



## **Metro Inner-North Joint Development Assessment Panel Minutes**

**Meeting Date and Time:** Thursday, 1 October 2020; 9.00am  
**Meeting Number:** MINJDAP/40  
**Meeting Venue:** Town of Mosman Park  
Cnr Bay View Terrace and Memorial Drive  
Mosman Park

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## **Attendance**

### **DAP Members**

Ms Francesca Lefante (Presiding Member)  
Ms Lee O'Donohue (Deputy Presiding Member)  
Mr John Syme (Specialist Member)  
Cr Zenda Johnson (Local Government Member, Town of Mosman Park)  
Cr Jenna Ledgerwood (Local Government Member, Town of Mosman Park)

### **Officers in attendance**

Ms Amy Nancarrow (Town of Mosman Park)  
Mr Leigh Ashby (Town of Mosman Park)

### **Minute Secretary**

Ms Christina Markovic (Town of Mosman Park)

### **Applicants and Submitters**

Mr Callum Thatcher (element)  
Mr Patric Pzeradzki (Plus Architecture)  
Ms Di Porter  
Mr Trevor Ellis

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

There were 9 members of the public in attendance.

Mr Jon Bassett from The Western Suburbs Weekly and Mr Hugo Timms from the Post Newspaper were in attendance.

## **1. Opening of Meeting, Welcome and Acknowledgement**

The Presiding Member declared the meeting open at 9.02am on 1 October 2020 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

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

### **1.1 Announcements by Presiding Member**

The Presiding Member advised that panel members may refer to technical devices, such as phones and laptops, throughout the meeting to assist them in considering the information before them.



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

**2. Apologises**

Nil

**3. Members on Leave of Absence**

Nil

**4. Noting of Minutes**

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

**5. Declaration of Due Consideration**

All members declared that they had duly considered the documents.

**6. Disclosure of Interests**

DAP Member, Cr Andrew Maurice, declared a Proximity Interest in item 8.1. Cr Maurice's mother in-law resides in an apartment block that backs onto Waite Lane which is a thoroughfare at the rear of the proposed development.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2017, the Presiding Member determined that the member listed above, who had disclosed a Proximity Interest, was not permitted to participate in the discussion and voting on the item.

**7. Deputations and Presentations**

- 7.1** Ms Di Porter addressed the DAP against the recommendation for the application at Item 8.1.
- 7.2** Mr Trevor Ellis addressed the DAP against the recommendation for the application at Item 8.1.
- 7.3** Mr Patric Pzeradzki (Plus Architecture) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.4** Mr Callum Thatcher (element) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.



- 7.5** The Town of Mosman Park Officers addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

### PROCEDURAL MOTION

**Moved by:** Cr Zenda Johnson

**Seconded by:** Cr Jenna Ledgerwood

That the consideration of DAP Application DAP/20/01816 be deferred until 1 December 2020, in accordance with section 5.10.1a of the DAP Standing Orders 2017, for the following reasons:

- Address the issues of building height, setbacks to upper floors, sustainability and waste management.

**The Procedural Motion was put and LOST (2/3).**

For: Cr Zenda Johnson  
Cr Jenna Ledgerwood

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

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

#### 8.1 40 (Lot 12) & 42 (Lot 4) Glyde Street, Mosman Park

Development Description:	Proposed Mixed-Use Development consisting of 54 Apartments & 3 Commercial Tenancies
Applicant:	element Advisory Pty Ltd
Owner:	ABN Glyde St Pty Ltd
Responsible Authority:	Town of Mosman Park
DAP File No:	DAP/20/01816

### REPORT RECOMMENDATION

**Moved by:** Mr John Syme

**Seconded by:** Ms Lee O'Donohue

*The preamble was amended administratively to state "Approve" rather than "Accept".*

That the Metro Inner-North JDAP resolves to:

**Approve** DAP Application reference DAP/20/01816 and accompanying plans dated 25 August 2020 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 Town of Mosman Park Local Planning Scheme No. 3, subject to the following conditions:



## **Conditions**

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.

### Term of Approval

2. This decision constitutes Development 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 four (4) year period, the approval shall lapse and be of no further effect.

### Amalgamation

3. **Prior to the issue of an Occupancy Permit**, Lots 4 & 12 shall be amalgamated.

