLOUR

- BRICK** FACE-BRICKS TO SPECIFICATION, TYPICALLY STRETCHER BOND WALLS & RADIAL STACKED ARCHES TO DETAIL
- CONC** OFF FORM CONCRETE TO SPECIFICATION
- COAT** TEXTURE COAT ON MASONRY / STUD WALL SUBSTRATE TO SPECIFICATION COLOUR 1: WHISPER WHITE 12W
- COAT** TEXTURE COAT ON MASONRY / STUD WALL SUBSTRATE TO SPECIFICATION COLOUR 2: COLORBOND BASALT C30 (GREY)
- COAT** PAINTED CEMENT SAND RENDER ON SUBSTRATE TO SPECIFICATION; COLOUR 3: COLORBOND WOODLAND GREY (MID-GREY)
- COAT** TEXTURE COAT ON MASONRY / STUD WALL SUBSTRATE TO SPECIFICATION COLOUR 4: COLORBOND MONUMENT (DEEP-GREY)
- COAT** TEXTURE COAT ON SUITABLE SUBSTRATE TO SPECIFICATION; COLOUR 5: BRONZE
- ALUM** POWDER COATED ALUMINIUM BATTENS TO SPECIFICATION COLOUR 1: TIMBER LOOK TO SELECTION
- ALUM** POWDER COATED ALUMINIUM ELEMENTS TO SPECIFICATION COLOUR 'N' (REFER TO WALL COATING COLOURS)
- STEEL** PAINT ON EXPOSED STEEL ELEMENTS TO SPECIFICATION COLOUR 'N' (REFER TO WALL COATING COLOURS)



FACADE ELEVATION 1: WEST FRONT STREET
SCALE 1:100

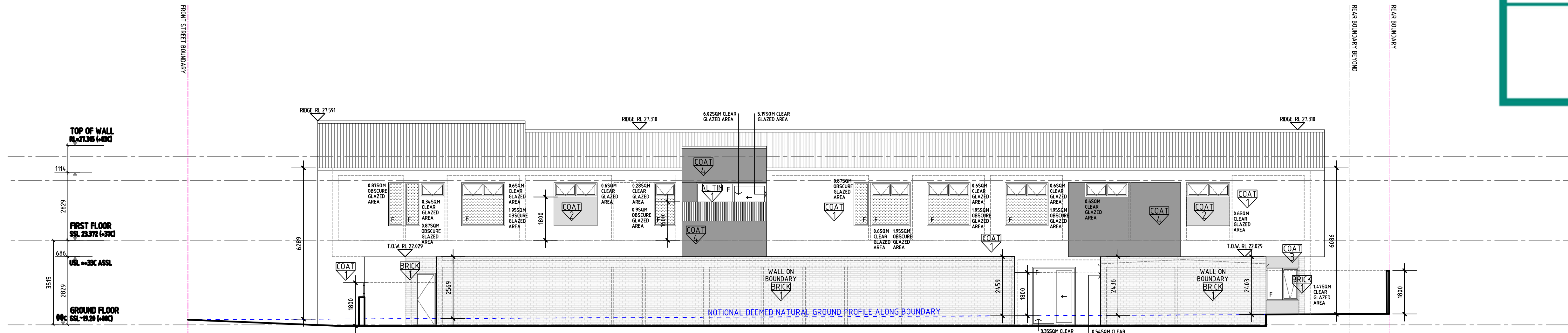


FACADE ELEVATION 3: EAST REAR
SCALE 1:100

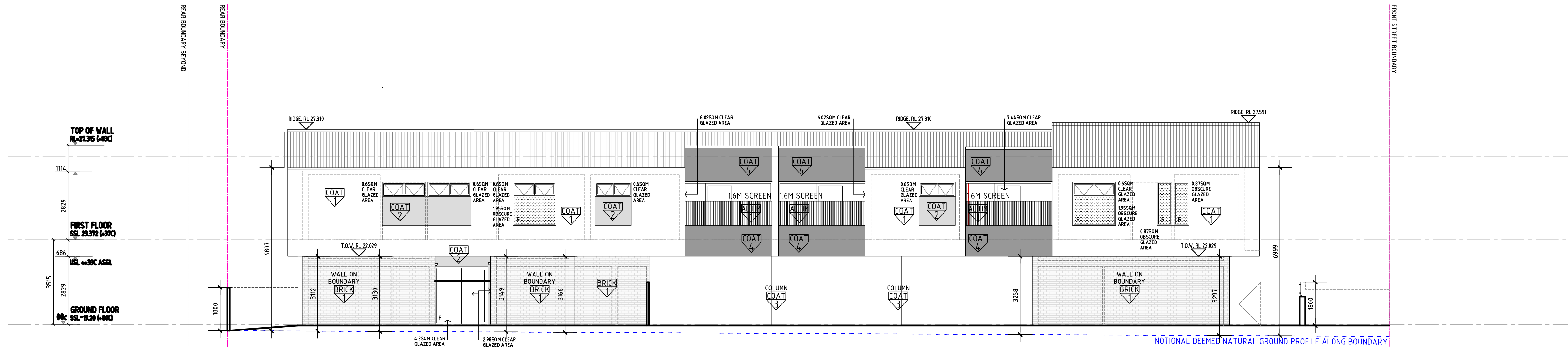
DEVELOPMENT
ASSESSMENT PANEL

APPROVED

01-Nov-2021



FACADE ELEVATION 2: SOUTH SIDE
SCALE 1:100



FACADE ELEVATION 4: NORTH SIDE
SCALE 1:100

DA
ISSUE

PR	2021/01/10	AMENDED DEVELOPMENT APPLICATION
PR	2021/01/10	AMENDED DEVELOPMENT APPLICATION
PR	2021/01/10	ISSUED TO CONSULTANTS
PR	2021/01/10	DEVELOPMENT APPLICATION - ADDITIONAL INFORMATION SUBMITTED
PR	2021/01/10	DEVELOPMENT APPLICATION
PR	2021/01/10	ISSUE FOR COMMENT
PR	2021/01/10	ISSUE FOR COMMENT
PR	2021/01/10	AMENDED DEVELOPMENT APPLICATION
PR	2021/01/10	ISSUE FOR DEVELOPMENT APPLICATION
REVISION	DATE	DESCRIPTION

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10 UNIT DEVELOPMENT
38 PORTLAND ROAD, NEDLANDS

TITLE
ELEVATIONS
WEST SOUTH EAST NORTH

SCALE
1:100@A1

DATE
05 OCT 2021

DRAWN BY
GP

APPROVED BY
Z

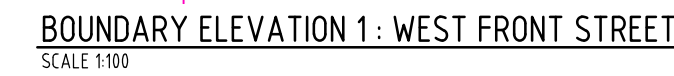
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20-01-2021

SCALE
A-200

REVISION
P9

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	FACE-BRICKS TO SPECIFICATION; TYPICALLY STRETCHER BOND WALLS & RADIAL STACKED ARCHES TO DETAIL
	OFF FORM CONCRETE TO SPECIFICATION
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	POWDER COATED ALUMINUM BATTENS TO SPECIFICATION COLOUR 1: TIMBER LOOK TO SELECTION
	POWDER COATED ALUMINUM ELEMENTS TO SPECIFICATION COLOUR 'N' (REFER TO WALL COATING COLOURS)
	PAINT ON EXPOSED STEEL ELEMENTS TO SPECIFICATION COLOUR 'N' (REFER TO WALL COATING COLOURS)

