



Metro Inner-North Joint Development Assessment Panel Minutes

Meeting Date and Time: Tuesday, 10 May 2022; 9.30am
Meeting Number: MINJDAP/137
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) – via Teams
Ms Chantel Weerasekera (City of Nedlands)

Minute Secretary

Ms Marissa Morskate (City of Nedlands)

Applicants and Submitters

Mr Ivan Wang (RJAS WA Pty Ltd)
Mr Peter Mrdja (Urbanista Town Planning)
Mr Kym MacCormac
Mr Max Hipkins
Cr Kerry Smyth

Members of the Public / Media

There was 7 members of the public in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.38am on 10 May 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 further information and responsible authority response in relation to Item 8.1, received on 6 May 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 Fergus Bennett and Cr Blane 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** Ms Kym MacCormac addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.2** Cr Kerry Smyth on behalf of Mr Max Hipkins addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.3** Mr Petar Mrdja (Urbanista Town Planning) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.4** The City of Nedlands Officers 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 47 Aberdare Road, Nedlands

Development Description: 12 multiple dwellings
Applicant: RJS WA PTY LTD
Owner: R.J.S & CY PTY LTD
Responsible Authority: City of Nedlands
DAP File No: DAP/22/02160

PROCEDURAL MOTION

Moved by: Cr Fergus Bennett

Seconded by: Cr Blane Brackenridge

That the consideration of DAP Application DAP/22/02160 be deferred for 180 days, in accordance with section 5.10.1a of the DAP Standing Orders 2020, for the following reasons:

- To allow for sufficient time for consideration of Greenways, Traffic modelling, and receive comments from Main Roads and Department of Transport.

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

For: Cr Fergus Bennett
Cr Blane Brackenridge

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

REPORT RECOMMENDATION

Moved by: Ms Lee O'Donohue

Seconded by: Mr John Syme

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

1. **Approve** DAP Application reference DAP/22/02160 and accompanying plans 8 April 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 the City of Nedlands Local 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 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.

Building

3. All works indicated on the approved plans shall be wholly located within the lot boundaries of the subject site.
4. Prior to the issue of a demolition permit and a building permit, a Demolition or Construction Management Plan (as appropriate) 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 construction and demolition processes to the satisfaction of the City.
5. All stormwater discharge from the development shall be contained and disposed of on-site unless otherwise approved by the City of Nedlands.

Landscaping

6. Prior to issue of a demolition permit and a building permit, a Tree Protection Assessment is to be undertaken and approved by the City of Nedlands for the trees along the boundary which form part of the Carnaby's Black-Cockatoo roost site, to ensure minimal disturbance during construction.
7. Prior to occupation, landscaping shall be completed in accordance with the approved plans prepared by Plan \ E dated received 8 April 2022 or any approved modifications to the satisfaction of the City of Nedlands. All landscaped areas are to be maintained on an ongoing basis for the life of the development on the site to the satisfaction of the City of Nedlands.
8. Prior to occupation, all communal and private open space areas with landscaping shall include a tap connected to an adequate water supply for the purpose of irrigation.

Design

9. 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.
10. Prior to occupation of the development the finish of the parapet walls is to be finished in accordance with the hereby approved plans.
11. All screening and obscure glazing shown on the approved plans to be installed prior to occupation and maintained at all times thereafter.



12. Prior to occupation, the balcony to Units 6 and 7 located on the west elevation and Unit 10 located the east elevation shall be screened in accordance with the Residential Design Codes by either;
- fixed and obscured glass to a height of 1.6 metres above finished floor level; or
 - fixed screening devices to a height of 1.6 meters above finished floor level that are at least 75% obscure and made of a durable material; or
 - a minimum sill height of 1.6 metres above the finished floor level; or
 - 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.

13. A minimum of 20% (3) 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.

Vehicle Access and Parking

14. 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.
15. Prior to occupation, new or modified vehicle crossovers shall be constructed to the City's specification and thereafter maintained to the satisfaction of the City of Nedlands.
16. Prior to occupation, a minimum of 6 residential bicycle bays and 2 visitor bicycle bays shall be provided and installed to the satisfaction of the City of Nedlands and maintained for the lifetime of the development.
17. Prior to occupation, all car parking bays are to be clearly line marked, drained and with visitor/staff parking clearly marked or signage provided, and maintained thereafter by the landowner to the satisfaction of the City of Nedlands.