### Use of Premises

4. The Commercial Tenancies subject of this approval shall be used for the following purposes, as defined by the Town of Mosman Park Local Planning Scheme No. 3 as follows:
  - **Restaurant/Café:** Premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licensed under the Liquor Control Act 1988.
  - **Shop:** Shop means premises other than a bulky goods showroom, a liquor store – large or a liquor store – small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services.
5. The use of the roof top garden is limited to the residential users of the development and their visitors, and shall not be independently leased, or permitted to be used by persons that do not reside/occupy a space in the building.

### Car Parking and Access

6. All parking areas shall be adequately sealed, paved and drained to the satisfaction of the Town and all parking bays shall be line marked and sign posted in accordance with the approved plans and Parking Management Plan.
7. The Parking Management Plan (Rev B dated 11 August 2020), or as otherwise modified and approved by the Town, shall be implemented to the satisfaction of the Town.



### Signage

8. The applicant/owner shall submit to the Town a detailed Signage Strategy that provides for an integrated and coordinated approach to the design and provision of external signage on the development and public wayfinding through and around the subject site containing the following details:
- a) Size;
  - b) Location;
  - c) Content; and
  - d) Illumination.

The Signage Strategy shall be submitted to, and approved by, the Town **prior to the occupation or use of the development**, and thereafter maintained.

### Interactive Frontage

9. All glazed facades of the ground floor Commercial tenancies shall not be obscured for more than 25% of the total glazed area to the satisfaction of the Town.

### Tree Protection

10. The existing River Red Gum tree identified as Tree No.1 in the Aborist Report dated 4 October 2019 (Tree No.1) shall be protected and retained to the satisfaction of the Town.
11. **Prior to the lodgment of a Building Permit**, a Tree Protection Method Statement for Tree No.1 shall be submitted to, and approved by, the Town. The Tree Protection Method Statement shall be implemented and complied with for the duration of building/development works on site to the satisfaction of the Town.
12. In the event that Tree No.1 fails within a two (2) year period commencing from the first occupation or use of the development, it is to be replaced with a suitable new mature tree to the satisfaction of the Town.
13. **Prior to the lodgment of a Building Permit**, a Tree Replacement Bond to the sum of \$10,000 shall be payable to the Town. The Tree Replacement Bond will only be refunded following the submission of a report by a suitably qualified Arborist confirming that Tree No.1 has been inspected and is in good health at the conclusion of the two year post-occupation period.



### Materials and Finishes

14. **Prior to the lodgment of a Building Permit**, a Schedule of External Finishes shall be submitted to, and approved by, the Town and shall include, but not be limited to, the following:
- a) Materials and colours for the front and rear facades of the building;
  - b) The treatment of the Commercial tenancies on the ground floor; and
  - c) A graffiti resistant treatment to all fencing, screening and blank walls at ground level.

The development shall be finished in accordance with the approved schedule of external finishes prior to the use or occupation of the development.

### Landscaping and Reticulation Plan

15. **Prior to the lodgment of a Building Permit**, a detailed Landscaping and Reticulation Plan for the development site and adjoining road verges, shall be submitted to, and approved by, the Town and shall include, but not be limited to, the following:
- a) The location and species of all proposed trees and plants;
  - b) The installation of three trees, with pot sizes of at least 200 litres, within the verge area directly adjacent the site, unless otherwise varied by the Town;
  - c) Areas to be reticulated and the proposed reticulation system;
  - d) The proposed climbing structures for the landscaping in the pedestrian access way and the visitor car parking area;
  - e) The materials and finishes of hard surfaces and furniture in the pedestrian access way and publicly accessible ground floor areas;
  - f) Any proposed structures to support planting;
  - g) Provision for landscaping within vehicle sight line truncation areas not exceeding a height of 750mm at any time.

All works shown in the Landscaping and Reticulation Plan shall be undertaken to the Town's satisfaction, prior to occupancy or use of the development, and maintained thereafter to the satisfaction of the Town at the expense of the Owners/Occupiers.

### Public Art

16. **Prior to the lodgment of a Building Permit**, a detailed Public Art Plan for the development site shall be submitted to, and approved by, the Town. The Town's approval is also required to be obtained at the following stages in the public art design process:
- a) Development of the artist's brief;
  - b) Concept design; and
  - c) Detailed design.

