



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

**Meeting Date and Time:** 26 March 2020; 11.00am  
**Meeting Number:** MCJDAP/393  
**Meeting Venue:** via electronic means.

*This DAP meeting was conducted by electronic means open to the public rather than requiring attendance in person.*

### **Attendance**

#### **DAP Members**

Ms Megan Adair (Presiding Member)  
Ms Rachel Chapman (Deputy Presiding Member)  
Mr John Syme (A/Specialist Member)  
Cr Glenn Cridland (Local Government Member, City of South Perth)  
Cr Carl Celedin (Local Government Member, City of South Perth)

#### **Officers in attendance**

##### *Item 9.1*

Ms Val Gillum (City of South Perth)

##### *Item 9.2*

Mr Kevin Tang (City of South Perth)

#### **Minute Secretary**

Ms Ashlee Kelly (DAP Secretariat)

#### **Applicants and Submitters**

##### *Item 9.1*

Mr Trent Will (Planning Solutions)  
Ms Abbey Goodall (Planning Solutions)  
Mr Paul Serdar (Greenhaven Properties)

##### *Item 9.2*

Mr Kris Nolan (Urbis)

#### **Members of the Public / Media**

Nil



## 1. Declaration of Opening

The Presiding Member declared the meeting open at 11.04am on 25 March 2020 and acknowledged the traditional owners and pay respect to Elders past and present of the land on which the meeting was being held.

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

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

In response to the COVID-19 situation, this meeting was convened via electronic means. Members were reminded to announce their name and title prior to speaking.

## 2. Apologies

Cr Stephen Russell (Local Government Member, City of South Perth)

## 3. Members on Leave of Absence

Nil

## 4. Noting of Minutes

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

## 5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

## 6. Disclosure of Interests

Nil



## 7. Deputations and Presentations

7.1 Mr Trent Will (Planning Solutions) addressed the DAP in support of the application at Item 9.1 responded to questions from the panel in relation to Item 9.1.

7.2 Mr Paul Serdar (Greenhaven Properties) responded to questions from the panel in relation to Item 9.1.

7.3 The City of South Perth officers responded to questions from the panel in relation to Item 9.1.

***The presentation at Item 7.1 – 7.3 was heard prior to the application at Item 9.1.***

7.4 Mr Kris Nolan (Urbis) addressed the DAP in support of the application at Item 9.2 and responded to questions from the panel.

7.5 The City of South Perth officers responded to questions from the panel in relation to Item 9.2.

***The presentations at Items 7.4 - 7.5 were heard prior to the application at Item 9.2.***

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

Nil

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

- 9.1 Property Location: Lot 1, No. 127 Melville Parade, Como  
Development Description: Amendments to Previously Approved Mixed Development in a four (4) storey building plus mezzanine  
Proposed Amendments: Minor amendments by way of Modifications to car parking stackers and minor changes to building layouts.  
Applicant: Planning Solutions  
Owner: Ling Pty Ltd  
Responsible Authority: City of South Perth  
DAP File No: DAP/18/01428

## REPORT RECOMMENDATION

**Moved by:** Ms Rachel Chapman

**Seconded by:** Mr John Syme

That the Metro Central JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/18/01428 as detailed on the DAP Form 2 dated 8 January 2020 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;



2. **Approve** the DAP Application reference DAP/18/01428 as detailed on the DAP Form 2 dated 8 January 2020 and accompanying plans (**Attachment 1**) approved in accordance with *Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015, Clause 24(1) and 26 of the Metropolitan Region Scheme*, and the provisions of the *City of South Perth Town Planning Scheme No. 6*, for the request to vary a condition of development approval at Lot 1, No. 127 Melville Parade, Como subject to:

**Deleted Conditions:**

1. The development shall be in accordance with the approved plans unless otherwise authorised by the City of South Perth or the Metro Central JDAP.
2. Prior to the issue of a building permit, revised plans shall be submitted, to the satisfaction of the City of South Perth that incorporate the following:
  - (i) Entry area (in the building structure) to be widened as necessary to allow access as required by Australian Standard AS 2890.1 (2004) (Appendix B2.1, B2.2 and B3.2); and
  - (ii) Entry driveway to meet Australian Standard AS 2890.1, Figure 3.3 (p33) sight truncations of 2m x 2.5m at property boundary.
  - (iii) The blind isle at end of property to be recessed 1.3 metres rather than 1.0 metre, as per Australian Standard AS 2890.1, Figure 2.3 (p16), as the Stackers cannot be widened 300mm.