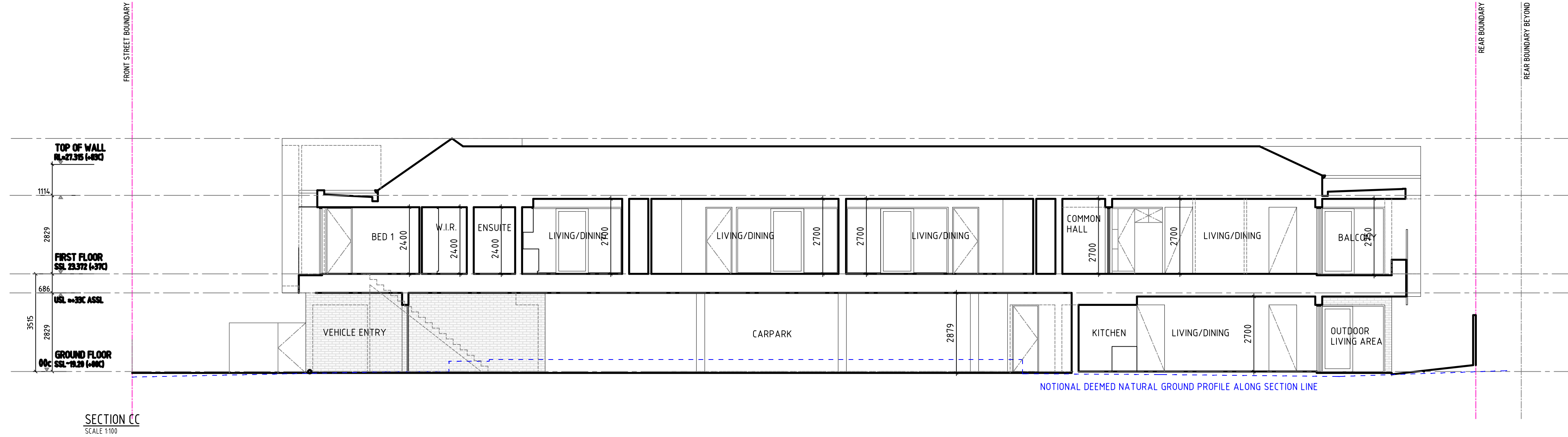
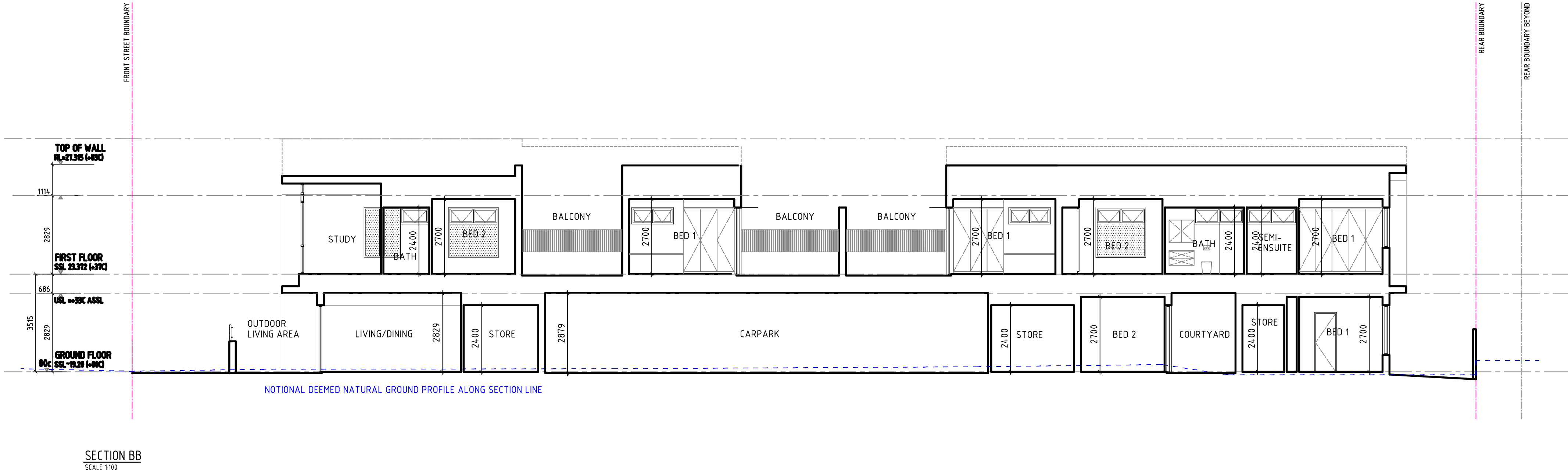
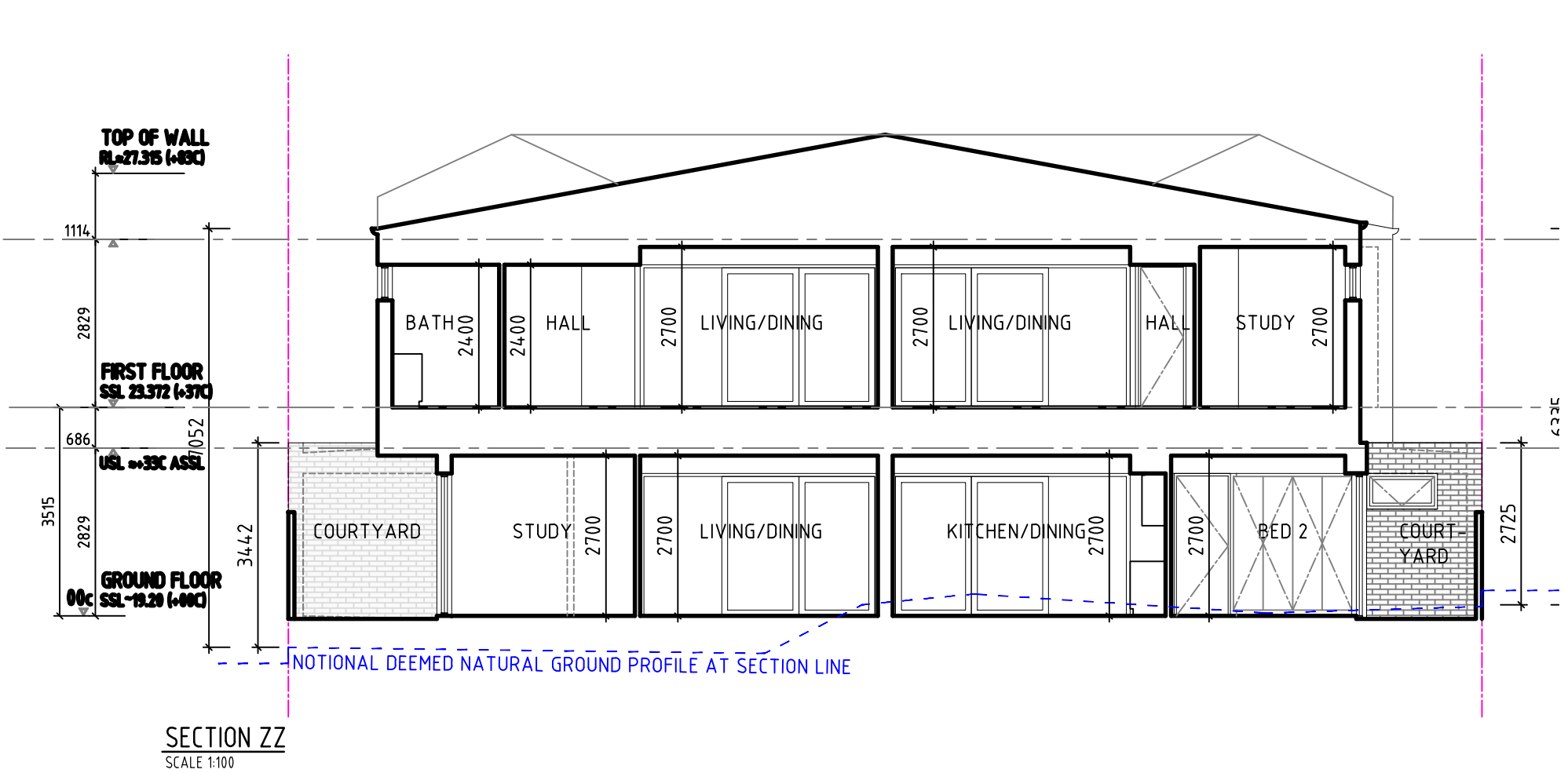
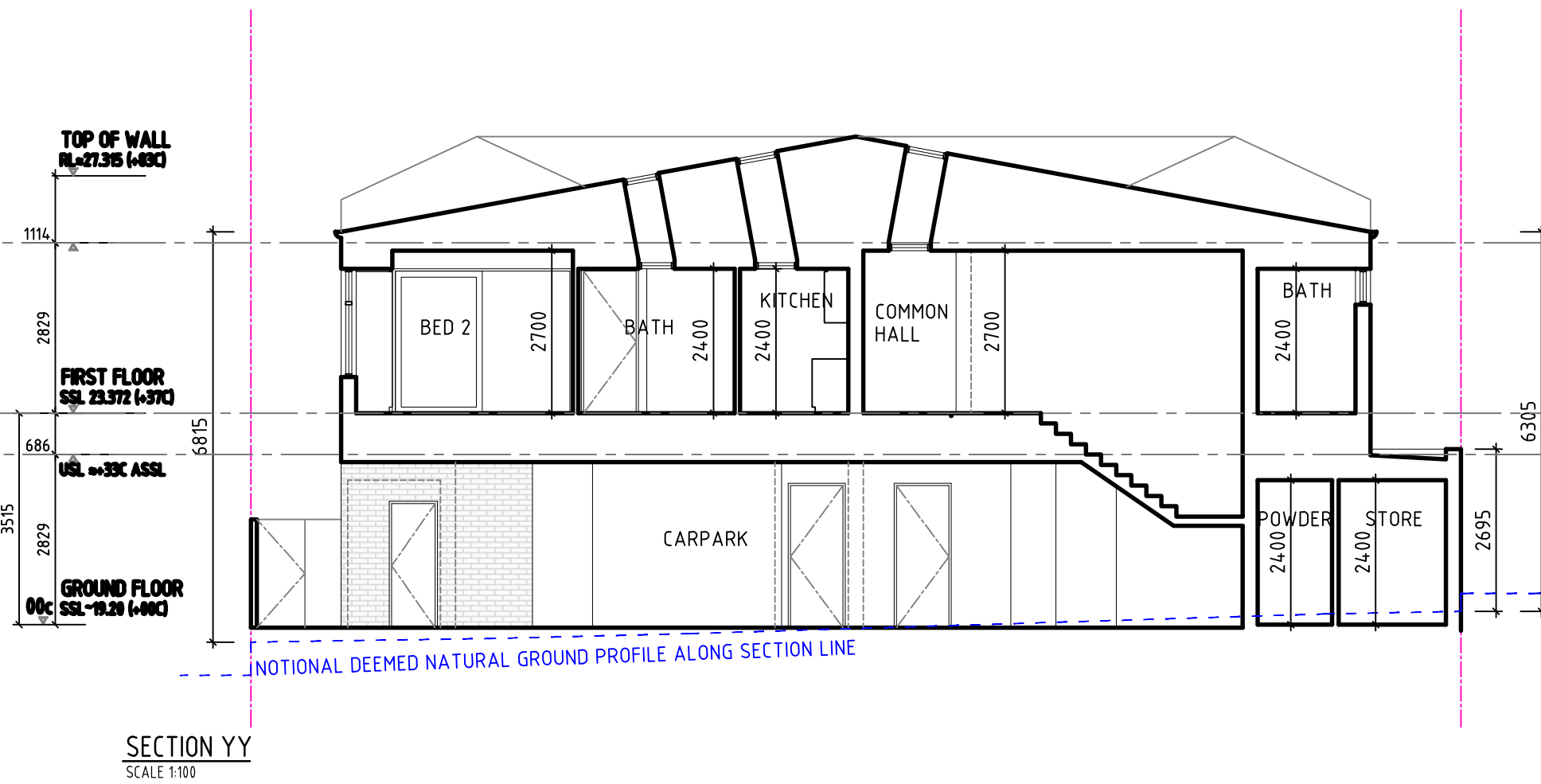
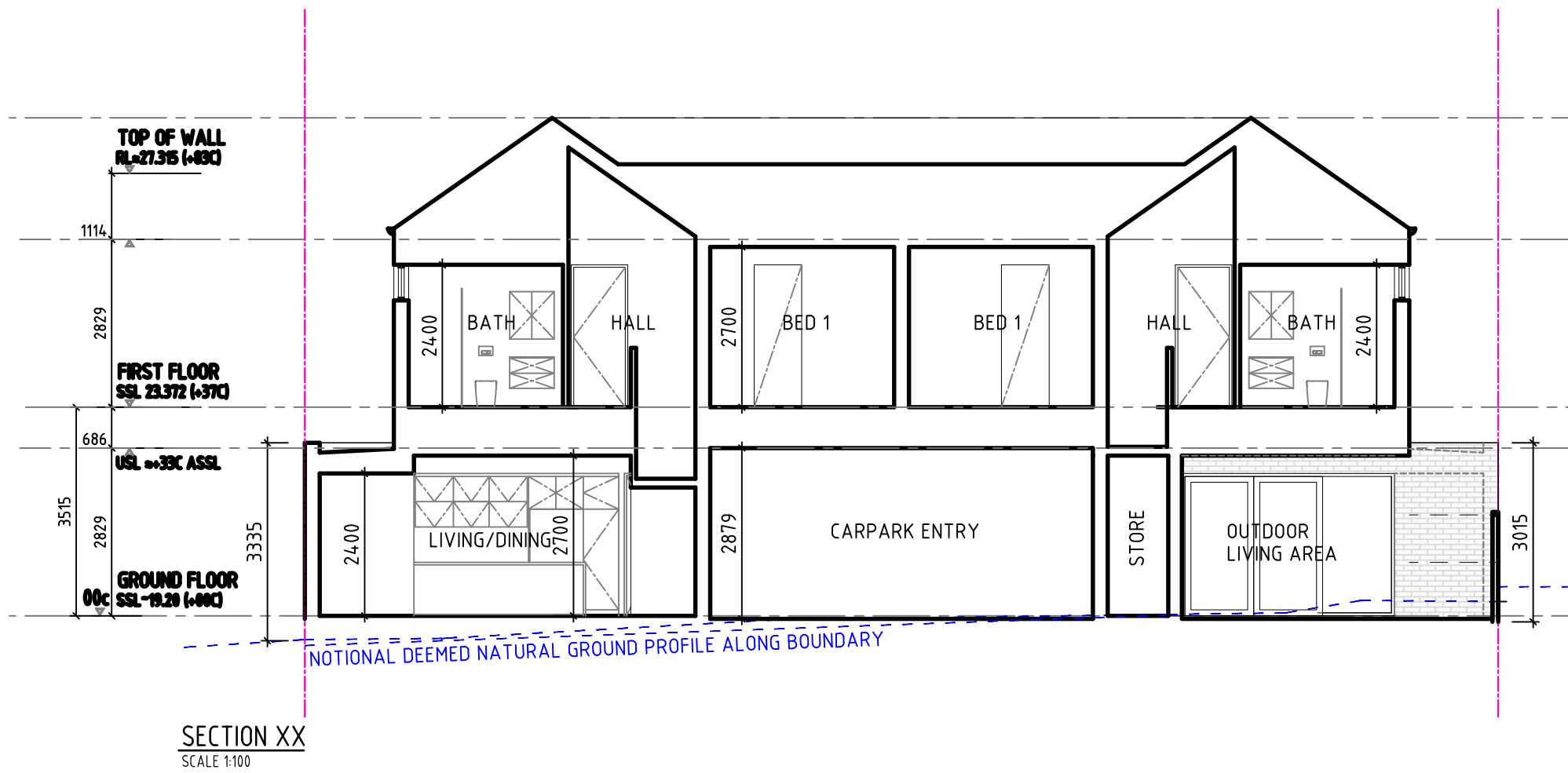


APPROVED
01-Nov-2021



DEVELOPMENT APLN
ISSUE

A1	REVISION:	BASE OF WORK SUBJECT APPLICATION			
01/08/16	DATE:	DESCRIPTION:			
					
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12 UNIT DEVELOPMENT					
38 PORTLAND ROAD, NEDLANDS					
N.E.S.					
KEY ELEVATION DRAWINGS					
WEST SOUTH EAST NORTH					
SCALE:	1:100 @ A1	DATE:	05 OCT 2021		
DRAWN BY:	SR	DRAWN NO:	A-210		
CHECKED BY:	AN	CHECK NO:	B-1		
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DEVELOPMENT
ASSESSMENT PANEL

APPROVED

01-Nov-2021

PRELIMINARY
ISSUE

P1			
ISSUE FOR DEVELOPMENT APPLICATION			
REVISION	DATE	BY	DESCRIPTION
chindarsi architects telephone +61 08 9328 7238 facsimile +61 08 9328 7268 po box 211 mount leyland western australia 6009 mobile 0400 829 579			
10 UNIT DEVELOPMENT 38 PORTLAND ROAD, NEDLANDS			
SECTIONS AA, BB, XX, YY & ZZ			
SCALE	1:100@A1	DATE	29 SEPT 2021
DRAWN BY	GP	DRAWN NO.	
CHECKED BY	X	APPROVED BY	20-01 X
		PROJECT NO.	A-301
		REVISION	P1
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22 October 2025

City of Nedlands
71 Stirling Highway
NEDLANDS WA 6009

Dear Sir / Madam,

NO. 38 (LOT 129) PORTLAND STREET, NEDLANDS

REQUEST FOR EXTENSION OF TIME FOR DEVELOPMENT APPLICATION

Urbanista Town Planning acts as the applicant for a request to extend the term of a development approval for 10 multiple dwellings are No. 38 Portland Street, Nedlands (the subject site). It is understood that the current approval is valid to 1 November 2025, however this is not enough time to be able to obtain a building permit and substantially commence the construction of the development.

Due to a combination of unforeseen circumstances and project-specific challenges, the applicant is seeking to extend the period of approval for a further two years, to 1 November 2027.

Regulation 17 of the Planning and Development (Development Assessment Panel) Regulations, permits the DAP to amend the approval to extend the period within which the development approved must be substantially commenced. The DAP can make this decision either during or after the period of approval has expired.

It is understood that there are three significant aspects to consider regarding the request for an extension to the planning approval period. They are listed and considered below:

- Whether the planning framework has changed substantially since the development approval was granted;
- Whether the development would likely receive approval now; and
- Whether the holder of the development approval has actively and relatively conscientiously pursued the implementation of the development approval.

An assessment of the application against the three principles is provided in this submission.

BACKGROUND

Condition 2 of the amended Development Approval states the following:

“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 the specified period, the approval shall lapse and be of no further effect.”

Accordingly, development approval is valid to 1 November 2025.