The public art shall be installed prior to the occupation or use of the development in accordance with the approved Public Art Plan and maintained thereafter to the satisfaction of the Town at the expense of the Owners/Occupiers.



### Lighting

17. **Prior to the issue of a Building Permit**, a Lighting and Lux plan shall be submitted to and approved by the Town. As a minimum the plan shall include lighting of the following:
- a) All communal and publicly accessible areas;
  - b) Access points to the building;
  - c) Waite lane;
  - d) Pedestrian access way; and
  - e) The building in general, as it presents to the streetscape.
18. Lighting shall be designed in accordance with the 'Control of Obtrusive Effects of Outdoor Lighting' (AS4282).
19. Lighting shall be installed and maintained in accordance with the approved Lighting and Lux Plan to the satisfaction of the Town.

### Sustainability

20. The development is to achieve the equivalence of a 4 Star Green Star design rating. Prior to the issue of a Building Permit, the applicant is to submit a Sustainability Report confirming the green star strategy that will guide construction and achieve the equivalent sustainable design rating for the development.

### Transport

21. **Prior to the occupation or use of the development**, train and bus timetables shall be made available to all occupants of the building via their electronic devices or by other digital means on an ongoing basis.

### Publicly Accessible Areas

22. **Prior to the occupation or use of the development**, a public access easement in favour of the Town of Mosman Park shall be created for the pedestrian access way, providing access between Glyde Street and Waite Lane.
23. **Prior to the occupation or use of the development**, a public access easement in favour of the Town of Mosman Park, or an alternative legal or management instrument agreed to by the Town, shall be created for the seated area under Tree No.1, providing public access to and use of this space (as shown in **Attachment 15**).

### Waste Management

24. Bulk waste shall not be stored on Glyde Street, Waite Lane or any other publicly visible area to the satisfaction of the Town.
25. Only one waste collection truck shall service the site at any given time to the satisfaction of the Town.





26. The bin store shall be connected to water and sewer mains to allow for the bins to be cleaned and maintained on site.
27. 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 waste compaction process.

#### Stormwater Management Plan

28. **Prior to the lodgment of a Building Permit**, a detailed Stormwater Management Plan prepared by a suitability qualified and experienced person shall be submitted to, and approved by, the Town and shall include, but not be limited to, the following:
  - a) Retention of all stormwater on site;
  - b) Design of internal accesses and paths to prevent stormwater entering the property from the road, footpath and right-of-ways; and
  - c) Provision for the 1 in 100 year storm event.

All stormwater shall be collected and managed on site in accordance with the approved Stormwater Management Plan.

#### Construction Management Plan

29. **Prior to the lodgment of a Building Permit**, a Construction Management Plan that details how the construction of the development will be managed to minimise impacts on the surrounding area, shall be submitted to, and approved by, the Town. Construction on and management of the site shall hereafter comply with the approved Construction Management Plan to the satisfaction of the Town.

#### Utilities and Facilities

30. All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street and surrounding properties to the satisfaction of the Town.
31. All external fixtures shall be screened so that they are not visible from the street.

#### Road Widening

32. **Prior to the occupation or use of the development**, the adjoining under-width road (Waite Lane) shall be widened by 0.5m along the entire frontage of the subject site to Waite Lane. The land required for this road widening is to be transferred to the Crown free of cost.
33. The section of Waite Lane widened in accordance with this approval is to be constructed and drained at the full cost of the Applicant/Owner and to the Town's specification.



### Clothes Drying Facilities

34. Each multiple dwelling shall be provided with a clothes drying facility that is not visible from Glyde Street, Waite Lane or adjoining properties.

### Notification to Prospective Purchasers

35. The Contract of Sale and the Strata Agreement shall include the following notifications to alert prospective purchasers of the following:
- a) Bulk waste shall be internally serviced and remains the responsibility of the Body Corporate/Resident and shall not be stored on Glyde Street, Waite Lane or any publicly visible area or car park at any time;
  - b) Customers of the Commercial tenancies are permitted to use the nine (9) Residential Visitor Bays on the basis of reciprocal parking; and
  - c) Clothes drying facilities shall not be visible from Glyde Street, Waite Lane and adjoining properties.