**Amended Conditions:**

7. Prior to the **issue submission** of a building permit, a Public Art Concept for the subject development or alternatively a contribution to public art within the vicinity of the development, to the value of 1.0% of the construction value shall be submitted to, **and approved in writing by the City of South Perth. Prior to the submission of an occupancy permit application**, the approved ~~public art~~ Concept shall be **implemented and maintained thereafter**, to the satisfaction of the City of South Perth.
9. The use of the café/restaurant shall be limited as follows:
  - (i) The hours of operation for the Café/Restaurant shall be limited to between 7.00am and 4.00pm.
  - (ii) The use of the courtyard located between the building and the street frontage is strictly not permitted for use as alfresco dining by the café/restaurant.
  - (iii) **The dining area of the café/restaurant is restricted to 40 square metres of seating area as indicated on the approved plans.**
18. The car stacker system must achieve the following minimum internal dimensions and specifications for all car bays within the system:
  - a. Height: ~~2.4 metres.~~ **2.1 metres for the bays at ground level and 1.9 metres for the upper and lower bays**
  - b. Length: 5.5 metres.
  - c. Width: 2.5 metres.
  - d. Weight bearing capacity: 2,600 kilograms.



Details to be provided prior to submission of a building permit to the satisfaction of the City of South Perth.

- ~~24. Waste management shall occur in accordance with the Waste Management Plan prepared for Ling Pty Ltd by Talis for the development (Project Number: TW18027 dated May 2018) and endorsed by the City of South Perth.~~

Prior to submission of a building permit, an amended Waste Management Plan shall be submitted to the City of South Perth for approval.

Waste Management shall occur in accordance with the approved amended Waste Management Plan.

- ~~25. All stormwater from the property shall be discharged into the street system unless otherwise approved by the City (refer also to related Advice Note).~~

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

#### **Additional Conditions:**

29. Prior to the submission of a building permit, the applicant must be in receipt of an approved "Crossings Application" that confirms the design is to the satisfaction of the City of South Perth.
30. Prior to the submission of a building permit, a notification, pursuant to section 70A of the Transfer of Land Act 1893 is to be placed on the certificate of title of the lot at the expense of the applicant. The notification is to state as follows:  
*"The site includes 17 car stacker spaces with a head height of 1.9 metres which may not accommodate all passenger vehicles"*

All other conditions and advice notes on the previous approval dated 26 September 2018 shall remain unless altered by this application.

#### **AMENDING MOTION 1**

The following amendments were made en bloc:

**Moved by:** Ms Rachel Chapman

**Seconded by:** Mr John Syme

- (i) That amended Condition 7 be deleted and Condition 7 from the original determination be retained.

**REASON:** Whilst the changes to the condition are considered minor, the need for the proposed amendment to Condition 7 is not related to the DAP Form 2 application, ie it is not generated by the amendment sought to the application and therefore it would not be reasonable to impose such a requirement.



- (ii) That Condition 9 be amended to read as follows:

*The use of the café/restaurant shall be limited as follows:*

- (i) *The hours of operation for the Café/Restaurant shall be limited to between 7.00am and 4.00pm.*
- ~~(ii) *The use of the courtyard located between the building and the street frontage is strictly not permitted for use as alfresco dining by the café/restaurant.*~~
- (ii) *The whole dining area of the café/restaurant use is restricted to 40 square metres of seating area .***

**REASON:** The amendment to the condition will provide for the courtyard to be used in conjunction with the dining area for a café/restaurant use whilst ensuring that no more than 40m<sup>2</sup> is used for this purpose to ensure compliance with parking requirements.

- (iii) That amended Condition 25 be deleted and Condition 25 from the original determination be retained.

**REASON:** Whilst the changes to the condition are considered minor, the need for the proposed amendment to Condition 25 is not related to the DAP Form 2 application, ie it is not generated by the amendment sought to the application and therefore it would not be reasonable to impose such a requirement.

- (iv) That additional Condition 29 be deleted.

**REASON:** The need for the proposed additional condition requiring an approved crossover application is not related to the DAP Form 2 application, ie it is not generated by the amendment sought to the application and therefore it would not be reasonable to impose such a requirement.

- (v) That a new Condition 29 be added to read as follows:

*If the development the subject of this approval is not substantially commenced within a period of 2 years from today's approval date the approval will lapse and be of no further effect.*

**REASON:** It was considered reasonable to extend the approval timeframe given the current approval will lapse in 6 months and additional time may be required due to current and evolving circumstances.