MATTERS TO BE CONSIDERED

1. **Whether the planning framework has changed substantially since the development approval was granted?**

The City’s Responsible Authority Report dated 20 October 2021 prescribes the following planning framework, relevant at the time the development application was originally considered:

Region Scheme	Metropolitan Region Scheme
Region Scheme - Zone/Reserve	Urban
Local Planning Scheme	City of Nedlands Local Planning Scheme No. 3
Local Planning Scheme - Zone/Reserve	Residential R60
Structure Plan/Precinct Plan	N/A
Structure Plan/Precinct Plan - Land Use Designation	N/A
Use Class and permissibility:	Residential (Multiple Dwellings) – ‘P’ use
Lot Size:	989m ²
Existing Land Use:	Residential (Single House)
State Heritage Register	No
Local Heritage	☒ N/A ☐ Heritage List ☐ Heritage Area
Design Review	☐ N/A ☒ Local Design Review Panel ☐ State Design Review Panel ☐ Other
Bushfire Prone Area	No
Swan River Trust Area	No

Additionally, the following legislation and policies were also relevant at the time of consideration of the application:

Legislation

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Planning and Development (Development Assessment panel) Regulations 2011*
- Metropolitan Region Scheme
- City of Nedlands Local Planning Scheme No. 3 – Clauses 9, 16, 25 and 32

State Government Policies

- State Planning Policy 5.4 – Road and Rail Noise
- State Planning Policy 7.0 – Design of the Built Environment
- State Planning Policy 7.3 (Residential Design Codes) Volume 2 (R-Codes)

Local Policies

- Local Planning Policy – Consultation of Planning Proposals
- Local Planning Policy – Waste Management
- Local Planning Policy – Landscaping Plans

A review of the above has determined that there have been no changes to the local and state planning framework that would substantially change the development approval granted. As such, it is considered that this application for an extension of time can be supported in accordance with this matter.

2. *Whether the development would likely receive approval now?*

The applicant considers that the development would be granted approval today, as it remains consistent with the application approved by the DAP on 1 November 2025. The proposal has previously undergone a rigorous assessment process, including review by the City's Design Review Panel. Notably, the amended plans submitted by the applicant in September 2021 received support for all ten design principles (10 greens) under State Planning Policy 7.0 – *Design of the Built Environment*. On this basis, it is considered highly likely that the development would again receive approval if assessed today.

3. *Whether the holder of the development approval has actively and relatively conscientiously pursued the implementation of the development approval?*

The holder of the application has actively and conscientiously pursued the implementation of the development approval by satisfying some of the conditions of planning approval. The applicant will be happy to provide the City with any information it considers to be relevant in the pursuit of implementing development approval. Some of this information, such as costs and expenditure, is confidential in nature and therefore not discussed in this submission.

SUMMARY

In summary, the proposal to extend the term of the development approval for 10 multiple dwellings at No. 38 Portland Street, Nedlands, is considered appropriate. The planning framework applicable to the site has not changed in any substantive way since the original approval was granted, and the development remains consistent with the planning intent and built form outcomes envisaged for the area.

The proposal has previously undergone comprehensive assessment, including review by the City's Design Review Panel, and was found to satisfy all design principles of State Planning Policy 7.0 – *Design of the Built Environment*. It is therefore reasonable to conclude that the development would continue to receive support if assessed under the current planning framework.

Furthermore, the applicant has demonstrated an active and genuine commitment to progressing the implementation of the approval, notwithstanding unavoidable project delays.

Our client is committed to delivering a high quality development that aligns with the City's long-term goals and benefits to the community more broadly. An extension of time will allow us to continue this work with the necessary attention to detail and quality, avoiding any shortcuts that could compromise the project's integrity.

On this basis, it is respectfully requested that the Development Assessment Panel grant a two-year extension to the current approval period, extending the validity of the development approval to **1 November 2027**.

Should you have any queries in relation to the above information, please contact the undersigned on 08 6444 9171 or petar@urbanistaplanning.com.au.

Yours Sincerely



Petar Mrdja
Director
Urbanista Town Planning



Metro-Inner North Joint Development Assessment Panel Minutes

Meeting Date and Time: Monday, 1 November 2021; 9.00am
Meeting Number: MINJDAP/113
Meeting Venue: City of Nedlands
71 Stirling Highway, Nedlands

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
8.1	100 Montgomery Avenue, Mount Claremont.....	4
8.2	38 Portland Street, Nedlands.....	19
9.	Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval	34
	Nil.....	34
10.	State Administrative Tribunal Applications and Supreme Court Appeals ...	35
11.	General Business.....	35
12.	Meeting Closure	35



Attendance

DAP Members

Ms Francesca Lefante (Presiding Member)
Ms Lee O'Donohue (Deputy Presiding Member)
Mr John Syme (Third Specialist Member)
Cr Fergus Bennett (Local Government Member, City of Nedlands)
Cr Rebecca Coghlan (Local Government Member, City of Nedlands)

Officers in attendance

Mr Roy Winslow (City of Nedlands)
Ms Aviva Micevski (City of Nedlands)
Mr Simon Bain (City of Nedlands)
Mr Scott van Ierland (City of Nedlands)

Minute Secretary

Ms Leah Mehanni (City of Nedlands)

Applicants and Submitters

Item 8.1

Mr Alessandro Stagno (Apex Planning)
Mr Malcolm Mackay (Mackay Urbandesign)
Mayor Fiona Argyle (City of Nedlands)
Cr Kerry Smyth (City of Nedlands)
Mr Brendan O'Toole
Ms Martina Bovell

Item 8.2

Mr Petar Mrdja (Urbanista Town Planning)
Ms Stephanie Rich (Chindarsi Architects)

Members of the Public / Media

Ms Victoria Rifici from PerthNow was in attendance.

There were twelve members of the public in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:06am on 1 November 2021 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

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



1.1 Announcements by Presiding Member

The Presiding Member advised that 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

Cr Kerry Smyth (Local Government Member, City of Nedlands)

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

In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Members, Cr Rebecca Coghlan and Cr Fergus Bennett, declared that they did not participate in debate or voting at a Council meeting in relation to the application at item 9.1. Under section 2.1.2 of the DAP Code of Conduct 2017, Cr Coghlan and Cr Bennett acknowledged that they are not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

Cr Coghlan and Cr Bennett declared an impartiality interest due to the City of Nedlands owning an adjoining property to the application at item 8.1. As councillors, Cr Coghlan and Cr Bennett have been involved in the City's Strategic Planning where the long-term future of all City assets are being considered, including this property.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member determined that the members listed above, who have disclosed an Impartiality Interest, were permitted to participate in the discussion and voting on the item.



7. Deputations and Presentations

- 7.1 Mr Brendan O'Toole addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel..
- 7.2 Ms Martina Bovell addressed the DAP in support of the recommendation for the application at Item 8.1.
- 7.3 Ms Mayor Fiona Argyle (City of Nedlands) addressed the DAP in support of the recommendation for the application at Item 8.1.
- 7.4 Cr Kerry Smyth (City of Nedlands) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.5 Mr Malcolm Mackay (Mackay Urbandesign) addressed the DAP against the application at Item 8.1 and responded to questions from the panel.
- 7.6 Mr Alessandro Stagno (Apex Planning) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.

The presentations at Item 7.1-7.6 were heard prior to the application at Item 8.1.

- 7.7 Ms Stephanie Rich (Chindarsi Architects) addressed the DAP in support of the recommendation for the application at Item Number 8.2 and responded to questions from the panel.
- 7.8 Mr Peter Mrdja (Urbanista Town Planning) addressed the DAP in support of the recommendation for the application at Item Number 8.2 and responded to questions from the panel.

The presentations at Items 7.7 - 7.8 were heard prior to the application at Item 8.2.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 100 Montgomery Avenue, Mount Claremont

Development Description:	Child Care Premises and 6 aged or dependent persons dwelling
Applicant:	Apex Planning
Owner:	Powerstar Pty Ltd
Responsible Authority:	City of Nedlands
DAP File No:	DAP/21/02052



REPORT RECOMMENDATION

Moved by: Cr Fergus Bennett

Seconded by: Cr Rebecca Coghlan

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

Defer DAP Application reference DAP/21/02052 and accompanying plans date stamped 12 October 2021 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause No.16 of the City of Nedlands Local Planning Scheme No. 3, for the proposed Child Care Premises and 6 Aged or Dependent Persons Dwellings at 100 Montgomery Avenue, Mt. Claremont on the basis of:

1. The development should receive Federal environmental approval under the *Environmental Protection and Biodiversity Conservation Act* prior to the planning approval being granted to ensure that a full assessment of the flora on the site is undertaken and assessed against the Federal environmental criteria.

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

For: Cr Fergus Bennett
Cr Rebecca Coghlan

Against: Ms Francesca Lefante
Ms Lee O'Donohue
Mr John Syme

ALTERNATE MOTION

Moved by: Ms Lee O'Donohue

Seconded by: Mr John Syme

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

Approve DAP Application reference DAP/21/02052 and accompanying plans date stamped 12 October 2021 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Nedlands Local Planning Scheme No. 3, and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme subject to the following conditions:

Conditions

Conditions relating to the entire development

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



3. Prior to the occupation of the development, the car parking designated for visitors shall be clearly marked or signage provided to the specification and maintained thereafter by the landowner to the satisfaction of the City of Nedlands.
4. Prior to occupation of the development, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located or screened so as not to be highly visible from beyond the boundaries of the development site to the satisfaction of the City of Nedlands.
5. All stormwater generated on site is to be retained on site. An onsite storage/infiltration system is to be provided within the site for a 1 in 100-year storm event. No stormwater will be permitted to enter the City of Nedlands's stormwater drainage system unless otherwise approved.
6. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
7. Prior to the issue of a Building Permit, a Construction Management Plan shall be submitted and approved to the satisfaction of the City. The approved Construction Management Plan shall be observed at all times throughout the construction process to the satisfaction of the City. Adjoining landowners shall be notified in writing no less than 14 days prior to construction.
8. The boundary to Reserve 43379 shall be fenced or otherwise demarcated prior to works commencing to prevent the clearing or use of the reserve during construction to the satisfaction of the City of Nedlands.
9. The submitted landscaping plans are to be implemented prior to occupation and maintained at all times with all species selections approved by the City of Nedlands are suitable in close proximity to native bushland.

Conditions relating to the aged or dependent persons dwellings component

10. Prior to occupation, the owner must execute and provide to the City a notification pursuant to Section 70A of the *Transfer of Land Act 1893* (as amended) to be registered on the Certificate of Title(s) advising prospective purchasers that the use of the land is subject to an Aged or Dependent Persons' restriction. The notification shall read as follows:

"This property is approved for use as an Aged or Dependent Persons' Dwelling. The dwelling is restricted to be occupied by at least one person who:
 - i. Is aged 55 years or more; or*
 - ii. Has a recognised form of disability requiring special accommodation for independent living or special care."*
11. The Aged Persons' dwelling internal design, external paths and car parking areas shall be constructed in accordance with Clause 5.5.2 of the Residential Design Codes and Australian Standard AS4299 – Adaptable Housing.



12. Prior to occupation of the development the finish of the parapet walls is to be finished externally to the same standard as the rest of the development or in:
 - a. Face brick;
 - b. Painted render;
 - c. Painted brickwork; or
 - d. Other clean material as specified on the approved plans and maintained thereafter to the satisfaction of the City.

Conditions relating to the childcare premises' component

13. The maximum occupancy of the facility shall be 93 children and 17 staff at any one time.
14. The hours of operation of the facility shall be Weekdays 6:30am to 6:30pm and Weekends and Public Holidays 8:00am to 6:00pm.
15. Outdoor play shall not be permitted before 7:00am on weekdays.
16. The recommendations of sections 5.1 and 5.3 of the Environmental Noise Assessment prepared by Lloyd George Acoustics and dated 9 July 2021 are to be implemented to the satisfaction of the City of Nedlands prior to occupation.
17. A Noise Management Plan based on the recommended 'best practices' outlined in section 6 of the Environmental Noise Assessment prepared by Lloyd George Acoustics and dated 9 July 2021 is to be prepared and approved by the City of Nedlands prior to occupation and thereafter implemented at all times.
18. The Waste Management Plan prepared by Talis Consultants dated 9 July 2021 forms part of this development approval and shall be complied with at all times to the satisfaction of the City of Nedlands.
19. Suitable arrangements being made prior to issue of a building permit to ensure on-site rubbish collection by a 7.5m waste truck is provided, including sufficient manoeuvring space to enable forward-in, forward out travel and space to allow collection of bins.
20. Prior to occupation of the development, the applicant or landowner shall enter into a Deed of Indemnity with the City, which indemnifies both the City and its waste collection contractors from claims relating to damage caused through the collection process.
21. A Parking Management Plan is to be prepared and approved by the City of Nedlands prior to occupation. The plan will address parking management matters raised in the relevant transport impact statement, environmental noise assessment and waste management plan as appropriate to ensure the effective management of parking on the site.
22. Prior to occupation, all bicycle parking spaces shall be provided in accordance with Australian Standard 2890.3 - Bicycle parking to the satisfaction of the City of Nedlands. The bicycle parking spaces shall be installed and remain in place for the duration of the development.



23. All car parking dimensions (including associated wheel stops and headroom clearance), manoeuvring areas, crossovers and driveways shall comply with Australian Standard 2890.1 - Off-street car parking and Australian Standard 2890.6 - Off-street parking for people with disabilities (where applicable) to the satisfaction of the City of Nedlands.
24. Prior to the lodgement of a Building Permit, the materials, finishes and colours (as shown and annotated on the approved plans) shall be shown on the Building Permit plans (unless otherwise approved by the City), enacted prior to practical completion of the development and thereafter remain in place for the life of the development to the satisfaction of the City.
25. External lighting shall comply with the requirements of Australian Standard 4282 – Control of Obtrusive Effects of Outdoor Lighting.

