



Metro Inner-North Joint Development Assessment Panel Minutes

Meeting Date and Time: Monday, 6 September 2021; 9.00am
Meeting Number: MINJDAP/104
Meeting Venue: City of Nedlands
71 Stirling Highway, Nedlands

1 Table of Contents

1.	Opening of Meeting, Welcome and Acknowledgement.....	2
2.	Apologises.....	2
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.....	3
8.	Form 1 – Responsible Authority Reports – DAP Applications.....	4
8.1	No.11 & 13 (Lot 52 & 51) Webster Street, Nedlands.....	4
9.	Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval	12
	Nil.....	12
10.	State Administrative Tribunal Applications and Supreme Court Appeals ...	12
11.	General Business.....	12
12.	Meeting Closure	13



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 Kerry Smyth (Local Government Member, City of Nedlands)

Officers in attendance

Mr Roy Winslow (City of Nedlands)
Ms Aviva Micevski (City of Nedlands)
Ms Anjali Parmar (City of Nedlands)

Minute Secretary

Ms Kirsty Klimcke (City of Nedlands)

Applicants and Submitters

Mr Petar Mrdja (Urbanista Town Planning)
Mr Fred Zuideveld (Zuideveld Marchant Hur)
Mr Robert Adam
Ms Mei Lai Luy
Ms Veronica Connaughton

Members of the Public / Media

There was 8 members of the public in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:14am on 6 September 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

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

In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Members, Cr Kerry Smyth & Cr Fergus Bennett, declared that they participated in a prior Council meeting in relation to the application at item 8.1. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr Kerry Smyth & Cr Fergus 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.

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

7. Deputations and Presentations

- 7.1** Mr Robert Adam 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 Mei Lai Luy addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.3** Ms Veronica Connaughton addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.4** Cr Rebecca Coghlan (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 Petar Mrdja (Urbanista Town Planning) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.6** Mr Fred Zuideveld (Zuideveld Marchant Hur) 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 addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 No.11 & 13 (Lot 52 & 51) Webster Street, Nedlands

Development Description: 12 Grouped Dwellings
Applicant: Urbanista Town Planning
Owner: Nicheliving Projects Pty Ltd
Responsible Authority: City of Nedlands
DAP File No: DAP/21/02013

REPORT RECOMMENDATION

Moved by: Cr Fergus Bennett

Seconded by: Cr Kerry Smyth

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

Refuse DAP Application reference DAP/21/02013 and accompanying plans (Attachment 2) 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, due to the following reasons:

- a. The development is inconsistent with State Planning Policy 7.0 *Design of the Built Environment*, in particular the principles relating to built form and scale and amenity.
- b. The development does not meet the design principles of State Planning Policy 7.3 *Residential Design Codes – Volume 1* relating to:
 - i. street setbacks, in particular the proposed setbacks to the common property driveway;
 - ii. setbacks of garages and carports, in particular to the common property driveway;
 - iii. outdoor living areas, in particular to the minimum dimensions for Units 1, 6, 7 and 12;
 - iv. parking, with regard to visitor parking;
 - v. vehicle access, in particular to the minimum driveway width proposed;
 - vi. site works and retaining with regard to the height of retaining proposed; and
 - vii. visual privacy with regard to overlooking from the dining room for Units 1 and 12.
- c. The Design Review Panel did not support the original plans due to principle 3 (built form and scale), principle 6 (amenity), lack of deep soil planting areas, inadequate widths for planting of trees and a/c units in courtyards.

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

For: Cr Kerry Smyth
Cr Fergus Bennett



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:

1. **Approve** DAP Application reference DAP/21/02013 and accompanying plans (Attachment 2) 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. The development, hereby approved, shall at all times comply with the requirements of a 'Residential – Grouped Dwellings' use, as defined in the City of Nedlands Local Planning Scheme No. 3.
3. 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.
4. 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.
5. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.

Noise

6. 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".



7. The Acoustic Report dated 26 March 2021 prepared by Hewshott Acoustics forms part of this development approval and shall be complied with at all times to the satisfaction of the City. Recommendations contained within the acoustic report to achieve compliance with the *Environmental Protection (Noise) Regulations 1997* are to be carried out and maintained for the lifetime of the development to the satisfaction of the City of Nedlands.
8. Prior to the issuing of a Building Permit the landowner is to provide a detailed acoustic assessment on the chosen mechanical plant equipment which demonstrates compliance with the requirements of the *Environmental Protection (Noise) Regulations 1997*.

