



## Metro Inner-North Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Friday, 2 October 2020; 9.00am  
**Meeting Number:** MINJDAP/41  
**Meeting Venue:** Town of Cambridge  
1 Bold Park Drive, Floreat

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## Attendance

### DAP Members

Ms Francesca Lefante (Presiding Member)  
Ms Lee O'Donohue (Deputy Presiding Member)  
Mr John Syme (Third Specialist Member)  
Cr Andres Timmermanis (Local Government Member, Town of Cambridge)  
Cr Rod Bradley (Local Government Member, Town of Cambridge)

### Officers in attendance

Ms Jennifer Heyes (Town of Cambridge)  
Mr Andrew Bratley (Town of Cambridge)  
Mr Martyn Cavanagh (Town of Cambridge)  
Mr Peter Foxcroft (Town of Cambridge)  
Mr Ernest Samec (Department of Planning, Lands and Heritage)

### Minute Secretary

Ms Nancy Vanden Bergh (Town of Cambridge)  
Ms Amanda Decke (Town of Cambridge)

### Applicants and Submitters

Mr Nathan Stewart (Rowe Group)  
Ms Linda Rowley (Rowley Legal)  
Mr Darren Levey (Uloth and Associates)  
Mayor Keri Shanon (Town of Cambridge)

### Members of the Public / Media

Ms Victoria Rifici from Western Suburbs Weekly was in attendance.

## 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:01am on 2 October 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*.

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

**2. Apologies**

Nil

**3. Members on Leave of Absence**

Nil

**4. Noting of Minutes**

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

**5. Declaration of Due Consideration**

All members declared that they had duly considered the documents.

**6. Disclosure of Interests**

Nil

**7. Deputations and Presentations**

- 7.1 Mr Darren Levey (Uloth and Associates) addressed the DAP against the recommendation for the application at Item 9.1 and responded to questions from the panel.
- 7.2 Ms Linda Rowley (Rowley Legal) addressed the DAP against the recommendation for the application at Item 9.1 and responded to questions from the panel.
- 7.3 Mayor Keri Shannon (Town of Cambridge) addressed the DAP in support of the recommendation for the application at Item 9.1.
- 7.4 The Town of Cambridge officers addressed the DAP in relation to the application at Item 9.1 and responded to questions from the panel.



## PROCEDURAL MOTION 1

**Moved by:** Mr John Syme

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

That the DAP Members receive legal advice from representative of the Department of Planning, Lands and Heritage and that such advice is received behind closed doors, in accordance with section 5.10.2g of the DAP Standing Orders 2017.

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

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

Against: Cr Andres Timmermanis

**REASON:** To take legal advice

*The meeting was adjourned at 10:13am.  
The meeting was reconvened at 11:27am.*

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

Nil

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

#### 9.1 Lot 2 (130) and Lot 3 (132) Brookdale Street, Floreat

Development Description: Child Care Centre  
Proposed Amendments: Modification to Condition 5 wording (Median Strip Extension) of Child Care Premises  
Applicant: Rowe Group  
Owner: Lancelot Carine Pty Ltd  
Responsible Authority: Town of Cambridge  
DAP File No: DAP/18/01384

## REPORT RECOMMENDATION

**Moved by:** Cr Andres Timmermanis

**Seconded by:** Cr Rod Bradley

1. **Accept** that the DAP Application reference DAP/18/01384 as detailed on the DAP Form 2 dated 3 April 2020 is appropriate for consideration in accordance with Regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;



2. **Refuse** the DAP Application reference DAP/18/01384 as detailed on the DAP Form 2 date 3 April 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 Cambridge *Local Planning Scheme No. 1*, for the proposed amendment to the approved Child Care Premises at Lot 2 (No. 130) and Lot 3 (No. 132) Brookdale Street, Floreat, for the following reasons:

**Reasons:**

1. Proposed Conditions 5A and 5B do not facilitate the median strip extension works physically being carried out.
2. If the median strip extension works are not undertaken, the Town's traffic advice indicates the proposal will not be safe. Accordingly, the development would then not satisfy Schedule 2, Part 9, Clause 67(t) of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the traffic generated from the development will adversely impact the road system and traffic safety.

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

For: Cr Andres Timmermanis  
Cr Rod Bradley

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

**ALTERNATE MOTION**

**Moved by:** Mr John Syme

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

That the Metro Inner-North JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/18/01384 as detailed on the DAP Form 2 dated 3 April 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/18/01384 as detailed on the DAP Form 2 date 3 April 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 Cambridge *Local Planning Scheme No. 1*, for the proposed amendment to the approved Child Care Premises at Lot 2 (No. 130) and Lot 3 (No. 132) Brookdale Street, Floreat, subject to the following modified condition:



### Amended Condition

5. Prior to commencement of use, the landowner shall pay the Town the cost of extending the existing raised median strip within the Brookdale Street road reserve which adjoins the service road entrance and shall be extended north as shown on Figure 1 in the "Recommended Access Plan" of the Consolidated Traffic Report prepared by Uloth & Associates dated 15 November 2019 to physically restrict vehicle movements from the service road to a left-in/left-out only configuration at the landowner's full cost including all traffic management costs."

### AMENDING MOTION 1

**Moved by:** Mr John Syme

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

That a new Advice Note 11 be added to read as follows;

*The JDAP notes and accepts that the Town's RAR at page 5 which emphasises that the proposed construction of the median strip extension in the road reserve is crucial to the public on traffic safety grounds and would expect these works to be complete prior to commencement of operation.*

### PROCEDURAL MOTION 2

**Moved by:** Ms Francesca Lefante

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

That the meeting be adjourned for a few minutes to go through the Standing Orders.

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

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

Against: Cr Rod Bradley

**REASON:** To review the Standing Orders.

*The meeting was adjourned at 11:59am.*

*The meeting was reconvened at 12:03pm.*

The Presiding Member considered the amending motion against section 5.9.3. In accordance with section 5.8.1 of the DAP Standing Orders 2017, this amending motion was withdrawn.



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

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

Against: Cr Andres Timmermanis  
Cr Rod Bradley

**REASON:** The majority of panel members were of the view that modifications to condition 5 in accordance with Figure 1 in the "Recommended Access Plan are minor and appropriately addresses island treatment facilitating the functioning of the intersection consistent with engineering provisions in a safe manner. The modification of the condition is acceptable.

**State Administrative Tribunal Applications and Supreme Court Appeals**

The Presiding Member noted the following State Administrative Tribunal Applications -

<b>Current SAT Applications</b>				
<b>File No. &amp; SAT DR No.</b>	<b>LG Name</b>	<b>Property Location</b>	<b>Application Description</b>	<b>Date Lodged</b>
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

**10. 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.

**11. Meeting Closure**

There being no further business, the Presiding Member declared the meeting closed at 12:15pm.