Advice Notes

General Advice

1. The applicant is advised that:
 - a. The granting of development approval is not to be construed as approval under any relevant state or federal environmental legislation. The onus is on the applicant / landowner to ascertain whether further approvals are required prior to works commencing on the site.
 - b. A Certified Building Permit must be obtained prior to construction and thereafter an Occupancy Permit must be obtained; the applicant and owner should liaise with the City's Building Services in this regard. (Building)
 - c. Any public spaces within the development which are proposed for activities (temporary or permanent) that are deemed to be a public building under the Health (Public Buildings) Regulations 1992, will need to comply fully with those Regulations. (Environmental Health)

Landscaping Advice

2. The applicant is advised that:
 - a. The site is located in close proximity to remnant native bushland contained on Crown Land and unlikely to be developed. Species selection for the landscaping plans are recommended to be endemic species that will not introduce weed species into these reserves. Further assistance in this regard can be provided by the City of Nedlands.
 - b. The contractor/developer shall protect the City's street and public open space trees from any damage that may be caused by the scope of works covered by this contract for the duration of the contract. All work carried out under this contract is to comply with the City's policies, guidelines and Australian Standards relating to the protection of trees on or adjacent to development sites (AS 4870- 2009). (Parks Services)



- c. Prior to commencing landscaping of the nature strip / verge, refer to the City of Nedlands' Nature Strip Improvement Guidelines to ascertain if there is a requirement to obtain a Nature Strip Improvement Permit. (Parks Services)

Construction Management Advice

3. In relation to the Construction Management Plan, the applicant is advised that the plan is to address but is not limited to the following matters:
 - a. hours of construction;
 - b. traffic management;
 - c. parking management;
 - d. access management;
 - e. management of loading and unloading of vehicles;
 - f. heavy vehicle access;
 - g. dust management;
 - h. waste management (where applicable);
 - i. protection of infrastructure and trees within the road and public open space reserve;
 - j. the need for a dilapidation report of adjoining properties;
 - k. if required, details of and reasons for construction work on the construction site that is likely to be carried out other than between 7.00 am and 7.00 pm on any day which is not a Sunday or public holiday;
 - l. if required, details of and duration of activities on the construction site likely to result in noise emissions that fail to comply with the standard prescribed under regulation 7 of the Environmental Protection (Noise) Regulations 1997;
 - m. predictions of noise emission on the construction site;
 - n. use of City car parking bays for construction related activities;
 - o. security fencing around construction sites;
 - p. gantries;
 - q. dewatering management plan;
 - r. contact details;
 - s. site offices;
 - t. details of measures to be implemented to control noise (including vibration) emissions;
 - u. complaint response procedure to be adopted;
 - v. details of how dust will be suppressed (e.g. by use of water tanker, independently powered water pumps, high volume hoses) or whether an approval from the Water Corporation for hydrant standpipe has been granted;
 - w. details of how dust and sand drift will be controlled in the event that the landscape remains bare for any period of time;
 - x. any other relevant matters. (Building / Environmental Health / Waste / Technical Services)
4. The applicant is advised that dust control measures are to be applied during construction in accordance with City of Nedlands Health Local Laws 2017 and Department of Water and Environmental Regulation requirements. (Environmental Health Services)



Noise Management Advice

5. The applicant is advised to consult the City's Acoustic Advisory Information in relation to locating any mechanical equipment (e.g. air-conditioner, swimming pool or spa) such that noise, vibration impacts on neighbours are mitigated. The City does not recommend installing any equipment near a property boundary where it is likely that noise will intrude upon neighbours. Prior to selecting a location for an air-conditioner, the applicant the applicant is advised to consult the online fairair noise calculator at www.fairair.com.au and use this as a guide to prevent noise affecting neighbouring properties. (Environmental Health Services)

Vehicle Access, Car and Bicycle Parking Advice

6. The applicant is advised that:
 - a. All works within the adjacent thoroughfare, i.e. road, kerbs, footpath, verge, crossover or right of way, also require a separate approval from the City of Nedlands prior to construction commencing. (Technical Services)
 - b. A new crossover or modification to an existing crossover will require a separate approval from the City of Nedlands prior to construction commencing. (Technical Services)
 - c. All redundant crossovers to be removed and the verge and kerbing reinstated prior to occupation of the development to the satisfaction of the City of Nedlands. (Technical Services)

Waste Management Advice

7. The applicant is advised that the responsible entity (strata/corporate body) shall be liable for all bin replacement costs and/or repair costs relating to damage caused as a result of the bin compaction process. (Waste Services)

Materials and Services Advice

8. The applicant is advised that:
 - a. All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, are to be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second.
 - b. Laundry facilities are to be provided in accordance with the Building Code of Australia, and adequately ventilated to reduce condensation, in accordance with AS1668.2 The use of mechanical ventilation and Airconditioning in buildings. (Environmental Health Services)



Stormwater Advice

9. The applicant is advised that:
- All downpipes from guttering are to be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block. Soak-wells of adequate capacity to contain runoff from a 100-year recurrent storm event. Soak-wells are to be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development. (Technical Services)
 - A sewage treatment and effluent disposal system or greywater reuse or treatment system is not to be installed unless an Approval to Construct or Install an Apparatus for the Treatment of Sewage has been issued by the City beforehand. (Technical Services)

Telecommunications Advice

10. The applicant is advised by the City's Planning Services that developers are responsible for providing telecommunications infrastructure in their developments. To provide this infrastructure, they need to contract a carrier to install telecommunications infrastructure in their new development. If you choose National Broadband Network (NBN) to service your development, you will need to enter into a developer agreement with NBN. The first step is to register the development via <http://www.NBNco.com.au/develop-or-plan-with-the-NBN/newdevelopments.html>, once registered NBN will be in contact to discuss the specific requirements for the development. NBN requires you to apply at least six months before the required service date. All telecommunications infrastructure should be built to NBN guidelines found at <http://www.NBNco.com.au/develop-or-plan-withthe-NBN/new-developments/builders-designers.html>.

Other Advice

11. The applicant is advised that the child care premises operator is to liaise with the City of Nedlands Community Services and Community Development sections when arranging special events where visitation to the facility may exceed car parking provision. This will ensure coordination with any events planned for the adjoining community centre to avoid parking and other conflicts.
12. The applicant is advised that the City will liaise with the developer over a contribution to the upgrade of the footpath abutting the development site. The purpose of this upgrade is to link the development with the surrounding footpath network.



AMENDING MOTION

Moved by: Cr Fergus Bennett

Seconded by: Cr Rebecca Coghlan

That a new Condition No. 10 be added, and all remaining conditions to be renumbered, to read as follows:

That the property owner reimburses the City for the cost of ten endemic trees.

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

For: Ms Lee O'Donohue
Mr John Syme
Cr Fergus Bennett
Cr Rebecca Coghlan

Against: Ms Francesca Lefante

REASON: To provide trees outside the development site to offset the loss of trees on the site.

ALTERNATE MOTION (AS AMENDED)

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

Approve DAP Application reference DAP/21/02052 and accompanying plans date stamped 12 October 2021 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Nedlands Local Planning Scheme No. 3, and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme subject to the following conditions:

Conditions

Conditions relating to the entire development

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. Prior to the occupation of the development, the car parking designated for visitors shall be clearly marked or signage provided to the specification and maintained thereafter by the landowner to the satisfaction of the City of Nedlands.
4. Prior to occupation of the development, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located or screened so as not to be highly visible from beyond the boundaries of the development site to the satisfaction of the City of Nedlands.



5. All stormwater generated on site is to be retained on site. An onsite storage/infiltration system is to be provided within the site for a 1 in 100-year storm event. No stormwater will be permitted to enter the City of Nedlands's stormwater drainage system unless otherwise approved.
6. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
7. Prior to the issue of a Building Permit, a Construction Management Plan shall be submitted and approved to the satisfaction of the City. The approved Construction Management Plan shall be observed at all times throughout the construction process to the satisfaction of the City. Adjoining landowners shall be notified in writing no less than 14 days prior to construction.
8. The boundary to Reserve 43379 shall be fenced or otherwise demarcated prior to works commencing to prevent the clearing or use of the reserve during construction to the satisfaction of the City of Nedlands.
9. The submitted landscaping plans are to be implemented prior to occupation and maintained at all times with all species selections approved by the City of Nedlands are suitable in close proximity to native bushland.
10. That the property owner reimburses the City for the cost of ten endemic trees.

Conditions relating to the aged or dependent persons dwellings component

11. Prior to occupation, the owner must execute and provide to the City a notification pursuant to Section 70A of the *Transfer of Land Act 1893* (as amended) to be registered on the Certificate of Title(s) advising prospective purchasers that the use of the land is subject to an Aged or Dependent Persons' restriction. The notification shall read as follows:

"This property is approved for use as an Aged or Dependent Persons' Dwelling. The dwelling is restricted to be occupied by at least one person who:
 - i. Is aged 55 years or more; or*
 - ii. Has a recognised form of disability requiring special accommodation for independent living or special care."*
12. The Aged Persons' dwelling internal design, external paths and car parking areas shall be constructed in accordance with Clause 5.5.2 of the Residential Design Codes and Australian Standard AS4299 – Adaptable Housing.
13. Prior to occupation of the development the finish of the parapet walls is to be finished externally to the same standard as the rest of the development or in:
 - a. Face brick;
 - b. Painted render;
 - c. Painted brickwork; or
 - d. Other clean material as specified on the approved plans and maintained thereafter to the satisfaction of the City.



Conditions relating to the childcare premises' component

14. The maximum occupancy of the facility shall be 93 children and 17 staff at any one time.
15. The hours of operation of the facility shall be Weekdays 6:30am to 6:30pm and Weekends and Public Holidays 8:00am to 6:00pm.
16. Outdoor play shall not be permitted before 7:00am on weekdays.
17. The recommendations of sections 5.1 and 5.3 of the Environmental Noise Assessment prepared by Lloyd George Acoustics and dated 9 July 2021 are to be implemented to the satisfaction of the City of Nedlands prior to occupation.
18. A Noise Management Plan based on the recommended 'best practices' outlined in section 6 of the Environmental Noise Assessment prepared by Lloyd George Acoustics and dated 9 July 2021 is to be prepared and approved by the City of Nedlands prior to occupation and thereafter implemented at all times.
19. The Waste Management Plan prepared by Talis Consultants dated 9 July 2021 forms part of this development approval and shall be complied with at all times to the satisfaction of the City of Nedlands.
20. Suitable arrangements being made prior to issue of a building permit to ensure on-site rubbish collection by a 7.5m waste truck is provided, including sufficient manoeuvring space to enable forward-in, forward out travel and space to allow collection of bins.
21. Prior to occupation of the development, the applicant or landowner shall enter into a Deed of Indemnity with the City, which indemnifies both the City and its waste collection contractors from claims relating to damage caused through the collection process.
22. A Parking Management Plan is to be prepared and approved by the City of Nedlands prior to occupation. The plan will address parking management matters raised in the relevant transport impact statement, environmental noise assessment and waste management plan as appropriate to ensure the effective management of parking on the site.
23. Prior to occupation, all bicycle parking spaces shall be provided in accordance with Australian Standard 2890.3 - Bicycle parking to the satisfaction of the City of Nedlands. The bicycle parking spaces shall be installed and remain in place for the duration of the development.
24. All car parking dimensions (including associated wheel stops and headroom clearance), manoeuvring areas, crossovers and driveways shall comply with Australian Standard 2890.1 - Off-street car parking and Australian Standard 2890.6 - Off-street parking for people with disabilities (where applicable) to the satisfaction of the City of Nedlands.



25. Prior to the lodgement of a Building Permit, the materials, finishes and colours (as shown and annotated on the approved plans) shall be shown on the Building Permit plans (unless otherwise approved by the City), enacted prior to practical completion of the development and thereafter remain in place for the life of the development to the satisfaction of the City.
26. External lighting shall comply with the requirements of Australian Standard 4282 – Control of Obtrusive Effects of Outdoor Lighting.

