



## Metro Inner-North Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Friday, 20 August 2021; 9.00am  
**Meeting Number:** MINJDAP/99  
**Meeting Venue:** City of Nedlands  
71 Stirling Highway, Nedlands

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

### Officers in attendance

Mr Roy Winslow (City of Nedlands)  
Mr Simon Bain (City of Nedlands)

### Minute Secretary

Ms Kirsty Klimcke (City of Nedlands)

### Applicants and Submitters

#### *Item 8.1*

Ms Michelle Lawrence (Agave Developments)  
Mr Tayne Evershed (Planning Solutions)  
Ms Jess Beaver (MJA Studio)  
Cr Bronwen Tyson (City of Nedlands)  
Ms Jenny Barham

#### *Item 9.1*

Mr Petar Mrdja (Urbanista Town Planning)  
Mr Mark Aaronson (maarch)  
Mr Alex McGlue (Lavan)  
Cr Noel Youngman (City of Nedlands)  
Mr Fergus Bennett

### Members of the Public / Media

There was 19 members of the public in attendance.

Mr Ben Dickinson from The Post was in attendance.

## 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:04am on 20 August 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 Fergus Bennett (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 Kerry Smyth & Cr Rebecca Coghlan, declared that they participated in a prior Council meeting in relation to the application at Items 8.1 & 9.1. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr Kerry Smyth & Cr Rebecca Coghlan 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.

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 had disclosed an Impartiality Interest, were permitted to participate in the discussion and voting on the items.



## 7. Deputations and Presentations

- 7.1 Ms Jenny Barham addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.2 Cr Bronwen Tyson (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.
- 7.3 Mr Shane O'Connor addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.4 Mr Tayne Evershed (Planning Solutions) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.5 Ms Jess Beaver (MJA Studio) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.6 Ms Michelle Lawrence (Agave Developments) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.7 The City of Nedlands Officers addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

***The presentations at Item 7.1 – 7.7 were heard prior to the application at Item 8.1.***

- 7.8 Mr Fergus Bennett addressed the DAP in support of the recommendation for the application at Item 9.1.
- 7.9 Cr Neil Youngman (City of Nedlands) addressed the DAP in support of the recommendation for the application at Item 9.1.
- 7.10 Mr Petar Mrdja (Urbanista Town Planning) addressed the DAP against the recommendation for the application at Item 9.1 and responded to question from the panel.
- 7.11 Mr Mark Aaronson (maarch) addressed the DAP against the recommendation for the application at Item 9.1 and responded to questions from the panel.
- 7.12 Mr Alex McGlue (Lavan) addressed the DAP against the recommendation for the application at Item 9.1 and responded to questions from the panel.
- 7.13 The City of Nedlands Officers addressed the DAP in relation to the application at Item 9.1 and responded to questions from the panel.

***The presentations at Items 7.8 - 7.13 were heard prior to the application at Item 9.1.***



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

### 8.1 No.119 (Lot 551) Broadway, Nedlands

Development Description: Mixed Use Development – 15 Multiple Dwellings  
with office & consulting rooms  
Applicant: Agave Developments  
Owner: 119 Broadway Pty Ltd  
Responsible Authority: City of Nedlands  
DAP File No: DAP/21/01994

### REPORT RECOMMENDATION

**Moved by:** Cr Kerry Smyth

**Seconded by:** Cr Rebecca Coghlan

With the agreement of the mover and seconder the following deferral date was added to the preamble:

*Defer DAP Application reference DAP/21/01994 and accompanying plans (Attachment 1) until no later than 90 days (being 18 November 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 to allow for the following matter to be addressed:*

**Reason:** To clarify the time period for the deferral.

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

**Defer** DAP Application reference DAP/21/01994 and accompanying plans (Attachment 1) until no later than 90 days (being 18 November 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 to allow for the following matter to be addressed:

- a) Reduction in plot ratio to allow for a greater articulation and separation from upper levels for the western elevation of the building to the rear boundary of the property;
- b) Increase setbacks to the west in order to address the minimum setbacks for visual privacy; and
- c) Increase Deep Soil Area in order to meet the minimum width to sustain healthy tree growth.



## PROCEDURAL MOTION 1

**Moved by:** Cr Rebecca Coghlan

**Seconded by:** Mr John Syme

That the Standing Orders be suspended in accordance with section 5.10.2h of the DAP Standing Orders 2020 to allow members to speak more than once on the same item and continue further debate on item 8.1.

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

**REASON:** To allow the members to speak more than once on the same item.

## PROCEDURAL MOTION 2

**Moved by:** Cr Kerry Smyth

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

That the Standing Orders be reinstated in accordance with section 5.10.2h of the DAP Standing Orders 2020.

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

**REASON:** To reinstate standing orders.

*The Standing Orders were suspended at 10:45am.*

*The Standing Orders were reinstated at 11:19am.*

**The Report Recommendation was put and CARRIED (4/1).**

For: Ms Francesca Lefante  
Ms Lee O'Donohue  
Cr Kerry Smyth  
Cr Rebecca Coghlan

Against: Mr John Syme

**REASON:** To enable the applicant time to address the issues of plot ratio and the interface with the lower zoned property to the west, including rear landscaping.

## PROCEDURAL MOTION 3

**Moved by:** Ms Francesca Lefante

**Seconded by:** Cr Kerry Smyth

That the meeting be adjourned for a period of 14 minutes.

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

**REASON:** To allow members to have a comfort Break

*The meeting was adjourned at 11:05am.*

*The meeting was reconvened at 11:19am.*



#### **PROCEDURAL MOTION 4**

**Moved by:** Mr John Syme

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

That the meeting be adjourned for a period of 50 minutes to allow members to seek legal advice for Item 9.1.

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

**REASON:** to seek legal advice

*The meeting was adjourned at 12:20pm.*

*The meeting was reconvened at 1:10pm.*

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

##### **9.1 No.135 (Lot 684) Broadway, Nedlands**

Development Description:	Change of Use from Mixed Use Development (20 Serviced Apartments, 8 Multiple Dwellings and Café) to 16 Multiple Dwellings
Proposed Amendments:	Change of Use from Mixed Use Development (20 Serviced Apartments, 8 Multiple Dwellings and Café) to 16 Multiple Dwellings
Applicant:	Urbanista Town Planning
Owner:	Griffin Group
Responsible Authority:	City of Nedlands
DAP File No:	DAP/19/01655

#### **REPORT RECOMMENDATION**

**Moved by:** Mr John Syme

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

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

**Refuse** that the DAP Application reference DAP/19/01655 as detailed on the DAP Form 2 dated 27 April 2021 is appropriate for consideration in accordance with regulation 17 of *the Planning and Development (Development Assessment Panels) Regulations 2011* as the proposal represents substantial changes to the previous development approval as provided under s17(1)(c) of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

**The Report Recommendation was put and CARRIED UNANIMOUSLY.**



**REASON:** The deletion of the ground floor café and its replacement with a ground floor ‘residents’ amenity gym’ would amount to a substantial change under clause 17(1)(c) of the DAP Regulations because the change would result in a not permitted residential use on the ground floor in the ‘Mixed Use’ Zone with a frontage to Broadway being the primary street contrary to Item 32.4 of Table 6 of the City of Nedlands Local Planning Scheme 3.

This change and other changes including the communal open space would not maintain the substance of the original approval granted in April 2020.

## 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
DAP/19/01722 DR155/2020	City of Stirling	Lot 1 (331) West Coast Drive, Trigg	4 Storey Mixed Use Development	16/07/2020

## 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 1:21pm.