



Metro Inner-North Joint Development Assessment Panel Minutes

Meeting Date and Time: Friday, 5 August 2022; 9.30am
Meeting Number: MINJDAP/146
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 Kerry Smyth (Local Government Member, City of Nedlands)

Officers in attendance

Mr Roy Winslow (City of Nedlands)
Ms Chantel Weerasekera (City of Nedlands)
Mr Ernest Samec (Department of Planning, Lands and Heritage)
Ms Ashlee Kelly (Department of Planning, Lands and Heritage)
Ms Zoe Hendry (Department of Planning, Lands and Heritage)

Minute Secretary

Ms Leah Mehanni (City of Nedlands)

Applicants and Submitters

Ms Bianca Sandri (Urbanista Town Planning)
Mr Paul McQueen (Lavan)
Mr Reade Dixon (Elenberg Fraser)
Mr Lucas Menegazzo (Elenberg Fraser)
Mr Robert Clarke (Gurner Group)
Mr Tim Gurner (Gurner Group)
Mr Craig Slarke (McLeods)
Mr Michael Somerville Brown
Mr Ken Perry
Mr Nigel Shaw

Members of the Public / Media

There were 30 members of the public in attendance.

Mr Ben Dickinson from The Post and Ms Nadia Budihardjo from Business News were in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.31am on 5 August 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.

2. Apologies

Cr Blane Brackenridge (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

The Presiding Member noted an addendum to the agenda was published to include details of a DAP request for further information and responsible authority response in relation to Item 9.1, received on 28 July 2022.

The Presiding Member noted an addendum to the Responsible Authority Report was published on 2 August 2022 in response to information received from the City of Nedlands on 1 August 2022 in relation to Item 9.1.

All members declared that they had duly considered the documents.

6. Disclosure of Interests

Nil

7. Deputations and Presentations

- 7.1 Mr Michael Somerville-Brown addressed the DAP in support of the recommendation for the application at Item 9.1
- 7.2 Mr Ken Perry addressed the DAP in support of the recommendation for the application at Item 9.1.
- 7.3 Mr Nigel Shaw addressed the DAP in support of the recommendation for the application at Item 9.1.
- 7.4 Mr Tim Gurner (Gurner Group) addressed the DAP against the recommendation for the application at Item 9.1 and responded to questions from the panel.



- 7.5** Ms Bianca Sandri (Urbanista Town Planning) addressed the DAP against the recommendation for the application at Item 9.1 and responded to questions from the panel.
- 7.6** Mr Paul McQueen (Lavan) addressed the DAP against the recommendation for the application at Item 9.1 and responded to questions from the panel.
- 7.7** Mr Craig Slarke (McLeods) addressed the DAP in support of the recommendation for the application at Item 9.1 and responded to questions from the panel.
- 7.8** The City of Nedlands 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: Cr Fergus Bennett

Seconded by: Cr Kerry Smyth

That the meeting be adjourned to allow members a comfort break and receive legal advice from representatives 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 2020.

The Motion was put and CARRIED UNANIMOUSLY.

REASON: to allow members a comfort break and to receive legal advice

*The meeting was adjourned at 10:38am.
The meeting was reconvened at 11:35am.*

PROCEDURAL MOTION 2

Moved by: Ms Lee O'Donohue

Seconded by: Cr Kerry Smyth

To suspend DAP Standing Orders 2020, so that further debate can continue, allowing members to speak more than once on the application

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

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

Against: Cr Fergus Bennett

REASON: To allow Panel Members to speak on the item more than once.

The Standing Orders were suspended at 11:37am.



PROCEDURAL MOTION 3

Moved by: Ms Francesca Lefante

Seconded by: Ms Lee O'Donohue

To reinstate DAP Standing Orders 2020.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: To recommence the meeting.

The Standing Orders were reinstated at 12:01pm.

8. Form 1 – Responsible Authority Reports – DAP Applications

Nil

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

9.1 97 (Lots 1-4) and 105 (Lot 500) Stirling Highway, Nedlands

Development Description: Mixed use development comprising of basement car parking, restaurants, offices, motor vehicle sales and multiple dwellings.

Proposed Amendments: Amendments to built form, apartment layouts, land use and car parking

Applicant: Urbanista Town Planning

Owner: Nedlands Rental Property Pty Ltd

Costa Property Eleven Pty Ltd

Responsible Authority: City of Nedlands

DAP File No: DAP/20/01770

REPORT RECOMMENDATION

Moved by: Cr Fergus Bennett

Seconded by: Cr Kerry Smyth

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

Refuse that the DAP Application reference DAP/20/01770 as detailed on the DAP Form 2 dated 23 June 2022 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

Reasons

1. The application proposes to amend aspects of the development approved which, if amended, would substantially change the development approved and thereby the application is not appropriate for consideration in accordance with regulation 17(c).



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

For: Ms Francesca Lefante
Cr Kerry Smyth
Cr Fergus Bennett
Ms Lee O'Donohue

Against: Mr John Syme

REASON: The Panel gave due regard to the proposal and submission on whether this application met the threshold under DAP Regulation 17. Members referred to significant changes to the proposal including:

- A significant increase in the residential component and land use changes including removal of office and retail components.
- Increase in heights of towers.
- The site context of the location.
- Removal of covered Podium and replacement with uncovered pedestrian walkway.
- Changes to vehicle access and use from the site which will alter streetscape and affect traffic interaction.
- Streetscape design and interaction along all frontages in the context of location.

Members expressed opinion that the cumulative impact of the changes were substantial, citing that the changes unwind key elements of the Form 1 proposal in the context of this location. in particular the changes to the commercial, office uses and civic streetscape urban spaces.

On balance the members form the view that Type and cumulative impact of the proposal modifications were substantial change to the development approved and which changed the essence of the proposal. accordingly, did not meet the provisions of Regulation 17.

10. State Administrative Tribunal Applications and Supreme Court Appeals

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/21/02136 DR60/2022	City of Nedlands	No. 43 Esplanade, Nedlands	Proposed Mixed Use Development - One consulting room and three multiple dwellings	01/04/2022


Ms Francesca Lefante
Presiding Member, Metro Inner-North JDAP



Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/18/01491 DR61/2022	City of Vincent	No. 636-640 Newcastle Street, Leederville	Mixed Use Development comprising of 32 Multiple Dwellings, 10 Offices, One Restaurant/Café and One Shop	04/04/2022
DAP/20/01923 DR89/2022	City of Subiaco	Lot 11 (No.379), Lot 81 (375), Lot 82 (377) Railway Road, Lot 80 (101), Lot 84 (No.97), Lot 85 (No.99), Evans Street, Shenton Park	5 storey mixed use development & demolition of existing building on Lot 82	30 May 2022

Current Supreme Court Appeals				
File No.	LG Name	Property Location	Application Description	Date Lodged
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	7 April 2022

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 12:04pm.