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



## AMENDING MOTION 2

**Moved by:** Ms Rachel Chapman

**Seconded by:** Mr John Syme

That proposed Condition No 30 be amended to read as follows:

~~Prior to the submission of a building permit, a notification, pursuant to section 70A of the Transfer of Land Act 1893 is to be placed on the certificate of title of the lot at the expense of the applicant. The notification is to state as follows: "The site includes 17 car stacker spaces with a head height of 1.9 metres which may not accommodate all passenger vehicles"~~

*Any future sales contracts and strata management statement and/or by-laws shall include information regarding the operation of the car stacker system, including notification that the storage space in the car stacker has a clearance of 1.9m. The proponent shall provide evidence of this to the City of South Perth prior to occupancy of the development.*

**REASON:** A section 70A notification would not be appropriate in this situation and would not have the desired effect of ensuring future purchasers and occupiers/tenants/lessees of the building were informed of the limitations of the car stacker system. This information should instead be included in sales contracts, management statements and by-laws which must be provided to all future/prospective tenants and owners.

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

For: Megan Adair  
Rachel Chapman  
John Syme

Against: Cr Carl Celedin  
Cr Glen Cridland

## AMENDING MOTION 3

**Moved by:** Ms Megan Adair

**Seconded by:** Cr Glenn Cridland

That amended Condition 18 be deleted and Condition 18 from the original determination be retained.

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

For: Ms Megan Adair  
Cr Glenn Cridland  
Cr Carl Celedin

Against: Ms Rachel Chapman  
Mr John Syme



**REASON:** It was determined that the policy of the City of South Perth that clearly outlines the height requirements for car stackers is based on research of Australian car standards and will ensure that cars will not be damaged during use, as such suitable weight should be given to the policy. It was further considered that apartment owners and occupiers should be encouraged to use the parking provided on site and that it would be an unacceptable outcome for the street and area to include car stackers that may limit usability and result in occupants potentially seeking to park in the street or surrounding area due to lack of adequate parking on site.

#### **REPORT RECOMMENDATION (AS AMENDED)**

1. **Accept** that the DAP Application reference DAP/18/01428 as detailed on the DAP Form 2 dated 8 January 2020 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** the DAP Application reference DAP/18/01428 as detailed on the DAP Form 2 dated 8 January 2020 and accompanying plans (**Attachment 1**) approved in accordance with *Clause 68* of the *Planning and Development (Local Planning Schemes) Regulations 2015*, *Clause 24(1)* and *26* of the *Metropolitan Region Scheme*, and the provisions of the *City of South Perth Town Planning Scheme No. 6*, for the request to vary a condition of development approval at Lot 1, No. 127 Melville Parade, Como subject to:

#### **Deleted Conditions:**

1. The development shall be in accordance with the approved plans unless otherwise authorised by the City of South Perth or the Metro Central JDAP.
2. Prior to the issue of a building permit, revised plans shall be submitted, to the satisfaction of the City of South Perth that incorporate the following:
  - (i) Entry area (in the building structure) to be widened as necessary to allow access as required by Australian Standard AS 2890.1 (2004) (Appendix B2.1, B2.2 and B3.2); and
  - (ii) Entry driveway to meet Australian Standard AS 2890.1, Figure 3.3 (p33) sight truncations of 2m x 2.5m at property boundary.
  - (iii) The blind isle at end of property to be recessed 1.3 metres rather than 1.0 metre, as per Australian Standard AS 2890.1, Figure 2.3 (p16), as the Stackers cannot be widened 300mm.

#### **Amended Conditions:**

9. The use of the café/restaurant shall be limited as follows:
  - (i) The hours of operation for the Café/Restaurant shall be limited to between 7.00am and 4.00pm.
  - (ii) The whole dining area of the café/restaurant use is restricted to 40 square metres of seating area.





24. Prior to submission of a building permit, an amended Waste Management Plan shall be submitted to the City of South Perth for approval.

Waste Management shall occur in accordance with the approved amended Waste Management Plan.

**Additional Conditions:**

29. If the development the subject of this approval is not substantially commenced within a period of 2 years from today's approval date the approval will lapse and be of no further effect.
30. Any future sales contracts and strata management statement and/or bi-laws shall include information regarding the operation of the car stacker system, including notification that the storage space in the car stacker has a clearance of 1.9m. The proponent shall provide evidence of this to the City of South Perth prior to occupancy of the development.

All other conditions and advice notes on the previous approval dated 26 September 2018 shall remain unless altered by this application.