Advice Notes:

General Advice

1. The applicant is advised that:
 - a. The granting of development approval is not to be construed as approval under any relevant state or federal environmental legislation. The onus is on the applicant / landowner to ascertain whether further approvals are required prior to works commencing on the site.
 - b. A Certified Building Permit must be obtained prior to construction and thereafter an Occupancy Permit must be obtained; the applicant and owner should liaise with the City's Building Services in this regard. (Building)
 - c. Any public spaces within the development which are proposed for activities (temporary or permanent) that are deemed to be a public building under the Health (Public Buildings) Regulations 1992, will need to comply fully with those Regulations. (Environmental Health)

Landscaping Advice

2. The applicant is advised that:
 - a. The site is located in close proximity to remnant native bushland contained on Crown Land and unlikely to be developed. Species selection for the landscaping plans are recommended to be endemic species that will not introduce weed species into these reserves. Further assistance in this regard can be provided by the City of Nedlands.
 - b. The contractor/developer shall protect the City's street and public open space trees from any damage that may be caused by the scope of works covered by this contract for the duration of the contract. All work carried out under this contract is to comply with the City's policies, guidelines and Australian Standards relating to the protection of trees on or adjacent to development sites (AS 4870- 2009). (Parks Services)
 - c. Prior to commencing landscaping of the nature strip / verge, refer to the City of Nedlands' Nature Strip Improvement Guidelines to ascertain if there is a requirement to obtain a Nature Strip Improvement Permit. (Parks Services)



Construction Management Advice

3. In relation to the Construction Management Plan, the applicant is advised that the plan is to address but is not limited to the following matters:
- a. hours of construction;
 - b. traffic management;
 - c. parking management;
 - d. access management;
 - e. management of loading and unloading of vehicles;
 - f. heavy vehicle access;
 - g. dust management;
 - h. waste management (where applicable);
 - i. protection of infrastructure and trees within the road and public open space reserve;
 - j. the need for a dilapidation report of adjoining properties;
 - k. if required, details of and reasons for construction work on the construction site that is likely to be carried out other than between 7.00 am and 7.00 pm on any day which is not a Sunday or public holiday;
 - l. if required, details of and duration of activities on the construction site likely to result in noise emissions that fail to comply with the standard prescribed under regulation 7 of the Environmental Protection (Noise) Regulations 1997;
 - m. predictions of noise emission on the construction site;
 - n. use of City car parking bays for construction related activities;
 - o. security fencing around construction sites;
 - p. gantries;
 - q. dewatering management plan;
 - r. contact details;
 - s. site offices;
 - t. details of measures to be implemented to control noise (including vibration) emissions;
 - u. complaint response procedure to be adopted;
 - v. details of how dust will be suppressed (e.g. by use of water tanker, independently powered water pumps, high volume hoses) or whether an approval from the Water Corporation for hydrant standpipe has been granted;
 - w. details of how dust and sand drift will be controlled in the event that the landscape remains bare for any period of time;
 - x. any other relevant matters. (Building / Environmental Health / Waste / Technical Services)
4. The applicant is advised that dust control measures are to be applied during construction in accordance with City of Nedlands Health Local Laws 2017 and Department of Water and Environmental Regulation requirements. (Environmental Health Services)



Noise Management Advice

5. The applicant is advised to consult the City's Acoustic Advisory Information in relation to locating any mechanical equipment (e.g. air-conditioner, swimming pool or spa) such that noise, vibration impacts on neighbours are mitigated. The City does not recommend installing any equipment near a property boundary where it is likely that noise will intrude upon neighbours. Prior to selecting a location for an air-conditioner, the applicant the applicant is advised to consult the online fairair noise calculator at www.fairair.com.au and use this as a guide to prevent noise affecting neighbouring properties. (Environmental Health Services)

Vehicle Access, Car and Bicycle Parking Advice

6. The applicant is advised that:
 - a. All works within the adjacent thoroughfare, i.e. road, kerbs, footpath, verge, crossover or right of way, also require a separate approval from the City of Nedlands prior to construction commencing. (Technical Services)
 - b. A new crossover or modification to an existing crossover will require a separate approval from the City of Nedlands prior to construction commencing. (Technical Services)
 - c. All redundant crossovers to be removed and the verge and kerbing reinstated prior to occupation of the development to the satisfaction of the City of Nedlands. (Technical Services)

Waste Management Advice

7. The applicant is advised that the responsible entity (strata/corporate body) shall be liable for all bin replacement costs and/or repair costs relating to damage caused as a result of the bin compaction process. (Waste Services)

Materials and Services Advice

8. The applicant is advised that:
 - a. All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, are to be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second.
 - b. Laundry facilities are to be provided in accordance with the Building Code of Australia, and adequately ventilated to reduce condensation, in accordance with AS1668.2 The use of mechanical ventilation and Airconditioning in buildings. (Environmental Health Services)



Stormwater Advice

9. The applicant is advised that:

- a. All downpipes from guttering are to be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block. Soak-wells of adequate capacity to contain runoff from a 100-year recurrent storm event. Soak-wells are to be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development. (Technical Services)
- b. A sewage treatment and effluent disposal system or greywater reuse or treatment system is not to be installed unless an Approval to Construct or Install an Apparatus for the Treatment of Sewage has been issued by the City beforehand. (Technical Services)

Telecommunications Advice

10. The applicant is advised by the City's Planning Services that developers are responsible for providing telecommunications infrastructure in their developments. To provide this infrastructure, they need to contract a carrier to install telecommunications infrastructure in their new development. If you choose National Broadband Network (NBN) to service your development, you will need to enter into a developer agreement with NBN. The first step is to register the development via <http://www.NBNco.com.au/develop-or-plan-with-the-NBN/newdevelopments.html>, once registered NBN will be in contact to discuss the specific requirements for the development. NBN requires you to apply at least six months before the required service date. All telecommunications infrastructure should be built to NBN guidelines found at <http://www.NBNco.com.au/develop-or-plan-with-the-NBN/newdevelopments/builders-designers.html>.

Other Advice

11. The applicant is advised that the child care premises operator is to liaise with the City of Nedlands Community Services and Community Development sections when arranging special events where visitation to the facility may exceed car parking provision. This will ensure coordination with any events planned for the adjoining community centre to avoid parking and other conflicts.
12. The applicant is advised that the City will liaise with the developer over a contribution to the upgrade of the footpath abutting the development site. The purpose of this upgrade is to link the development with the surrounding footpath network.

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

For: Ms Francesca Lefante
Ms Lee O'Donohue
Mr John Syme

Against: Cr Fergus Bennett
Cr Rebecca Coghlan



REASON: The majority of the Panel Members were satisfied that the development is consistent with the planning framework. The childcare building scale and design is considered suitable in the context of the area. The building orientation to Montgomery Street is considered to improve and activate the streetscape, without impacting the adjoining community centre and surrounding sites.

The single storey scale, design and materials of the aged person units are considered appropriate. With the design difference between the buildings creating clarity of the differing uses. No significant amenities issues were identified arising from the design

The minor parking variations were supported consistent with the comments in the RAR, including information that there were no traffic or vehicle access concerns associated with the use.

The Members referred to the consideration of the proposal on the planning merits, and that the approval does not alter, remove or fetter the obligation of the applicant/owner to obtain all other relevant approvals under other legislations

PROCEDURAL MOTION

Moved by: Ms Francesca Lefante

Seconded by: Ms Lee O'Donohue

That the meeting be adjourned for a period of 5 minutes.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: To allow the members a comfort break

The meeting was adjourned at 11:22am.

The meeting was reconvened at 11:33am.

8.2 38 Portland Street, Nedlands

Development Description:	10 Multiple Dwellings
Applicant:	Urbanista Town Planning
Owner:	Hyquality Development Pty Ltd
Responsible Authority:	City of Nedlands
DAP File No:	DAP/21/02014

REPORT RECOMMENDATION

Moved by: Ms Lee O'Donohue

Seconded by: Mr John Syme

It is recommended that the Metro Inner-North Joint Development Assessment Panel resolves to:

Approve DAP Application reference DAP/21/0214 and accompanying plans (Attachment – Development Plans and Elevations) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, and the provisions of the City of Nedlands Local Planning Scheme No.3 and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme, subject to the following conditions:



Conditions

General

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.

Noise

4. Prior to occupation of the development a notification pursuant to Section 70A of the Transfer of Land Act 1893 shall be prepared or vetted by the City's solicitors at the expense of the owner and registered against the Certificate of Title to the land the subject of the proposed development advising the owners and subsequent owners of the land of the following matter(s):

"This lot is situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected by transport noise. Additional planning and building requirements may apply to development on this land to achieve an acceptable level of noise reduction".

5. Prior to the lodgement of a Building Permit, a revised Acoustic Report shall be submitted and approved to the satisfaction of the City. The assessment shall include assessment on the chosen mechanical plant equipment which demonstrates compliance with the requirements of the *Environmental Protection (Noise) Regulations 1997*.
6. Prior to the lodgement of a Building Permit, the applicant is to demonstrate compliance with the recommendations within the acoustic report to the satisfaction of the City satisfaction.
7. All recommendations contained within the revised Acoustic Report shall be implemented and adhered to for the lifetime of the development to the satisfaction of the City of Nedlands.



8. Prior to the issue of a building permit, a noise management plan is to be submitted detailing measures that will be undertaken to ensure noise levels are kept within levels prescribed in the *Environmental Protection (Noise) Regulations 1997*. The plan is to be prepared by a suitably qualified consultant and is to include:
- sound proofing measures used in the design and construction of the development;
 - predictions of noise levels;
 - control measures to be undertaken (including monitoring procedures);
 - a complaint response procedure; and
 - demonstration of all dwellings exceeding the minimum requirements of the National Construction Code as it relates to acoustic management.

All sound attenuation measures, identified by the plan or as additionally required by the City, are to be implemented prior to occupancy of the development or as otherwise required by the City and the requirements of the plan are to be observed at all times.

Waste Management

9. The Waste Management Plan dated 6 October 2021 prepared by Talis Consults forms part of this development approval and shall be complied with at all times to the satisfaction of the City. Recommendations and requirements contained within the Waste Management Plan are to be carried out and maintained for the lifetime of the development to the satisfaction of the City of Nedlands.

Design

10. Prior to the lodgement of a Building Permit, a schedule of finishes and materials shall be submitted and approved to the satisfaction of the City. The finishes and materials shall be retained and maintained for the life of the development to the satisfaction of the City.
11. Prior to occupation of the development, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the buildings shall be located or screened so as not to be visible from beyond the boundaries of the development site to the satisfaction of the City.
12. Prior to occupation of the development the finish of the parapet walls is to be finished externally to the same standard as the rest of the development in:
- face brick;
 - painted render;
 - painted brickwork; or
 - other clean material as specified on the approved plans and maintained thereafter to the satisfaction of the City of Nedlands.



13. Prior to occupation of the development, all major openings and balconies (as annotated on the approved plans), shall be screened in accordance with the Residential Design Codes by either:
- fixed obscured glazing or translucent glass to a height of 1.60 metres above finished floor level;
 - timber screens, external blinds, window hoods and shutters to a height of 1.6m above finished floor level that are at least 75% obscure;
 - a minimum sill height of 1.60 metres as determined from the internal floor level; or
 - an alternative method of screening approved by the City of Nedlands.

The required screening shall be thereafter maintained to the satisfaction of the City of Nedlands.

14. Prior to occupation of the development, each dwelling unit shall be provided with mechanical clothes driers or alternatively shall have an adequate area provided for drying clothes. Any drying area shall be screened from view from any adjacent public or communal spaces, to the satisfaction of the City of Nedlands.
15. External lighting shall comply with the requirements of Australian Standard 4282 – Control of Obtrusive Effects of Outdoor Lighting.

Building

16. Prior to the lodgement of Building Permit, a Construction Management Plan shall be submitted and approved to the satisfaction of the City. The approved Construction Management Plan shall be observed at all times throughout the construction process to the satisfaction of the City. Adjoining landowners shall be notified in writing no less than 14 days prior to construction.
17. Prior to the occupation of the development, screen doors are to be provided on the entry doors for Units 1.1, 1.2, 1.3 and 1.4 to allow for cross ventilation in accordance with Element 4.2 of the Residential Design Codes and maintained for the lifetime of the development.
18. All stormwater generated on site is to be retained on site to the satisfaction of the City of Nedlands. No stormwater will be permitted to enter the City of Nedlands's stormwater drainage system unless otherwise approved.
19. All building works to be carried out under this development approval are required to be contained within the site boundaries of the subject lot.
20. Prior to occupation, all photovoltaic cells shown on the roof plan of the development shall be installed to the satisfaction of the City and maintained for the lifetime of the development.
21. A minimum of 20% (2) units are to be designed at building permit stage to the Silver Level requirements as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia) and implemented prior to occupation.



Landscaping

22. Landscaping shall be installed and maintained in accordance with the approved Landscaping Plan prepared by TDL Beyond Green, received 7 October 2021. Any modifications to the plans are subject to approval by the City of Nedlands.
23. Prior to occupation, a Landscape Management Plan, shall be submitted and approved by the City of Nedlands. It shall in addition to include a comprehensive maintenance plan for all proposed landscaping on the site and contingencies for replacement of dead and diseased plants.
24. Prior to occupation, all communal and private open space areas shall include a tap connected to an adequate water supply for the purpose of irrigation.

Vehicle Access and Parking

25. All car parking dimensions (including associated wheel stops and headroom clearance), manoeuvring areas, crossovers and driveways shall comply with Australian Standard 2890.1-2004 - Off-street car parking and Australian Standard 2890.6:2009 - Off-street parking for people with disabilities (where applicable) to the satisfaction of the City of Nedlands.
26. Prior to occupation, all bicycle parking spaces shall be provided in accordance with Australian Standard for AS 2890.3:2015 - Bicycle parking to the satisfaction of the City of Nedlands. The bicycle parking spaces shall be installed and remain in place for the duration of the development.
27. The visitor parking bay is to be clearly marked and made available to visitors at all times for the lifetime of the development, to the satisfaction of the City of Nedlands.

Sustainability

28. Prior to the issue of a Building Permit, a Sustainability Report prepared by a suitably qualified consultant shall be submitted and approved to the satisfaction of the City of Nedlands. Recommendations contained within the report are to be carried out and maintained for the lifetime of the development to the satisfaction of the City of Nedlands.

Advice Notes

General Advice

1. The applicant is advised that:
 - a. A Certified Building Permit must be obtained prior to construction and thereafter an Occupancy Permit must be obtained; the applicant and owner should liaise with the City's Building Services in this regard. (Building)
 - b. Any public spaces within the development which are proposed for activities (temporary or permanent) that are deemed to be a public building under the Health (Public Buildings) Regulations 1992, will need to comply fully with those Regulations. (Environmental Health)



Construction and Dilapidation Management Advice

2. In relation to the Construction Management Plan, the applicant is advised that the plan is to address but is not limited to the following matters:
- a. hours of construction;
 - b. traffic management;
 - c. parking management;
 - d. access management;
 - e. management of loading and unloading of vehicles;
 - f. heavy vehicle access;
 - g. waste management (where applicable);
 - h. protection of infrastructure and street trees within the road reserve;
 - i. the need for a dilapidation report of adjoining properties;
 - j. if required, details of and reasons for construction work on the construction site that is likely to be carried out other than between 7.00 am and 7.00 pm on any day which is not a Sunday or public holiday;
 - k. if required, details of and duration of activities on the construction site likely to result in noise emissions that fail to comply with the standard prescribed under regulation 7 of the Environmental Protection (Noise) Regulations 1997;
 - l. predictions of noise emission on the construction site;
 - m. use of City car parking bays for construction related activities;
 - n. protection of infrastructure and street trees within the road reserve;
 - o. security fencing around construction sites;
 - p. gantries;
 - q. dewatering management plan;
 - r. contact details;
 - s. site offices;
 - t. details of measures to be implemented to control noise (including vibration) emissions;
 - u. complaint response procedure to be adopted;
 - v. details of how dust will be suppressed (e.g. by use of water tanker, independently powered water pumps, high volume hoses) or whether an approval from the water corporation for hydrant standpipe has been granted;
 - w. details of how dust and sand drift will be controlled in the event that the landscape remains bare for any period of time after demolition;
 - x. any other relevant matters.

