



## Metro-Inner North Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Tuesday, 1 February 2022; 9.30am  
**Meeting Number:** MINJDAP/128  
**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)  
Mr Nathan Blumenthal (City of Nedlands)  
Mr Qaisar Mehboob (City of Nedlands)

### Minute Secretary

Ms Leah Mehanni (City of Nedlands)

### Applicants and Submitters

#### *Item 8.1*

Mr Gianpaolo Crugnale (G Living Pty Ltd)  
Mr Tayne Evershed (Planning Solutions)  
Mr Andreas Wang (Cardno)  
Mr Lionel Mawhinney (DKO)  
Mr Ken Perry

#### *Item 8.2*

Mr Tom Hockley (Allerding & Associates)  
Mr Mark Aronson (maarch architects)  
Mr Julian Croudace (Propagule Consulting Pty Ltd)

### Members of the Public / Media

There were eleven members of the public in attendance.

Ms Victoria Rifici from Perth Now was in attendance.

## 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.35am on 1 February 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

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 an alternate recommendation and responsible authority response in relation to Item 8.1, received on 28 January 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 Bennett and Cr 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 undertake to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.



## 7. Deputations and Presentations

- 7.1 Mr Ken Perry 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 Andreas Wang (Cardno) addressed the DAP against the recommendation for the application at Item 8.1.
- 7.3 Mr Gianpaolo Crugnale (G-Living) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.4 Mr Lionel Mawhinney (DKO) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.5 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.
- 7.6 The City of Nedlands Officers addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.

***The presentations at Item 7.1 – 7.6 was heard prior to the application at Item 8.1.***

- 7.7 Mr Mark Aronson (maarch architects) addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.
- 7.8 Mr Julian Croudace (Propagule Consulting Pty Ltd) addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.
- 7.9 Mr Tom Hockley (Allerding and Associates) addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.
- 7.10 The City of Nedlands Officers addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.

***The presentations at Items 7.7 – 7.10 were heard prior to the application at Item 8.2.***



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

### 8.1 24 Leura Street, Nedlands

Development Description: Mixed Use Development (14 Multiple Dwellings, 10 Holiday Accommodation, 4 Offices and Café)  
Applicant: G Living Pty Ltd  
Owner: G1 Property Pty Ltd  
Responsible Authority: City of Nedlands  
DAP File No: DAP/21/02103

#### REPORT RECOMMENDATION

**Moved by:** Cr Fergus Bennett

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

With the agreement of the mover and seconder the following amendment was made to the preamble to read as follows:

**Defer** DAP Application reference DAP/21/02103 and accompanying plans date stamped 21 December 2021 (Attachment 2) for a **period of up to** 120 days in accordance with section 5.10.1a of the DAP Standing Orders 2020, for the following reasons:

**REASON:** To provide clarity that the deferral motion timeframe includes the period up to the specified 120 day for further consideration by the Panel.

That the Metro Inner-North JDAP resolves to:

**Defer** DAP Application reference DAP/21/02103 and accompanying plans date stamped 21 December 2021 (Attachment 2) for a period of up to 120 days in accordance with section 5.10.1a of the DAP Standing Orders 2020, for the following reasons:

- a. To enable modifications to be undertaken to make the development more in keeping with the bulk, scale and character of the area.
- b. To enable modifications to improve landscaping and onsite car parking provision, or reduce car parking demand.

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

**REASON:** To enable the applicant sufficient timeframe to provided further information on various elements of bulk, form, and scale of the proposal in the context and character of the area and address parking associated with the mix of uses and onsite configuration of parking.

#### PROCEDURAL MOTION

**Moved by:** Ms Francesca Lefante

**Seconded by:** Mr John Syme

That the meeting be adjourned for a period of 5 minutes.

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

**REASON:** To allow the members a comfort break.



*The meeting was adjourned at 11:31am.  
The meeting was reconvened at 11:39am.*

## **8.2 91 Broadway, Nedlands**

Development Description: Mixed Use Development (17 Multiple Dwellings and Office)  
Applicant: Allering & Associates  
Owner: GPG No.10 Pty Ltd  
Responsible Authority: City of Nedlands  
DAP File No: DAP/21/02110

### **REPORT RECOMMENDATION**

**Moved by:** Mr John Syme

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

The following amendment was made administratively to reflect the correct plans approved:

**Approve** DAP Application reference DAP/21/02110 and accompanying plans (Attachment 4 **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 Planning Scheme No. 3, subject to the following conditions:

**REASON:** to reference the correct attachment

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

**Approve** DAP Application reference DAP/21/02110 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 Planning Scheme No. 3, 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. 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.