### Verge Trees

36. Unless otherwise approved by the Town, no verge trees shall be removed or damaged, including unauthorised pruning, and any verge tree likely to be affected by the development shall be protected during construction to the satisfaction of the Town in accordance AS4870-2009.

### Encroachment

37. All structures (and associated footings) shall be contained within the lot boundaries of the subject site.

### Boundary Walls

38. The Owner of the subject land shall finish and maintain the external surface of the boundary wall with the adjoining property to the east (No.46 Glyde Street) in a good and clean condition to the satisfaction of the Town and in consultation with the adjoining landowner.

### Visual Privacy

39. **Prior to the lodgment of a building permit**, details of visual privacy screening to balconies shall be submitted to, and approved by, the Town.

### **Advice Notes**

1. This is a development approval only and is issued under the Town of Mosman Park Local Planning Scheme No. 3 only. It is the responsibility of the applicant/owner to obtain any other necessary approvals and carry out development in accordance with all relevant legislation.
2. With respect to the Term of Approval, the four year period is inclusive of the additional two years applicable through the Notice of Exemptions signed by the Minister for Planning on 30 April 2020.



3. With respect to the Signage Strategy, any subsequent signage not included in the Signage Strategy once approved, is to be subject to a separate application(s) for approval by the Town.
4. With respect to the Construction Management Plan, a checklist is available on the Town's website and an application fee is applicable.
5. An Infrastructure Protection Bond for the sum of \$10,000, together with a non-refundable inspection fee of \$100, will be payable to the Town at the time a Building Permit is lodged for the development. The Infrastructure Protection Bond will be held by the Town until all building/development works have been completed and any disturbance of, or damage to the Town's infrastructure and verge trees, has been repaired/reinstated to the satisfaction of the Town. An application for the refund of the bond shall be made in writing. The bond is non-transferable.
6. The Town accepts no liability for the relocation of any public utility and/or any other services that may be required as a consequence of this development. The Applicant/Owner shall ensure that the location of all services is identified prior to submitting an application for a Building Permit. The cost of relocation of any services shall be borne by the Applicant/Owner.
7. All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, lobby or staircase, shall 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 per second.
8. The Environmental Protection (Noise) Regulations 1997 limit any building work that may cause noise to the following times:

Monday to Saturday	7.00 am - 7.00 pm
Sundays and Public Holidays	Nil

Notwithstanding the above, works of a minor nature may be performed on the site at any reasonable times provided that no noise is generated.

9. The proponent is required to take all necessary measures to ensure that nuisance to adjoining properties from dust or noise (which exceeds the limitations of the Environmental Protection Act) as a result of enacting this approval is minimised.
10. This Approval is not an authority to ignore any constraint to development on the land, which may exist through Contract or on the Certificate of Title, such as an easement or Restrictive Covenant. It is the responsibility of the Applicant and not the Town to investigate any such constraints before commencing development.
11. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005, Part 14.



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

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

Against: Cr Zenda Johnson  
Cr Jenna Ledgerwood

**REASON:** The majority of the panel members were of the view that the proposal is a high-quality design consistent with the town centre vision and strategy. The height and design of the building is appropriate to the location, the incorporation of a landscaped plaza, and retention of significant tree through building articulation and setback is considered consistent with the planning framework and provisions for the site. The ground floor uses and pedestrian access through the site enhances the activation of the Town's Main street. The JDAP supported of the recommendation in the Responsible Authority Report to approve the proposal with relevant conditions.

**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 State Administrative Tribunal Applications -

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/19/01600 DR161/2019	Town of Claremont	Lots 18 (164) and 19 (162) Alfred Road, Swanbourne	Proposed Childcare Centre	07/10/2019
DAP/19/01741 DR111/2020	City of Nedlands	Lot 689 (5) Hillway, Nedlands	Multiple Dwelling Development	27/05/2020
DAP/20/01770 DR161/2020	City of Nedlands	Lot 100 (97) and Lot 500 (105) Stirling Highway, Nedlands	Mixed Use Development	21/07/2020
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
DAP/17/01353 DR122/2020	City of Stirling	Lot 100 (304) Scarborough Beach Road, Osborne Park	Motor Vehicle Sales and Repair	08/06/2020



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## **11. General Business**

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.

## **12. Meeting Closure**

There being no further business, the Presiding Member declared the meeting closed at 11:04am.