(Building / Environmental Health / Waste / Technical Services)

3. The applicant is advised that dust control measures are to be applied during construction in accordance with City of Nedlands Health Local Laws 2017 and Department of Water and Environmental Regulation requirements. (Environmental Health Services)



Noise Management Advice

4. The applicant is advised to consult the City's Acoustic Advisory Information in relation to locating any mechanical equipment (e.g. air-conditioner, swimming pool or spa) such that noise, vibration impacts on neighbours are mitigated. The City does not recommend installing any equipment near a property boundary where it is likely that noise will intrude upon neighbours. Prior to selecting a location for an air-conditioner, the applicant is advised to consult the online fairair noise calculator at www.fairair.com.au and use this as a guide to prevent noise affecting neighbouring properties. (Environmental Health Services)

Landscaping Advice

5. The applicant is advised that:
 - a. The contractor/developer shall protect the City's street trees from any damage that may be caused by the scope of works covered by this contract for the duration of the contract. All work carried out under this contract is to comply with the City's policies, guidelines and Australian Standards relating to the protection of trees on or adjacent to development sites (AS 4870-2009). (Parks Services)
 - b. The applicant is advised that all works within the verge including any landscaping will require a separate approval from the City of Nedlands prior to construction commencing. (Technical Services)

Waste Management Advice

6. The applicant is advised that:
 - a. The responsible entity (strata/corporate body) shall be liable for all bin replacement costs and/or repair costs relating to damage caused as a result of the bin compaction process. (Waste Services)
 - b. Recyclable waste stream waste bins shall not be compacted. (Waste Services)
 - c. As the proposal consists of more than 3 dwellings, the City's Health Local Laws 2017 require an enclosure for the storage and cleaning of waste receptacles to be provided on the premises.

Stormwater Advice

7. The applicant is advised that:
 - a. All downpipes from guttering are to be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block. Soak-wells of adequate capacity to contain runoff from a 100-year recurrent storm event. Soak-wells are to be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development. (Technical Services)



- b. A sewage treatment and effluent disposal system or greywater reuse or treatment system is not to be installed unless an Approval to Construct or Install an Apparatus for the Treatment of Sewage has been issued by the City beforehand. (Technical Services)

Telecommunications Advice

8. The applicant is advised by the City's Planning Services that developers are responsible for providing telecommunications infrastructure in their developments. To provide this infrastructure, they need to contract a carrier to install telecommunications infrastructure in their new development. If you choose National Broadband Network (NBN) to service your development, you will need to enter into a developer agreement with NBN. The first step is to register the development via <http://www.NBNco.com.au/develop-or-plan-with-the-NBN/newdevelopments.html>, once registered NBN will be in contact to discuss the specific requirements for the development. NBN requires you to apply at least six months before the required service date. All telecommunications infrastructure should be built to NBN guidelines found at <http://www.NBNco.com.au/develop-or-plan-withthe-NBN/new-developments/builders-designers.html>

AMENDING MOTION 1

Moved by: Cr Rebecca Coghlan

Seconded by: Cr Fergus Bennett

That a new condition 29 be added to read as follows:

Prior to the commencement of the site works, a dilapidation report prepared by a suitably qualified consultant should be submitted to the City of Nedlands 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), including ancillary structures located upon these properties:

- a. 67 Williams Road
- b. 69 Williams Road
- c. 71 Williams Road
- d. 35 Portland Street
- e. 37 Portland Street
- f. 39 Portland Street.

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 Nedlands 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.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To protect the nearby sites from damage associated with the proposed development.



AMENDING MOTION 2

Moved by: Cr Fergus Bennett

Seconded by: Cr Rebecca Coghlan

That a new condition 30 be added to read as follows:

The bulk waste specified area located on the public verge be removed from the plans.

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

For: Ms Francesca Lefante
Cr Fergus Bennett
Cr Rebecca Coghlan

Against: Mr John Syme
Ms Lee O'Donohue

REASON: Considered unnecessary to specify an area on the public land for bulk waste, and it can be managed in accordance with the City waste management processes.

REPORT RECOMMENDATION (AS AMENDED)

It is recommended that the Metro Inner-North Joint Development Assessment Panel resolves to:

Approve DAP Application reference DAP/21/0214 and accompanying plans (Attachment – Development Plans and Elevations) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, and the provisions of the City of Nedlands Local Planning Scheme No.3 and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme, subject to the following conditions:

Conditions

General

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.



Noise

4. Prior to occupation of the development a notification pursuant to Section 70A of the Transfer of Land Act 1893 shall be prepared or vetted by the City's solicitors at the expense of the owner and registered against the Certificate of Title to the land the subject of the proposed development advising the owners and subsequent owners of the land of the following matter(s):

"This lot is situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected by transport noise. Additional planning and building requirements may apply to development on this land to achieve an acceptable level of noise reduction".

5. Prior to the lodgement of a Building Permit, a revised Acoustic Report shall be submitted and approved to the satisfaction of the City. The assessment shall include assessment on the chosen mechanical plant equipment which demonstrates compliance with the requirements of the *Environmental Protection (Noise) Regulations 1997*.
6. Prior to the lodgement of a Building Permit, the applicant is to demonstrate compliance with the recommendations within the acoustic report to the satisfaction of the City satisfaction.
7. All recommendations contained within the revised Acoustic Report shall be implemented and adhered to for the lifetime of the development to the satisfaction of the City of Nedlands.
8. Prior to the issue of a building permit, a noise management plan is to be submitted detailing measures that will be undertaken to ensure noise levels are kept within levels prescribed in the *Environmental Protection (Noise) Regulations 1997*. The plan is to be prepared by a suitably qualified consultant and is to include:
 - a. sound proofing measures used in the design and construction of the development;
 - b. predictions of noise levels;
 - c. control measures to be undertaken (including monitoring procedures);
 - d. a complaint response procedure; and
 - e. demonstration of all dwellings exceeding the minimum requirements of the National Construction Code as it relates to acoustic management.

All sound attenuation measures, identified by the plan or as additionally required by the City, are to be implemented prior to occupancy of the development or as otherwise required by the City and the requirements of the plan are to be observed at all times.



Waste Management

9. The Waste Management Plan dated 6 October 2021 prepared by Talis Consults forms part of this development approval and shall be complied with at all times to the satisfaction of the City. Recommendations and requirements contained within the Waste Management Plan are to be carried out and maintained for the lifetime of the development to the satisfaction of the City of Nedlands.

Design

10. Prior to the lodgement of a Building Permit, a schedule of finishes and materials shall be submitted and approved to the satisfaction of the City. The finishes and materials shall be retained and maintained for the life of the development to the satisfaction of the City.
11. Prior to occupation of the development, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the buildings shall be located or screened so as not to be visible from beyond the boundaries of the development site to the satisfaction of the City.
12. Prior to occupation of the development the finish of the parapet walls is to be finished externally to the same standard as the rest of the development in:
 - a. face brick;
 - b. painted render;
 - c. painted brickwork; or
 - d. other clean material as specified on the approved plans and maintained thereafter to the satisfaction of the City of Nedlands.
13. Prior to occupation of the development, all major openings and balconies (as annotated on the approved plans), shall be screened in accordance with the Residential Design Codes by either:
 - a. fixed obscured glazing or translucent glass to a height of 1.60 metres above finished floor level;
 - b. timber screens, external blinds, window hoods and shutters to a height of 1.6m above finished floor level that are at least 75% obscure;
 - c. a minimum sill height of 1.60 metres as determined from the internal floor level; or
 - d. an alternative method of screening approved by the City of Nedlands.

The required screening shall be thereafter maintained to the satisfaction of the City of Nedlands.

14. Prior to occupation of the development, each dwelling unit shall be provided with mechanical clothes driers or alternatively shall have an adequate area provided for drying clothes. Any drying area shall be screened from view from any adjacent public or communal spaces, to the satisfaction of the City of Nedlands.
15. External lighting shall comply with the requirements of Australian Standard 4282 – Control of Obtrusive Effects of Outdoor Lighting.



Building

16. Prior to the lodgement of Building Permit, a Construction Management Plan shall be submitted and approved to the satisfaction of the City. The approved Construction Management Plan shall be observed at all times throughout the construction process to the satisfaction of the City. Adjoining landowners shall be notified in writing no less than 14 days prior to construction.
17. Prior to the occupation of the development, screen doors are to be provided on the entry doors for Units 1.1, 1.2, 1.3 and 1.4 to allow for cross ventilation in accordance with Element 4.2 of the Residential Design Codes and maintained for the lifetime of the development.
18. All stormwater generated on site is to be retained on site to the satisfaction of the City of Nedlands. No stormwater will be permitted to enter the City of Nedlands's stormwater drainage system unless otherwise approved.
19. All building works to be carried out under this development approval are required to be contained within the site boundaries of the subject lot.
20. Prior to occupation, all photovoltaic cells shown on the roof plan of the development shall be installed to the satisfaction of the City and maintained for the lifetime of the development.
21. A minimum of 20% (2) units are to be designed at building permit stage to the Silver Level requirements as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia) and implemented prior to occupation.

Landscaping

22. Landscaping shall be installed and maintained in accordance with the approved Landscaping Plan prepared by TDL Beyond Green, received 7 October 2021. Any modifications to the plans are subject to approval by the City of Nedlands.
23. Prior to occupation, a Landscape Management Plan, shall be submitted and approved by the City of Nedlands. It shall in addition to include a comprehensive maintenance plan for all proposed landscaping on the site and contingencies for replacement of dead and diseased plants.
24. Prior to occupation, all communal and private open space areas shall include a tap connected to an adequate water supply for the purpose of irrigation.

Vehicle Access and Parking

25. All car parking dimensions (including associated wheel stops and headroom clearance), manoeuvring areas, crossovers and driveways shall comply with Australian Standard 2890.1-2004 - Off-street car parking and Australian Standard 2890.6:2009 - Off-street parking for people with disabilities (where applicable) to the satisfaction of the City of Nedlands.



26. Prior to occupation, all bicycle parking spaces shall be provided in accordance with Australian Standard for AS 2890.3:2015 - Bicycle parking to the satisfaction of the City of Nedlands. The bicycle parking spaces shall be installed and remain in place for the duration of the development.
27. The visitor parking bay is to be clearly marked and made available to visitors at all times for the lifetime of the development, to the satisfaction of the City of Nedlands.

Sustainability

28. Prior to the issue of a Building Permit, a Sustainability Report prepared by a suitably qualified consultant shall be submitted and approved to the satisfaction of the City of Nedlands. Recommendations contained within the report are to be carried out and maintained for the lifetime of the development to the satisfaction of the City of Nedlands.
29. Prior to the commencement of the site works, a dilapidation report prepared by a suitably qualified consultant should be submitted to the City of Nedlands 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), including ancillary structures located upon these properties:
 - a. 67 Williams Road
 - b. 69 Williams Road
 - c. 71 Williams Road
 - d. 35 Portland Street
 - e. 37 Portland Street
 - f. 39 Portland Street.

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 Nedlands 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.

30. The bulk waste specified area located on the public verge be removed from the plans.

Advice Notes

General Advice

1. The applicant is advised that:
 - a. A Certified Building Permit must be obtained prior to construction and thereafter an Occupancy Permit must be obtained; the applicant and owner should liaise with the City's Building Services in this regard. (Building)
 - b. Any public spaces within the development which are proposed for activities (temporary or permanent) that are deemed to be a public building under the Health (Public Buildings) Regulations 1992, will need to comply fully with those Regulations. (Environmental Health)



Construction and Dilapidation Management Advice

2. In relation to the Construction Management Plan, the applicant is advised that the plan is to address but is not limited to the following matters:

- a. hours of construction;
- b. traffic management;
- c. parking management;
- d. access management;
- e. management of loading and unloading of vehicles;
- f. heavy vehicle access;
- g. waste management (where applicable);
- h. protection of infrastructure and street trees within the road reserve;
- i. the need for a dilapidation report of adjoining properties;
- j. if required, details of and reasons for construction work on the construction site that is likely to be carried out other than between 7.00 am and 7.00 pm on any day which is not a Sunday or public holiday;
- k. if required, details of and duration of activities on the construction site likely to result in noise emissions that fail to comply with the standard prescribed under regulation 7 of the Environmental Protection (Noise) Regulations 1997;
- l. predictions of noise emission on the construction site;
- m. use of City car parking bays for construction related activities;
- n. protection of infrastructure and street trees within the road reserve;
- o. security fencing around construction sites;
- p. gantries;
- q. dewatering management plan;
- r. contact details;
- s. site offices;
- t. details of measures to be implemented to control noise (including vibration) emissions;
- u. complaint response procedure to be adopted;
- v. details of how dust will be suppressed (e.g. by use of water tanker, independently powered water pumps, high volume hoses) or whether an approval from the water corporation for hydrant standpipe has been granted;
- w. details of how dust and sand drift will be controlled in the event that the landscape remains bare for any period of time after demolition;
- x. any other relevant matters.