### Noise

3. Prior to the issue of a Building Permit, the applicant is to lodge with the City an acoustic report prepared by a suitably qualified and licenced acoustic consultant demonstrating compliance of the Development with the requirements of the *Environmental Protection (Noise) Regulations 1997* to the satisfaction of the City's Health Services.
4. Prior to the issue of a Building Permit, a noise management plan is to be submitted and approved by the City of Nedlands detailing measures that will be undertaken to ensure noise levels during operation of the development are kept within levels prescribed in the *Environmental Protection (Noise) Regulations 1997* to the specifications and satisfaction of the City of Nedlands. The noise management plan shall be adhered to at all time

### Waste Management

5. Prior to the issue of a Building Permit, an amended Waste Management Plan is to be submitted and approved by the City of Nedlands. The approved Waste Management Plan shall be complied with at all times to the satisfaction of the City of Nedlands.

### Design

6. Prior to occupation of the development, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located or screened to the satisfaction of the City of Nedlands.
7. Prior to occupation of the development the finish of the parapet walls is to be finished in accordance with the hereby approved plans.
8. All screening and obscure glazing shown on the approved plans to be installed prior to occupation and maintained at all times thereafter.
9. Prior to the issue of a building permit, the western-facing balustrades of the balconies on all units shall be solid material or obscure glazed to provide visual screening of the balcony areas when viewed from adjoining properties, to the satisfaction of the City of Nedlands.

### Building

10. Prior to the issue of a Demolition Permit and/or a Building Permit, a Demolition and Construction Management Plan shall be submitted and approved to the satisfaction of the City. The approved Demolition and Construction Management Plans shall be observed at all times throughout the demolition and construction process to the satisfaction of the City.



11. Prior to the issue of a Building Permit, a geotechnical report covering the development area is to be prepared by a suitably qualified practitioner at the applicant's cost, to the satisfaction of the City of Nedlands. The report will give due consideration to any potential impacts on neighbouring properties including but not limited to: ground water management, excavation or modifications to existing ground levels; vibration or consolidation of material throughout the demolition and construction phase of the project. The geotechnical report will identify any remedial treatments required to mitigate any adverse impacts and will be lodged with the building permit application, together with certification that the design is suitable for the site conditions as outlined in the geotechnical report.
12. Prior to the commencement of excavation works, a dilapidation report shall be submitted to the City of Nedlands for approval, and the owners of the adjoining properties listed below detailing the current condition and status of all buildings (both internal and external together with surrounding paved areas and rights of ways), including ancillary structures located upon these properties:
  - a. Lot 517 (No. 20) Kingsway, Nedlands
  - b. Lot 516 (No. 22) Kingsway, Nedlands
  - c. Lot 515 (No. 24) Kingsway, Nedlands
  - d. Lot 536 (No. 89) Broadway, Nedlands
  - e. Lot 538 (No. 93) Broadway, Nedlands

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate in writing to the satisfaction of the City of Nedlands that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

13. External lighting shall comply with the requirements of Australian Standard 4282 – Control of Obtrusive Effects of Outdoor Lighting to the satisfaction of the City of Nedlands.
14. A minimum of 20% (4) units are to be designed at building permit stage to the Silver Level requirements as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia) and implemented prior to occupation.
15. All stormwater generated on site is to be retained on site. An onsite storage/infiltration system is to be provided within the site for a 1 in 100-year storm event. No stormwater will be permitted to enter the City of Nedlands' stormwater drainage system unless otherwise approved.
16. All building works to be carried out under this development approval are required to be contained within the site boundaries of the subject lot.

#### Landscaping

17. Landscaping shall be installed and maintained in accordance with the approved Landscape Plan prepared by Propagule, received 27 October 2021. Any modifications to the plans are subject to approval by the City of Nedlands.





18. Prior to the issue of a Building Permit, a Landscape Management Plan shall be prepared by a suitably qualified consultant 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.
19. Prior to occupation, the approved Landscape Plan, including any modifications approved by the City of Nedlands, is to be implemented and maintained for the life of the development to the satisfaction of the City of Nedlands.
20. Prior to occupation, all communal and private open space areas shall include a tap connected to an adequate water supply for the purpose of irrigation.

#### Vehicle Access and Parking

21. Prior to the issue of a Building Permit, the applicant is to provide a Road Safety Audit, to the satisfaction of the City of Nedlands.
22. All car parking dimensions (including associated wheel stops and headroom clearance), manoeuvring areas, crossovers and driveways shall comply with Australian Standard 2890.1-2004 - Off-street car parking and Australian Standard 2890.6:2009 - Off-street parking for people with disabilities (where applicable) to the satisfaction of the City of Nedlands.
23. Prior to the occupation of the development, the carpark must provide one (1) car parking space dedicated to people with disabilities, in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off street parking for people with disabilities, and which is linked to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1 2009, Design for access and mobility, Part 1: General Requirements for access New building work.
24. The vehicle ramp to the basement and circulation areas are to be constructed in accordance with Australian Standard 2890.1-2004 - Off-street car parking to the satisfaction of the City of Nedlands
25. Prior to occupation of the development, all bicycle parking spaces shall be provided and installed to the satisfaction of the City of Nedlands and maintained for the lifetime of the development.
26. Prior to occupation of the development, all car parking bays designated for visitors/staff shall be clearly marked or signage provided and maintained thereafter by the landowner to the satisfaction of the City of Nedlands
27. Prior to occupation of the development, the crossover is to be modified/upgraded and verge and kerb reinstated at the applicant's cost and to the satisfaction of the City of Nedlands.