Environmental Health

18. Prior to the issue of a building permit, an amended Acoustic Report is to be prepared, and approved by the City. The approved Acoustic Report, and any recommendations within the Acoustic Report shall be carried out and complied with at all times to the satisfaction of the City of Nedlands.
19. 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 times.



20. Prior to occupation, an external lighting plan must be submitted and approved by the City of Nedlands. The lighting is to be designed and located to prevent any increase in light spill onto the adjoining properties in accordance with Australian Standard 4282 – Control of Obtrusive Effects of Outdoor Lighting.

Waste Management

21. Prior to the issue of a building permit, an amended Waste Management Plan must be prepared and approved by the City. The approved Waste Management Plan shall be complied with at all times to the satisfaction of the City of Nedlands.

Sustainability

22. Prior to occupation, the recommendations contained within the Resirate Energy Efficiency Report dated received 23 December 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.

Advice Notes

- i. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, any obligations under the Strata Titles Act, or the requirements of any other external agency.
- ii. The Construction Management Plan and Demolition Management Plans are to be prepared in the manner and form provided by the City of Nedlands.
- iii. Separate approval is required from the City of Nedlands for any works located within the verge, including landscaping and crossovers. A Vehicle Crossover Permit application is required to be submitted and approved by the City of Nedlands prior to verge works commencing.
- iv. The applicant/owner is advised that a public open space contribution will likely be required at the subdivision stage of the development, consistent with DC 2.3 Public Open Space in Residential Areas and the Planning and Development Act 2005.
- v. The development is to be provided with adequate laundry facilities, in line with the requirements of the Health Act (Laundries and Bathrooms) Regulations and City of Nedlands Health Local Laws 2017
- vi. In relation to the Waste Management Plan, the plan is to be updated to include following information:
 - Compaction of recycling waste is not supported. Waste Management Plan is to be updated to provide for 8x360L recycling bins.
 - Specifications on the proposed waste compactor.
 - Operation of the compactor and dedicated personnel (i.e. Caretaker).
 - Describe the contingency plan if the compactor fails.
 - Include the statement under the compactor usage: "Recycling bin compaction is not permitted".



- Include the statement “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”.
- Include a diagram with dimensions of the bin store noting an adequate distance between each bin to allow for bins to be removed easily for collection/washing.

AMENDING MOTION 1

Moved by: Cr Fergus Bennett

Seconded by: Cr Blane Brackenridge

That Condition No. 12 be amended to read as follows:

Prior to occupation, the balcony to Units 6 and 7 located on the west elevation and Unit 10 located the east elevation shall be screened, by 135x40 UV treated dressed hardwood panels fixed to a 45-degree angle to a minimum height of 1.6m above the finished floor level and ensuring at least 75% obscurity. ~~in accordance with the Residential Design Codes by either;~~

~~a. fixed and obscured glass to a height of 1.6 metres above finished floor level;~~
~~or~~
~~b. fixed screening devices to a height of 1.6 meters above finished floor level that are at least 75% obscure and made of a durable material; or~~
~~c. a minimum sill height of 1.6 metres above the finished 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.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To provide clarity on the method of screening required.

REPORT RECOMMENDATION (AS AMENDED)

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

1. **Approve** DAP Application reference DAP/22/02160 and accompanying plans 8 April 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 the City of Nedlands Local Planning Scheme No. 3 subject to the following conditions:

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Building

3. All works indicated on the approved plans shall be wholly located within the lot boundaries of the subject site.
4. Prior to the issue of a demolition permit and a building permit, a Demolition or Construction Management Plan (as appropriate) 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 construction and demolition processes to the satisfaction of the City.
5. All stormwater discharge from the development shall be contained and disposed of on-site unless otherwise approved by the City of Nedlands.