(Building / Environmental Health / Waste / Technical Services)

3. The applicant is advised that dust control measures are to be applied during construction in accordance with City of Nedlands Health Local Laws 2017 and Department of Water and Environmental Regulation requirements. (Environmental Health Services)



Noise Management Advice

4. The applicant is advised to consult the City's Acoustic Advisory Information in relation to locating any mechanical equipment (e.g. air-conditioner, swimming pool or spa) such that noise, vibration impacts on neighbours are mitigated. The City does not recommend installing any equipment near a property boundary where it is likely that noise will intrude upon neighbours. Prior to selecting a location for an air-conditioner, the applicant is advised to consult the online fairair noise calculator at www.fairair.com.au and use this as a guide to prevent noise affecting neighbouring properties. (Environmental Health Services)

Landscaping Advice

5. The applicant is advised that:
 - a. The contractor/developer shall protect the City's street trees from any damage that may be caused by the scope of works covered by this contract for the duration of the contract. All work carried out under this contract is to comply with the City's policies, guidelines and Australian Standards relating to the protection of trees on or adjacent to development sites (AS 4870-2009). (Parks Services)
 - b. The applicant is advised that all works within the verge including any landscaping will require a separate approval from the City of Nedlands prior to construction commencing. (Technical Services)

Waste Management Advice

6. The applicant is advised that:
 - a. The responsible entity (strata/corporate body) shall be liable for all bin replacement costs and/or repair costs relating to damage caused as a result of the bin compaction process. (Waste Services)
 - b. Recyclable waste stream waste bins shall not be compacted. (Waste Services)
 - c. As the proposal consists of more than 3 dwellings, the City's Health Local Laws 2017 require an enclosure for the storage and cleaning of waste receptacles to be provided on the premises.

Stormwater Advice

7. The applicant is advised that:
 - a. All downpipes from guttering are to be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block. Soak-wells of adequate capacity to contain runoff from a 100-year recurrent storm event. Soak-wells are to be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development. (Technical Services)



- b. A sewage treatment and effluent disposal system or greywater reuse or treatment system is not to be installed unless an Approval to Construct or Install an Apparatus for the Treatment of Sewage has been issued by the City beforehand. (Technical Services)

Telecommunications Advice

8. The applicant is advised by the City's Planning Services that developers are responsible for providing telecommunications infrastructure in their developments. To provide this infrastructure, they need to contract a carrier to install telecommunications infrastructure in their new development. If you choose National Broadband Network (NBN) to service your development, you will need to enter into a developer agreement with NBN. The first step is to register the development via <http://www.NBNco.com.au/develop-or-plan-with-the-NBN/newdevelopments.html>, once registered NBN will be in contact to discuss the specific requirements for the development. NBN requires you to apply at least six months before the required service date. All telecommunications infrastructure should be built to NBN guidelines found at <http://www.NBNco.com.au/develop-or-plan-withthe-NBN/new-developments/builders-designers.html>

The Report Recommendation (as amended) was put and CARRIED 3/2

For: Ms Francesca Lefante
Ms Lee O'Donohue
Mr John Syme

Against: Cr Fergus Bennett
Cr Rebecca Coghlan

REASON: The majority of the Panel Members were satisfied that the development is consistent with the planning framework. The two-storey building form and scale is consistent with the streetscape. The Panel considered the contemporary design to respond and fit comfortably with the emerging context and character of the site. The location of the communal courtyard provides a passive space and separates the site and street. The addition of medium sized tree within the courtyard contributes to the Nedlands streetscape and tree canopy provisions.

The proposed form and scale are considered balanced, with the dwelling sizes providing a mix of housing choices which is appropriate in the area. Overall, the JDAP supported the proposal, which is considered to be consistent with planning framework.

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

Nil



10. State Administrative Tribunal Applications and Supreme Court Appeals

The Presiding Member noted the following SAT Applications -

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/19/01651 DR160/2020	City of Nedlands	Lot 1 (80) Stirling Highway, Lots 21-23 (2, 4 & 6) Florence Road and Lots 33 & 33 (9&7) Stanley Street, Nedlands	Shopping Centre	21/07/2020

The Presiding Member noted the following Supreme Court Appeal –

Current Supreme Court Appeals				
File No.	LG Name	Property Location	Application Description	Date Lodged
DAP/20/01884 CIV 1791 of 2021	City of Stirling	Lot 100 Field Street, Mount Lawley	24 multiple dwellings and six (6) grouped dwellings	11 February 2021

11. General Business

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

12. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 12:38pm.

19 December 2025

David Banovic – Coordinator Planning Approvals

CITY OF NELANDS

71 Stirling Highway

WA 6009

Dear David,

NO. 38 (LOT 129) PORTLAND STREET, NEDLANDS

REQUEST TO EXTEND THE TERM OF THE DEVELOPMENT APPROVAL – REQUEST FOR FURTHER INFORMATION

Thank you for providing the opportunity to address your assessment comments with respect to our development application to request to extend the term of the development approval for 10 Multiple Dwellings at No. 38 Portland Street, Nedlands.

In your correspondence dated 26 November 2025, you advise the following:

The Cover Letter submitted in support of the request states that the legislation and policies relevant at the time the application was originally considered have not changed. However, it does not address the local planning policies that the Council has adopted since the original DAP approval, which are applicable to this proposal to extend the development approval timeframe.

Primarily:-

- *Local Planning Policy 1.3 – Sustainable Design*
- *Local Planning Policy 3.4 – Tree Retention R25-R80*
- *Local Planning Policy 5.14 – Precincts*
- *Local Planning Policy 7.9 – Percent for Art*

While requirements of LPP 1.3 and LPP 7.9 can be dealt with as new conditions of development approval, there is a need by the applicant to address the requirements of the below before the RAR is progressed and the DA potentially re-advertised.

As such, further justification for the proposal against LPP 3.4 and LPP 5.14 is provided below. We look forward to working with the City to achieving development approval.

LPP 3.4 Tree Retention R35 – R80

RFI COMMENT

There are several trees on-site that may need to be removed, however, it is currently unclear whether they meet the definition of 'regulated trees' under LPP3.4. A development application is required for any tree-damaging activity involving a regulated tree.

*Accordingly, an Arborist Report is required to support the proposed tree removals. If the arborist confirms that the trees proposed for removal are **not** regulated trees and that all regulated trees on-site will be retained, then a simple confirmation letter from the arborist will be sufficient.*

Objectives

- | | |
|------------|--|
| 4.1 | <i>Promote and facilitate tree preservation at the earliest possible stage in the planning and development process, balancing with the desired built form and land use outcomes.</i> |
| 4.2 | <i>Prioritise the retention, protection, and the provision of trees on private land in the planning process.</i> |
| 4.3 | <i>Preserve and enhance neighbourhood amenity, character and sense of place.</i> |
| 4.4 | <i>Mitigate the urban heat island effect, reduce air pollution, improve groundwater quality and contribute to biodiversity and other environmental benefits.</i> |

7.1 General Requirements

- | | |
|--------------|--|
| 7.1.1 | <i>Unless its removal is approved as part of a subdivision or development approval, or is exempt under the provisions of this Policy, a regulated tree shall be retained and protected.</i> |
| 7.1.2 | <i>Retention and protection of regulated trees shall be prioritised, and development works and subdivision design shall avoid or, as a minimum, minimise harm to regulated trees.</i> |
| 7.1.3 | <p><i>Where tree damaging activity is proposed to a regulated tree the following will be given due regard in the assessment process:</i></p> <ul style="list-style-type: none"> <i>i. health, maturity, species, and location of the tree;</i> <i>ii. ecological, biodiversity and environmental values of the tree;</i> <i>iii. contribution of the tree to the streetscape;</i> <i>iv. the preservation of any other regulated tree on the subject site;</i> <i>v. the location of the tree within the development site and capacity for a modified building design or subdivision to maximise tree retention;</i> <i>vi. interference with utility services;</i> <i>vii. any existing development on the site;</i> <i>viii. design and location of proposed crossovers;</i> <i>ix. topography and the potential impact from excavation/fill;</i> <i>x. possible safety risks due to tree limb failure and infrastructure and/or structural damage associated with the retaining the tree;</i> <i>xi. Tree Protection Zone(s) (as per AS4970); xii. tree replacement and/or planting proposed (at minimum 2:1 ratio);</i> <i>xii. recommendations of an Arborist Report; and xiv. the objectives of this Policy.</i> |
| 7.1.4 | <p><i>The following justifications for tree damaging activity to a regulated tree will not be supported:</i></p> <ul style="list-style-type: none"> <i>i. impact on views;</i> <i>ii. the tree variety is disliked;</i> <i>iii. the tree variety causes nuisance by way of leaf, fruit or bark shedding or the like; or</i> |

-
- iv. the tree impacts on private gardens, solar installations, swimming pools or the like.
-

7.1.5 Any proposed tree damaging activity to a street tree is to be referred to the City's Technical Services Department for consideration, having regard to the City's Council Street Tree Policy.

7.2 Assessment of Development Applications

7.2.1 The City will assess any development in accordance with the general requirements above.

7.2.2 There is a general presumption against tree damaging activity (other than maintenance pruning) to any regulated tree and the siting and design of the development shall, as much as possible, avoid impacting any regulated tree.

7.2.3 Tree damaging activity to regulated tree may be considered if the following relevant information and/or technical reports are provided to demonstrate:

- i. the regulated tree is unhealthy based on the recommendations of an Arborist Report;
 - ii. the regulated tree causes safety risks to people, infrastructure or buildings based on recommendations in an Arborist Report and/or Structural Engineering Report; or
 - iii. the redesign of the development to accommodate the regulated tree is unfeasible.
-

7.2.4 Tree relocation shall not be used as the primary means of tree retention except in exceptional circumstances and where it is demonstrated:

- i. relocation is undertaken on the subject site;
 - ii. works will not compromise ongoing viability of the tree;
 - iii. works are carried out in accordance with a report and under instruction of a suitably qualified arborist; and
 - iv. the tree will be replaced with a similar sized tree should it die within two years of relocation.
-

Response Context and Applicable Planning Framework

This application seeks an extension of the validity period of an existing development approval. As required, consideration has been given to whether any material changes to the planning framework have occurred since the approval was granted, including the introduction of Local Planning Policy 3.4 – Trees.

The approved development was subject to detailed assessment by the City's Design Review Panel (DRP), including specific consideration of landscape quality, tree provision, and integration of landscaping with the built form. As this application only seeks to extend the validity period, it should be noted that this proposal does not introduce any changes to the approved development, footprint, or landscape outcome.

Approved Landscape Outcome and DRP Endorsement

At the time of original assessment, the proposal initially received an orange rating under *Principle 2 – Landscape Quality*. Following amendments to the plans and further written justifications, the proposal achieved a **green** rating, with the DRP Chair concluding:

“The proponent has responded positively and effectively to the comments and recommendations of the DRP... improved the design, landscaping and legibility of the entry pathway... improved the quality of the circulation and communal spaces... Having considered the revised proposal... the DRP Chair believes the proposal is now supportable.”

These comments explicitly acknowledge the high quality of the approved landscape outcome, including tree retention, new tree planting, and the successful integration of landscaping with communal and circulation spaces. Given this, it is considered that the endorsement by the DRP Chair remains valid and directly relevant to the objectives of LPP 3.4, and that retrospectively reassessing existing trees on the site under the new policy would risk undermining a previously endorsed and supportable design outcome that was reached through a rigorous design review process and is demonstrably consistent with contemporary tree retention and urban greening objectives.

Tree Provision and Retention

The approved Landscape Masterplan demonstrates that the development:

- Retains existing trees, including the existing street tree;
- Provides a substantial increase in overall tree numbers, including:
 - 3 medium trees,
 - 17 small trees, and
 - additional small trees within car parking and communal areas;
- Exceeds the minimum tree and deep soil area requirements under the R-Codes, achieving approximately 13.5% deep soil area where 10% is required; and
- Delivers trees within appropriate deep soil zones, sized root zones, and long term irrigation arrangements to support canopy growth and longevity.

These outcomes are clearly illustrated on the approved Landscape Compliance and Tree Location diagrams.

Arborist Report Not Required

The request for an Arborist Report is noted. However, it is respectfully submitted that such a report is not necessary for the following reasons:

1. No change to the approved development or landscape scope: The extension of validity does not propose any additional tree removal, altered building footprint, new crossovers, or amended earthworks beyond what has already been assessed and approved.
 2. No evidence of regulated tree impact beyond the approved outcome: Any trees previously identified for removal were, by virtue of the assessment and approval, implicitly accepted as part of the original approval, which included a comprehensive landscape strategy that prioritised retention and replacement planting.
 3. Policy objectives already demonstrably achieved: The approved development clearly satisfies the objectives of LPP 3.4 by:
 - prioritising tree provision and retention (Objectives 4.1 and 4.2);
 - enhancing neighbourhood amenity and sense of place (Objective 4.3);
-

-
- contributing to urban cooling, biodiversity and environmental performance through canopy provision and waterwise planting (Objective 4.4).
 - 4. High quality approved landscape endorsed by the DRP: The DRP Chair's explicit endorsement confirms that the landscaping and tree outcomes were considered appropriate, balanced, and supportable in the context of the development. Revisiting tree assessment at this stage would not yield any additional planning benefit.
 - 5. Proportionate response consistent with the intent of the Policy: LPP 3.4 seeks to influence early design outcomes and avoid unnecessary tree loss. In this case, the design process has already achieved that outcome. Requiring an Arborist Report for an unchanged, previously approved landscape scheme would be disproportionate and inconsistent with the performance-based intent of the Policy.