### Sustainability

28. Prior to occupation of the development, the recommendations contained within the CADDs Sustainability Design Strategy dated received 27 October 2021, or any approved modifications, are to be carried out and maintained for the lifetime of the development to the satisfaction of the City of Nedlands.

### Legal

29. Prior to occupation of the development, the landowner(s) shall enter into a Deed of Indemnity with the City, which indemnifies both the City and its waste collection contractors from claims relating to any damage, injuries or death that may be caused as a result of the on-site waste collection process.
30. Prior to occupation of the approved development, the applicant/owner shall enter into a deed of agreement with the City of Nedlands whereby the owner:
  - a. Indemnifies the City against any loss or damage to any road reserve or other property of the City or to any person or property of any person arising out of the installation of the approved awning constructed over the road reserve immediately adjacent the land where the awning will be located or the use of the road reserve in connection with the approved development;
  - b. Agrees to take out and maintain a policy of public liability with a reputable insurer in an amount satisfactory to the City to insure the City and the owner against all claims for loss or damage or injury occurring to any road reserve or property of the City or any person or property of any person as a result of the construction of the development or in respect of the use of that portion of the awning constructed over the road reserve immediately adjacent to the land in connection with the development;
  - c. Agrees to maintain the development at its cost; and
  - d. Agrees that the City can require the awning be removed and for the road reserve to be re-instated within a reasonable time.

The agreement shall be prepared by the City's solicitors to the satisfaction of the City and enable the City to lodge an absolute caveat over the land. The applicant/owner shall be responsible to pay all costs associated with the City's solicitor's costs and incidentals to the preparation of (including all drafts) and stamping of the agreement and the lodgement of the absolute caveat.

### **Advice Notes**

#### Verge Works

1. All works within the adjacent thoroughfare (ie: road, crossovers, kerbs, footpath, verge, street tree, hoisting, hoarding, gantry, awnings within the road reserve, etc.) also require obtaining a separate Private Works on, Over or Under a Thoroughfare Permit from the City of Nedlands prior to construction commencing.

#### Building

2. A Demolition Permit and a certified Building Permit will be required for the development, prior to any approved works occurring.



3. The Construction Management Plan and Demolition Management Plan is to be prepared in the manner and form provided by the City of Nedlands.
4. Sheet piling for construction of basement is not supported by the City. Contiguous piles will be required as part of the Building Permit submission. Where ground anchors, temporary or permanent, and grouting is proposed as part of piling activity these must be documented and form part of the Building Permit submission and include BA20's as part of the Building Permit submission.

#### Noise

5. The Acoustic Report needs to include, but not limited to, the following:
  - a. identify noise sources (e.g. mechanical noise, waste collection operations, operations of car stacker systems etc) from the Development;
  - b. assess and discuss level of compliance of these noise sources (including any cumulative effects), when received at highly sensitive areas of noise sensitive premises (including each individual residential unit of the Development), with the Noise Regulations;
  - c. include noise contour maps to illustrate predicted sound levels at certain distances; and
  - d. present any acoustic solutions/treatments required to ensure that the Noise Regulations is compiled for the life span of the development.

#### Waste Management

6. The applicant is advised that 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 to the satisfaction of the City.
7. The amended Waste Management Plan is to incorporate the following additional information:
  - a. Details on how traffic movements to and from the property during refuse collection will be managed.
  - b. Details on management of utilisation of visitor parking bays during collection times.
  - c. Details of the supplied swept path showing that the waste collection vehicle can exit the property in a forward gear maintaining 2.0m horizontal clearance at the rear of the waste vehicle.
  - d. Bulk collection truck swept path analysis.
  - e. Any other relevant information to the satisfaction of the City of Nedlands.

#### Telecommunications

8. The applicant is advised by the City's Planning Services that developers are responsible for providing telecommunications infrastructure in their developments.



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

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

Against: Cr Fergus Bennett

**REASON:** The majority of Panel Members were satisfied that the development building design, form, scale and façade treatments are consistent with the streetscape and planning framework. The Panel discussed the location of the site on a busy intersection and the positioning of the driveway, on balance the Panel formed the opinion that traffic movement and access could be managed appropriately and accordingly supported the proposal consistent with the RAR recommendation and 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/19/01655 DR178/2021	City of Nedlands	Lot 684 (135) Broadway, Nedlands	Mixed Use Development (26 Serviced Apartments and Café)	30/08/2021
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



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 12.24pm.