



Metro-Inner North Joint Development Assessment Panel Minutes

Meeting Date and Time: Friday, 25 February 2022; 9.30am
Meeting Number: MINJDAP/131
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 Blane Brackenridge (Local Government Member, City of Nedlands)
Cr Kerry Smyth (Local Government Member, City of Nedlands)

Officers in attendance

Mr Roy Winslow (City of Nedlands)
Mr Simon Bain (City of Nedlands)
Ms Marissa Morskate (City of Nedlands)

Minute Secretary

Ms Leah Mehanni (City of Nedlands)

Applicants and Submitters

Mr Petar Mrdja (Urbanista Town Planning)
Mr Alex McGlue (Lavan)
Mr Mark Aaronson (maarch)
Cr Andrew Mangano (City of Nedlands)
Mr Fergus Bennett
Mr Nick Gallet

Members of the Public / Media

There was eight (8) members of the public in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.35am on 25 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

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

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 10.1, received on 22 February 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 Smyth and Cr Brackenridge, declared that they participated in a prior Council meeting in relation to the application at item 10.1. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr Smyth 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.

7. Deputations and Presentations

- 7.1 Mr Fergus Bennett addressed the DAP in support of the recommendation for the application at Item 10.1 and responded to questions from the panel.
- 7.2 Mr Nick Gallet addressed the DAP in support of the recommendation for the application at Item 10.1 and responded to questions from the panel.
- 7.3 Cr Andrew Mangano (City of Nedlands) addressed the DAP in support of the recommendation for the application at Item 10.1 and responded to questions from the panel.
- 7.4 Mr Petar Mrdja (Urbanista Town Planning) addressed the DAP against the recommendation for the application at Item 10.1 and responded to questions from the panel.
- 7.5 Mr Mark Aaronson (march) addressed the DAP against the recommendation for the application at Item 10.1 and responded to questions from the panel.



7.6 Mr Alex McGlue (Lavan) addressed the DAP against the recommendation for the application at Item 10.1 and responded to questions from the panel.

7.7 The City of Nedlands Officers addressed the DAP in relation to Item 10.1 and responded to questions from the panel.

8. Form 1 – Responsible Authority Reports – DAP Applications

Nil

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

Nil

10. State Administrative Tribunal Applications and Supreme Court Appeals

10.1 No. 135 (Lot 684) Broadway, Nedlands

Development Description: Reconsideration of Amendments to approved Mixed Use Development

Summary of Modifications:

- Modified car parking with identification of the vacant bays used for the car stacker and the addition of one extra car bay bringing the total to 33 and 4 visitor bays.
- Deletion of the 52m² resident gym and replacement with an 80m² Office, with kitchenette, storage and toilet.
- Provision of 2 commercial bins and bulk waste store on the northern side of the visitor car bays.
- Reduction in the size of Apartment 6 on the second level from 144m² to 91m² and inclusion of a 66m² Communal Lounge and 18m² courtyard, totaling 85m².

The plot ratio increases to 2.30, from 2.28 as originally approved.

Applicant: Urbanista Town Planning
Owner: Griffin Group
Responsible Authority: City of Nedlands
DAP File No: DAP/19/01655



REPORT RECOMMENDATION

Moved by: Cr Blane Brackenridge

Seconded by: Cr Kerry Smyth

That the Metro Inner-North Joint Development Assessment Panel 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 LOST (2/3).

For: Cr Blane Brackenridge
Cr Kerry Smyth

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, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 178 of 2021, resolves to:

1. **Accept** that the DAP Application reference DAP/19/01655 as detailed on the DAP Form 2 dated 27 April 2021, as amended on 13 January 2022, is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Reconsider** its decision dated 20 August 2021 and **SET ASIDE the decision and substitute a new** decision for DAP Application reference DAP/19/01655 and Amended Development 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

Amended conditions

1. Amend Condition 3

“This approval is for Multiple Dwellings and Office. Development shall be in accordance with these land uses as defined within Local Planning Scheme No. 3, the approved plan(s), any other supporting information and conditions of approval.”



2. Amend Condition 8

“The acoustic report prepared Hewshott Acoustics International and date stamped 13 January 2022 forms part of this approval. The recommendations contained within the acoustic report shall be implemented and adhered to for the lifetime of the development to the satisfaction of the City of Nedlands.”

3. Amend Condition 12

“The waste management plan prepared by Talis Consultants and date stamped 13 January 2022 forms part of this development approval and shall be complied with at all times to the satisfaction of the City of Nedlands.”

4. Amend Condition 14

“The landscape plan prepared by Propagule and date stamped 13 January 2022 forms part of this development approval and shall be implemented and maintained at all times to the satisfaction of the City of Nedlands.”

5. Amend Condition 20

“At Building Permit Stage, four (4) Multiple Dwellings on the hereby approved development plans shall meet ‘Silver Level’ requirements as defined in the Liveable Housing Design Guidelines.”

6. Delete Condition 13

“The Short-Term Accommodation Management Plan forms part of this approval. The approved Management plan is to be implemented, adhered to and updated, thereafter to the satisfaction of City of Nedlands.”

New Conditions:

1. Insert new Condition 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. Insert new Condition 8

“Prior to the commencement of excavation works, a Dilapidation Report prepared by a practising Structural Engineer should 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 8 (No.133) Broadway, Nedlands;
- b. Lot 685 (No.137) Broadway, Nedlands; and
- c. Lot 681 (No.66) Kingsway, 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. Landowners shall be notified in writing no less than 14 days prior to construction.”

3. Renumber all conditions accordingly

Amended advice notes

1. Amend Advice Note 3

“In relation to Condition 11, the office and residential visitors car parking spaces are to be clearly marked as such”

2. Delete Advice Notes 12, 13, 14, 15, 23, 24, 25, 26, 30 and 39 as these relate to elements of the development that have been removed (food premises and short stay accommodation).

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

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

Against: Cr Kerry Smyth

REASON: The majority of Panel members considered that the changes proposed by the amended plans, and when applied to the overall development, satisfy the provisions of DAP Regulation 17. Accordingly, the JDAP has jurisdiction to determine the proposal. The JDAP also determined that concerns relating to the application fees were not valid planning considerations, as per DAP Regulation 17.

In considering this proposal the Panel took into account the type and impact of the changes against the original proposal. The changes from short term to permanent accommodation were considered acceptable noting the retention of the residential use. The building footprint is the same, and increased setbacks and balcony orientation to Broadway are thought to improve the compatibility with surrounding sites.

The change to communal open space in terms of design, configuration and location was considered acceptable. It was noted that whilst the relocated communal area is now at the rear of the building, the area of outdoor space is smaller than previously approved and considered use is less than the proposed internal communal area. As such, Panel members were satisfied with the details contained in the acoustic report and provision of external landscaping, noting the RAR technical assessment determined that the objective was met.

Changes to on-site parking ensures dedicated parking for residents, commercial and visitors, with no change to the vehicle access point to the street.



The proposed change to commercial office at ground floor is consistent with the mixed-use proposal and will provide streetscape interaction. The size, configuration and layout is suitable for an office and will be capable of accommodating a range of appropriate commercial activities.

The majority of Panel members formed the view that the proposal, as amended, preserved the essence of the original approval, satisfied the DAP Reg 17 provisions and could accordingly be supported.

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/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 –

Current Supreme Court Appeals				
File No.	LG Name	Property Location	Application Description	Date Lodged
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 11.18am.