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

**REASON:** The proposed amendments to the originally approved plans are supported on the basis that the proposal satisfies all of the relevant Element Objectives of the R-Codes (Volume 2), however the reduced height of the car stacker system was not supported as it was contrary to the objectives and intent of the City's policy which specifically seeks to ensure that the use of car stackers does not result in additional demand for off-site car parking to the detriment of other uses and users.

<b>9.2</b> Property Location:	Lot 329 (No. 2&2A) Edgecumbe Street, Como
Development Description:	Amendments to Mixed Development (19 Multiple Dwellings, Café or Yoga Room) in a 6-Storey Building with Roof Terrace plus Basement Level
Proposed Amendments:	Amendments to development plans
Applicant:	Urbis
Owner:	Casoli Investments Pty Ltd
Responsible Authority:	City of South Perth
DAP File No:	DAP/18/01395

**REPORT RECOMMENDATION**

**Moved by:** Nil

**Seconded by:** Nil

1. **Accept** that the DAP Application reference DAP/18/01395 as detailed on the DAP Form 2 dated 17 January 2020 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;



2. **Approve** the DAP Application reference DAP/18/01395 as detailed on the DAP Form 2 dated 17 January 2020 and accompanying plans (Attachment 1) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the *City of South Perth Town Planning Scheme No. 6* and pursuant to clause 24(1) and 26 of the *Metropolitan Region Scheme*, for the proposed minor amendment to the approved development plans at Lot 329, No. 2 and 2A Edgcumbe Street, Como, subject to:

#### **Amended Conditions**

2. The ground floor commercial tenancy marked as “Hole-in-the-Wall Café” shall be restricted to the use of Take-Away Food Outlet. Incidental dining area and end-of-trip facilities may be included to the satisfaction of the City. The ground floor Communal Area and outdoor dining area are not approved to be used by the commercial tenancy.
20. Prior to the submission of a Building Permit application, the applicant must be in receipt of an approved “Crossings Application”, that confirms the design is to the satisfaction of the City.
24. Prior to the submission of a Building Permit application, the applicant must be in receipt of an approved “Stormwater Drainage Application”, that confirms the design is to the satisfaction of the City.
27. The hours of operation for the Take-Away Food Outlet shall be limited to between 6.30am and 5.00pm.

#### **New Conditions**

28. Prior to the submission of an occupancy permit application, a Section 70A of the *Transfer of Land Act 1893* is to be placed on the certificate of title of the lot at the expense of the applicant. The Notification is to state as follows: *“This lot is in the vicinity of a transport corridor and is affected, or may in the future be affected, by transport noise. Transport noise levels may rise or fall over time depending on the type and volume of traffic”*.
29. Prior to the submission of a building permit application, certification from a qualified acoustic consultant is to be submitted confirming the noise level targets in State Planning Policy 5.4 – Road and Rail Noise (2019) have been achieved. This certification must be provided to City of South Perth.

All other conditions and requirements detailed on the previous approval dated 18 July 2018 shall remain unless altered by this application.

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



## PROCEDURAL MOTION

**Moved by:** Mr John Syme

**Seconded by:** Cr Glenn Cridland

That the consideration of DAP Application DAP/18/01395 be deferred for no more than 60 days, in accordance with section 5.10.1a of the DAP Standing Orders 2017, for the following reasons:

- to allow the applicant further time to assess proceeding with the modifications to the application.

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

**REASON:** The applicant requested that the JDAP defer the application, to allow further time to determine market viability to proceed with the amended plans.

### 10. Appeals to the State Administrative Tribunal

The Presiding Member noted the following State Administrative Tribunal Applications –

Current SAT Applications		
LG Name	Property Location	Application Description
City of Melville	Nos. 10, 12 & 14 (Lots 311, 800 & 801) Forbes Road and Nos. 40A, 40B & 40C (Lots 802, 803 & 804) Kishorn Road, Applecross	20 Storey Mixed-Use Development comprising 97 Multiple Dwellings, 15 Short Stay Accommodation Units and 5 Non-Residential tenancies (Office, Restaurant, Shop and 2 Co-Working Spaces)
City of South Perth	Lots 2-20 (72-74) Mill Point Road, South Perth	36 Level (118.2m) Mixed Use Development
City of Belmont	Lot 20 (10) Hendra Street, Cloverdale	14 Multiple Dwellings

### 11. General Business / Meeting Close

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

There being no further business, the Presiding Member declared the meeting closed at 12.40pm.