Landscaping

6. Prior to issue of a demolition permit and a building permit, a Tree Protection Assessment is to be undertaken and approved by the City of Nedlands for the trees along the boundary which form part of the Carnaby's Black-Cockatoo roost site, to ensure minimal disturbance during construction.
7. Prior to occupation, landscaping shall be completed in accordance with the approved plans prepared by Plan \ E dated received 8 April 2022 or any approved modifications to the satisfaction of the City of Nedlands. All landscaped areas are to be maintained on an ongoing basis for the life of the development on the site to the satisfaction of the City of Nedlands.
8. Prior to occupation, all communal and private open space areas with landscaping shall include a tap connected to an adequate water supply for the purpose of irrigation.

Design

9. 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.
10. Prior to occupation of the development the finish of the parapet walls is to be finished in accordance with the hereby approved plans.
11. All screening and obscure glazing shown on the approved plans to be installed prior to occupation and maintained at all times thereafter.
12. Prior to occupation, the balcony to Units 6 and 7 located on the west elevation and Unit 10 located the east elevation, shall be screened by 135x40 UV treated dressed hardwood panels fixed to a 45-degree angle to a minimum height of 1.6m above the finished floor level and ensuring at least 75% obscurity. The required screening shall be thereafter maintained to the satisfaction of the City of Nedlands.



13. A minimum of 20% (3) 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.

Vehicle Access and Parking

14. 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.
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20. Prior to occupation, an external lighting plan must be submitted and approved by the City of Nedlands. The lighting is to be designed and located to prevent any increase in light spill onto the adjoining properties in accordance with Australian Standard 4282 – Control of Obtrusive Effects of Outdoor Lighting.

Waste Management

21. Prior to the issue of a building permit, an amended Waste Management Plan must be prepared and approved by the City. The approved Waste Management Plan shall be complied with at all times to the satisfaction of the City of Nedlands.



Sustainability

22. Prior to occupation, the recommendations contained within the Resirate Energy Efficiency Report dated received 23 December 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.

Advice Notes

- i. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, any obligations under the Strata Titles Act, or the requirements of any other external agency.
- ii. The Construction Management Plan and Demolition Management Plans are to be prepared in the manner and form provided by the City of Nedlands.
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- iv. The applicant/owner is advised that a public open space contribution will likely be required at the subdivision stage of the development, consistent with DC 2.3 Public Open Space in Residential Areas and the Planning and Development Act 2005.
- v. The development is to be provided with adequate laundry facilities, in line with the requirements of the Health Act (Laundries and Bathrooms) Regulations and City of Nedlands Health Local Laws 2017
- vi. In relation to the Waste Management Plan, the plan is to be updated to include following information:
 - Compaction of recycling waste is not supported. Waste Management Plan is to be updated to provide for 8x360L recycling bins.
 - Specifications on the proposed waste compactor.
 - Operation of the compactor and dedicated personnel (i.e. Caretaker).
 - Describe the contingency plan if the compactor fails.
 - Include the statement under the compactor usage: "Recycling bin compaction is not permitted".
 - Include the statement "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".
 - Include a diagram with dimensions of the bin store noting an adequate distance between each bin to allow for bins to be removed easily for collection/washing.



The Report Recommendation (as amended) was put and CARRIED (3/2).

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

Against: Cr Fergus Bennett
Cr Blane Brackenridge

REASON: The majority of Panel Members considered the proposal is well designed and consistent with the planning framework, zoning and location. Due consideration was given to the road widening requirements and greenway network along Aberdare Road, the majority of Panel members were satisfied that: -

- additional widening beyond MRS road reservation provisions was not required, and
- The Local Greenways networks was considered a positive position, the current status does not include any specific size or dimensions.

Minor changes to balcony screening material to address adjoining owner concerns regarding privacy. On balance the JDAP supported the proposal consistent with the recommendation and reasons outlined 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 -

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/21/02084 DR9/2022	City of Nedlands	Lot 541 (99) Broadway, Nedlands	Mixed use development comprising 21 units and a cafe	14/01/2022



Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
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
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

The Presiding Member noted the following Supreme Court Appeal –

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 10.43am.