



## Metro Inner-North Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Friday, 1 April 2022; 9.30am  
**Meeting Number:** MINJDAP/133  
**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 Fergus Bennett (Local Government Member, City of Nedlands)  
Cr Blane Brackenridge (Local Government Member, City of Nedlands)

### Officers in attendance

Mr Roy Winslow (City of Nedlands)  
Ms Chantel Weerasekera (City of Nedlands)

### Minute Secretary

Ms Marissa Morskate (City of Nedlands)

### Applicants and Submitters

Ms Bianca Sandri (Urbanista Town Planning)  
Ms Kelsie Davies (Kelsie Davies Lands Architecture (KDLA))  
Mr Craig Wallace (Lavan)  
Mr Orlando Catenacci (X-Space)  
Mr Ryan Djanegara (Developed Property Pty Ltd)

### Members of the Public / Media

Nil

## 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.32am on 1 April 2022 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.



The Presiding Member announced any DAP member or presenter attending a DAP meeting must not, either orally, in writing or by any other means –

- (a) Make a statement that a local government or public sector employee is incompetent or dishonest; or
- (b) Use offensive or objectionable expressions in reference to a local government, public sector employee or other presenters.

## **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**

The Presiding Member noted that an addendum to the agenda was published to include details of a DAP direction for further information and responsible authority response in relation to Item 8.1, received on 28 March 2022.

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 Fergus Bennett and Cr Blane Brackenridge, 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 Bennett and Cr Brackenridge 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 have disclosed an Impartiality Interest, are permitted to participate in the discussion and voting on the item.



## 7. Deputations and Presentations

- 7.1 Mr Ryan Djanegara (Developed Property Pty Ltd) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.2 Mr Orlando Catenacci (X-Space) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.3 Ms Kelsie Davies (Kelsie Davies Landscape Architecture) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.4 Ms Bianca Sandri (Urbanista Town Planning) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.5 Mr Craig Wallace (Lavan) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.6 The City of Nedlands Officers addressed the DAP in relation to the application at Item 8 and responded to questions from the panel.

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

### 8.1 43 Esplanade, Nedlands

Development Description: Mixed Use Development (Three Multiple Dwellings and Consulting Room)  
Applicant: Urbanista Town Planning  
Owner: SPG Capital Fund 5 Pty Ltd  
Responsible Authority: City of Nedlands  
DAP File No: DAP/21/02136

### REPORT RECOMMENDATION

**Moved by:** Cr Blane Brackenridge

**Seconded by:** Cr Fergus Bennett

It is recommended that the Metro Inner-North Joint Development Assessment Panel resolves to:

**Refuse** DAP Application reference DAP/21/02136 and accompanying plans dated 25 February 2022 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of City of Nedlands Local Planning Scheme No. 3, for the following reasons:



## Reasons

1. The proposed bulk and scale of the development is inconsistent with the existing context and intended future character of the local area. The height of the proposal would alter future built form and character beyond that contemplated by the current density coding, thereby setting the built form of future development prior to implementation of a strategy or desired controls.
2. The development does not provide any transition to the adjoining R40 coding in relation to height, setbacks, bulk, nor building separation.
3. The proposal is not of a high-quality design outcome, to justify the height and bulk proposed. The building is not cohesively designed so that all façades present the same level of architectural detail as the street elevation. Further, the amenity of the apartments is compromised by a reliance on screening and minor openings, and an undesirable outlook to the car parking garage.
4. The overprovision of car parking, and the design of the car parking space, results in a detrimental impact on the quality of the deep soil areas and the amenity of the apartments. The application proposes car parking in a semi-detached, boundary-to-boundary garage, which is not integrated into the design nor finished to the same standard as the rest of the building. The garage is not adequately designed or landscaped to provide an appealing visual outlook when viewed from the dwellings.
5. The deep soil and landscape design does not compliment the proposed built form and site planning. The location of the parking garage compromises the quality of the rear deep soil zone and limits the ability for the deep soil to be integrated into the building and throughout the site. Were the car parking provision to be decreased, this would allow for better integration of the existing Norfolk Pine and landscaping design throughout the whole site and may present an opportunity to retain further existing trees on site.

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

For: Ms Francesca Lefante  
Cr Blane Brackenridge  
Cr Fergus Bennett

Against: Ms Lee O'Donohue  
Mr John Syme

**REASON:** The majority of panel members were of the opinion that the proposal is not considered to satisfy the planning framework, with the overall building height, bulk and scale being inconsistent with the character and context of the site, including the scale and configuration top floor and interface with the adjoining lower zoned site. The panel remained concerned regarding the location of rear courtyard not being accessible directly from habitable areas. Due consideration was given to the objective of the R-Codes, location, design comments, and building interface. On balance the proposal was not supported as the proposal including the reasons as given in the RAR.



**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 -

<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/19/01651 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/21/02050 DR21/1245	City of Stirling	Lot 3 (No.27) Pimlott Street & Lot 4 (No.1) Greenacre Street, Dianella	Child Care Premises	21/12/2021
DAP/21/02084 DR9/2022	City of Nedlands	Lot 541 (99) Broadway, Nedlands	Mixed use development comprising 21 units and a cafe	14/01/2022

The Presiding Member noted the following Supreme Court Appeals -

<b>Current Supreme Court Appeals</b>				
<b>File No.</b>	<b>LG Name</b>	<b>Property Location</b>	<b>Application Description</b>	<b>Date Lodged</b>
DAP/20/01884 CIV 1791 of 2021	City of Stirling	Lot 100 Field Street, Mount Lawley	24 multiple dwellings and six (6) grouped dwellings	11 February 2021
DAP/19/01722 CIV 2311 of 2021	City of Stirling	Lot 1 (331) West Coast Drive, Trigg	Mixed Use Development – Six (6) Multiple Dwellings and One (1) Commercial Tenancy	3 December 2021

**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 11.14am