Waste Management

9. Prior to the lodgement of a Building Permit, a revised Waste Management Plan shall be submitted and approved to satisfaction of the City. The Waste Management Plan shall be complied with at all times to the satisfaction of the City.
10. 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.

Design

11. 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.
12. 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.
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 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.
14. 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.

- 15. 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 place, to the satisfaction of the City of Nedlands.
- 16. The fencing infill panels within the primary street setback area are to be visually permeable in accordance with clause 5.2.4 of the Residential Design Codes (Volume 1).
- 17. External lighting shall comply with the requirements of Australian Standard 4282 – Control of Obtrusive Effects of Outdoor Lighting.

Building

- 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.

Landscaping

- 19. The Landscape Plan forms part of this approval. Prior to occupation, landscaping shall be installed and maintained in accordance with the approved landscaping plan prepared by De Vries Designs dated 11 April 2021, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City.
- 20. 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. Landscaping shall be installed and maintained in accordance with that plan, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City of Nedlands.
- 21. Prior to occupation, all communal and private open space areas shall include a water tap for the purpose of irrigation.

Vehicle Access and Parking

- 22. Prior to the issue of a Building Permit, a Car Parking Safety Management shall be submitted and approved to satisfaction of the City. The Car Parking Safety Management Plan shall be implemented upon occupation of any part of the development and thereafter complied with by the landowner(s) for the life of the development to the satisfaction of the City.



23. Prior to occupation, the parking bays and vehicle access areas shall be drained, paved and constructed in accordance with the approved plans and are to comply with the requirements of AS/NZS 2890.1:2004.

Sustainability

24. 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. 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 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)

Landscaping Advice

2. 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. 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 and Dilapidation 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 street trees within the road 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. protection of infrastructure and street trees within the road reserve;
- p. security fencing around construction sites;
- q. gantries;
- r. dewatering management plan;
- s. contact details;
- t. site offices;
- u. details of measures to be implemented to control noise (including vibration) emissions; v. 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)

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 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:
- 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. 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, per the following requirements:
 - i. sufficient in size to accommodate all receptacles used on the premises;
 - ii. constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the City;
 - iii. walls not less than 1.8m in height and access of not less than 1.0 metre in width fitted with a self-closing gate;
 - iv. smooth and impervious floor not less than 75mm thick and evenly graded to an approved liquid refuse disposal system;
 - v. easily accessible to allow for the removal of the receptacles;
 - vi. provided with a ramp into the enclosure having a gradient of no steeper than 1:8 unless otherwise approved by the City;
 - vii. provided with a tap connected to an adequate supply of water;
 - viii. adequately ventilated, such that they do not create a nuisance to residences (odour); and
 - viii. the location of all exhaust systems, ductwork and any other mechanical service is not to be such that it will cause a nuisance for residents. (Environmental Health 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-withthe-NBN/new-developments/builders-designers.html>.

AMENDING MOTION

Moved by: Cr Fergus Bennett

Seconded by: Cr Kerry Smyth

That a new Condition No 25 be added to read as follows:

That the Developer pays for the cost of relocation of the solar panels on the adjoining property at 15 Webster Street, Nedlands.

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

For: Cr Fergus Bennett
Cr Kerry Smyth

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



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

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

Against: Cr Fergus Bennett
Cr Kerry Smyth

REASON: The majority of Panel Members formed the view that proposed is a well-designed, high quality, contemporary development that has incorporated architectural elements within the local area and consistent with the planning framework. The proposal is considered an appropriate scale, with the height and setbacks with the minor variations acceptable. Due consideration was given to overshadowing, with the proposal meeting the Deemed to Comply Design Principle 5.4.2 Solar Access and noting the location of outdoor area on the southern adjoining dwelling. The grouped dwelling design and layout adds to the mix of housing typology in the area and is considered to cater for a range of household types. Panel members acknowledged that the area is in transition, noting the changing character of Webster Streetscape, which includes recently approved grouped dwellings near the subject site.

On balance the majority Panel considered the proposal appropriate in the context of the site, planning framework and the RAR comments that the proposal is largely compliant with the provisions. Accordingly, the proposal was supported with 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 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

Ms Francesca Lefante 
Presiding Member, Metro Inner-North JDAP



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 11:42am.