Having regard to the approved plans, DRP endorsement, and the substantial tree provision demonstrated on-site, it is considered that the proposal continues to align with the objectives and assessment criteria of LPP 3.4. Given that no additional tree-damaging activity is proposed beyond the approved development, and that the approved landscape outcome is of demonstrably high quality, an Arborist Report is not warranted in support of the requested extension of validity. Should the City consider further clarification necessary, this can be addressed by way of a planning confirmation that the approved development does not rely on the removal of any additional regulated trees beyond those already assessed, rather than commissioning a full Arborist Report.

LPP 5.14 Precincts

RFI COMMENT

Please undertake an assessment against section 8.1 Nedlands Stirling Highway Activity Corridor and demonstrate how the proposal complies or satisfies the requirements of the primary controls as set out in section 8.3.

8.2 Desired Future Character Statement

Overview *The NSHAC Residential Precinct shall facilitate a transition from high-density development along the Highway to lower-density residential neighbourhoods of Nedlands. The Precinct will spread north and south from Stirling Highway, facilitating residential development around an existing busy urban corridor. The residential streets of the Precinct will consist of local, leafy streets designed for walking, providing respite from the traffic and busyness of the highway. Future development will encourage public realm interfaces that provides comfortable and attractive pedestrian journeys through the neighbourhood.*

Landscaping, setbacks and built form *Local streets will function as the green 'ribs' of the greater NSHAC Precinct. Trees, especially well-established mature trees, will be preserved wherever possible. Trees are a critical part of the material heritage and identity of place in the Precinct, and their presence is highly valued by the local community. The retention of significant existing trees and provision of new trees and landscaping is expected to maintain the green and leafy tree canopy that characterises the Precinct. New developments should fit comfortably within the existing leafy streetscapes, achieved through generous street setbacks, striking a balance between the prevailing street setbacks and density code. Built form should be reflective of the traditional separated dwellings and highly landscaped and tree-filled front yards. The existing detached streetscape character will be retained by minimising the impact of boundary walls on the street. Crossovers shall be at a minimum, with shared crossovers utilised wherever possible to reduce the impact of vehicle access points and hardstand on the streetscape.*

Environmental and cultural sustainability is important in the establishment of quality-built form. New development will be of a form and scale that is appropriate to the contemporary vision for the Precinct as a medium-rise and higher density residential, near-City urban neighbourhood. New development shall also be appropriate for its density, with underdevelopment of R160 lots discouraged and having regard to potential large multiple dwelling developments directly abutting Stirling Highway.

The R160 lots south of Stirling Highway will be sympathetic to the lower density R60 lots to their south. The R160 lots fronting Jenkins Avenue between Bay Road (in Claremont) and Taylor Road will have a reduced multiple dwelling building height to reflect their location directly across the street from low density R12.5 lots. This will provide not only a transition of height, bulk and scale, but also reduce the effects of overshadowing to lots to the south.

Housing will exhibit quality design that reflects the existing, traditional patterns of development. Through these measures the future form of development and growth in the NSHAC Residential Precinct will create distinctive places to support a local neighbourhood feel.

8.3 Primary Controls – NSHAC Residential Precinct

8.3 Primary Controls – NSHAC Residential Precinct	
	R60
Building height	as per R-Codes
Minimum Primary street setback^{1,2,3}	ground & 1 st storey 4m all other storeys 6m
Minimum Secondary street setback	ground & 1 st storey 1.5m all other storeys 3m
Minimum Side setback^{3,4,5,11}	as per R-Codes
Rear setback¹¹	as per R-Codes
Boundary walls^{9,10,11}	• max 1 storey • located 3m behind primary setback and excluding rear setback • to one side boundary OR • 2 (where a min 20% deep soil areas is provided OR 15% deep soil area where a significant existing tree is retained on site⁸)

- 1** The minimum primary street setback may be reduced by up to 2m provided the area of any building (including a garage or unenclosed balcony) encroaching into the setback area is compensated for by at least an equal area of open space (of which 50 per cent is provided as deep soil area) that is located between the setback areas and a line drawn parallel to it at twice the setback distance.
- 2** Where a corner lot has been subdivided and a common property driveway at the rear of the lot serves two or more dwellings, the front setback may be reduced by 2m with no further front setback dispensation.
- 3** Provisions of the R-Codes relating to the primary street setback of carports apply. Primary street setbacks referred to in Table B and Table 3.3a of the R-Codes Volume 1 are replaced by the setbacks within this Policy.
- 4** Where a lot sides onto a laneway, minimum side setback provisions apply in place of secondary street setback provisions.
- 5** Service areas (such as lifts and stairs) may protrude into the side setback areas a maximum width (parallel to the lot boundary) 12m.
- 6** Rear setbacks may be reduced by up to 1m where a significant existing tree is retained within the setback area and deep soil area requirements are still met. Arboriculturist report to be provided to demonstrate the building location will not harm the long term viability of the tree.
- 7** For the purpose of assessing average setbacks, lot boundary walls and patios are to be included. Refer to Appendix 1 – Rear Averaging Methodology.

-
- 8** *Arboriculturist report to be provided to demonstrate the building location will not harm the long term viability of the tree.*
-
- 9** *Where the subject site and an affected adjoining site are subject to different density codes, the length and height of any boundary wall on the boundary between them is determined by reference to the lower density code.*
-
- 10** *Walls may be built up to a lot boundary where it abuts an existing or simultaneously constructed wall of equal or greater proportions and located a minimum of 3m behind the primary street setback line.*
-
- 11** *Boundary setbacks will also be determined by provisions for building separation, deep soil and visual privacy with R-Codes Vol. 1 and Vol. 2, and building separation provisions of the National Construction Codes. (see 5.3 of this Policy for further building separation guidance).*
-

Response

1. Context – Extension of Validity and Relevance of New Policy

This application relates to an extension of the approved development's validity period, not a redesign or amendment to the approved built form. The approved plans and landscape concept were previously assessed as acceptable and supportable, and the extension request does not propose any increase in height, additional storeys, altered siting, new crossovers, or changes to the approved landscape strategy.

Accordingly, the appropriate test is whether the existing approval remains broadly consistent with the intent and outcomes of the new policy framework, including the Desired Future Character and Primary Controls. On review, the approved development continues to align with these provisions.

2. Desired Future Character – NSHAC Residential Precinct (s.8.2)

The policy anticipates a leafy, walkable residential precinct that transitions from higher intensity development near Stirling Highway to lower density neighbourhoods, with an emphasis on generous setbacks, landscaped front yards, minimised boundary wall impacts, and limited crossovers. The approved development remains consistent with that vision because it provides:

- A landscaped, pedestrian-legible entry and communal spaces that contribute to comfortable pedestrian movement and residential amenity. The site plan shows a defined pedestrian pathway and a consolidated communal open space area.
- A strong “green ribs” landscape outcome, including deep soil areas and a substantial tree-planting schedule that reinforces leafy street character and canopy outcomes anticipated by the policy. The approved landscape package provides **3 medium trees and 17 small trees**, retains an existing tree and includes street tree outcomes, with deep soil provision exceeding the SPP7.3 minimum (13.5% where 10% is required).
- Minimal crossover/vehicle dominance: the approved arrangement consolidates vehicle access and parking to the internalised car parking court and limits hardstand dominance at the street interface.

- Built form that is compatible with a leafy streetscape interface, supported by setback landscaping and avoidance of visually dominant boundary walls at the primary street interface (noting the policy emphasis on maintaining detached streetscape character by minimising boundary wall impact to the street).

Overall, the approved development continues to deliver the policy's intended neighbourhood outcomes: green, landscaped, walkable, and compatible with the surrounding residential context.

3. Assessment against Primary Controls – Table 8.3 (R60)

Building height – “as per R-Codes”

Under Part C of the R-Codes Volume 1 (R-Codes), a 3 storey height limit is permitted for R60 coded lots. The approved development is a two storey multiple dwelling form and has been designed and previously assessed as acceptable against applicable R-Codes height controls. On this basis, the approved development continues to satisfy the primary control requirement to comply with R-Codes.

Minimum Primary Street Setback – 4m (ground & 1st only applicable)

The ground floor achieves a minimum primary street setback of 6.25m to building and 3.6 metres from the street to the secure ground floor outdoor living area's fence. The upper floor achieves a minimum primary street setback of 5.3 metres. Given this, it is considered that the approved design satisfies the intent of the primary street setback control by maintaining a generous landscaped interface and avoiding a built form that reads as visually forward or dominating in the streetscape.

Minimum Secondary Street Setback – 1.5m (ground & 1st), 3m (all other storeys)

Not applicable.

Minimum side setback – “as per R-Codes”

Generally, the R-Codes requires a 1.5m side setback to each boundary. This is achieved on both side boundaries of the upper floor; however boundary walls are proposed to both sides of the ground floor. It should be noted that a development constructed to the south of the side features several boundary walls along its northern boundary. As the approved developed features boundary walls along its southern boundary, these walls are appropriately located to coincide with existing development. Boundary walls to the northern boundary are minimal and ensure there is usable and meaningful space provided for parking, landscaping and communal open space. On this basis, it is considered that the approved development continues to satisfy the side setback requirements and can be supported.

Rear setback – “as per R-Codes”

A 3 metre setback to the rear is required (given the wall heights are greater than 7.1m as per Table 3.4a of the R-Codes) and is generally provided except for some minor

encroachments. On this basis, the approved development continues to satisfy the primary control requirement (R-Codes), with landscaped outcomes supporting amenity.

Boundary walls (policy guidance referenced in Table 8.3 and text provisions)

The NSHAC policy intent is to minimise the impact of boundary walls on the street and to ensure boundary wall height/length responds appropriately where interfaces occur with lower density codes. The approved drawings show boundary wall treatment that is subordinate to the streetscape and supported by landscaping, with the street interface primarily reading as landscaped entry, pedestrian access, and setback building form rather than a dominant wall. Given this, it is considered that the approved development satisfies the policy intent by avoiding a streetscape dominant boundary wall condition and maintaining a landscaped, residential presentation.

4. Conclusion

In summary, the development approval should remain valid because:

- The extension request does not change the approved built form, height, siting, access or landscape scope.
- The approved proposal already delivers the core outcomes sought by the newer policy for landscaped setbacks, pedestrian legibility, minimised crossover dominance and a leafy residential interface.
- The approved landscape strategy provides a high canopy-generating tree outcome (including 3 medium trees + 17 small trees, plus retained/existing tree(s) and street tree outcomes), and exceeds minimum deep soil expectations, directly supporting the Policy's future character statements regarding tree canopy, identity, and amenity.
- Requiring a retrospective "re-assessment" as though the development were new is not warranted where the development has already been found supportable and the proposal continues to align with the strategic and built form intent of the updated controls.

CONCLUSION

We appreciate the opportunity to respond to the City's assessment comments and confirm the ongoing appropriateness of extending the term of the existing development approval for ten (10) multiple dwellings at No. 38 Portland Street, Nedlands.

As demonstrated in this report, while the City has adopted several new local planning policies since the original DAP approval, the subject proposal continues to achieve the underlying intent and outcomes of the relevant framework, particularly LPP 3.4 (Tree Retention) and LPP 5.14 (Precincts/NSHAC Residential Precinct) without requiring any redesign or amendment to the approved development. Importantly, the request is limited to an extension of time only and does not alter the approved built form, access arrangements, setbacks, or landscape scope.

In respect of LPP 3.4, the approved development delivers a high quality, contemporary landscape outcome that prioritises canopy provision, deep soil, and long-term tree establishment, consistent with the Policy's objectives

for retention, amenity, and urban greening. The design was also subject to detailed DRP review and was ultimately endorsed as supportable, with specific recognition of the improved landscaping, circulation, communal spaces and overall amenity. In this context and noting no change is proposed to the approved footprint or landscape scope, the preparation of an Arborist Report is not considered necessary or proportionate to the nature of this application, particularly where the approval already represents an outcome aligned with the Policy's intent.

In respect of LPP 5.14, the approved development continues to align with the Desired Future Character for the NSHAC Residential Precinct by providing a landscaped and pedestrian legible street interface, minimising visual dominance of built form through setbacks and landscaping, limiting crossover impacts, and delivering a development form that sits comfortably within a leafy residential streetscape. The approved plans also demonstrate that the proposal remains consistent with the Primary Controls in section 8.3, including building height and setback provisions (as informed by the R-Codes), and appropriately manages boundary wall outcomes in the context of the surrounding development pattern.

Given the above, it is respectfully submitted that the existing approval remains valid and strategically consistent with the updated local planning policy context. Accordingly, there is no planning basis to require the proposal to be reassessed as a new application or readvertised, and the City can confidently progress the Responsible Authority Report on the basis that the development continues to satisfy contemporary policy expectations for landscape quality, tree canopy outcomes, streetscape amenity, and precinct character.

We look forward to continuing to work collaboratively with the City to facilitate the extension of the development approval. Should you have any queries in relation to the above information, please contact the undersigned on 08 6444 9171 or petar@urbanistaplanning.com.au.

Yours Sincerely

A handwritten signature in dark ink, appearing to read "P. Mrdja".

PETAR MRDJA

Director | [Urbanista Town Planning](#)



PART C – OTHER BUSINESS

- 1. State Administrative Tribunal Applications and Supreme Court Appeals**
- 2. Meeting Closure**