



## **Metro West Joint Development Assessment Panel Minutes**

**Meeting Date and Time:** 16 December 2019; 9:00 AM  
**Meeting Number:** MWJDAP/252  
**Meeting Venue:** Town of Cambridge Council Chambers  
1 Bold Park Drive  
Floreat

### **Attendance**

#### **DAP Members**

Ms Francesca Lefante (Presiding Member)  
Ms Sheryl Chaffer (A/Deputy Presiding Member) - *Arrived 9.25AM.*  
Mr Fred Zuideveld (A/Specialist Member)

#### *Item 8.1*

Cr Andres Timmermanis (Local Government Member, Town of Cambridge)  
Cr Rod Bradley (Local Government Member, Town of Cambridge)

#### *Item 9.1*

Cr Bruce Haynes (Local Government Member, Town of Claremont)

### **Officers in attendance**

#### *Item 8.1*

Ms Karen Liddell (Town of Cambridge)  
Ms Jennifer Heyes (Town of Cambridge)

#### *Item 9.1*

Ms Lisa Previti (Town of Claremont)  
Mr David Vinicombe (Town of Claremont)

### **Minute Secretary**

Ms Nancy Vanden Bergh

### **Applicants and Submitters**

#### *Item 8.1*

Mr Gianpaolo Crugnale (G-Living)  
Mr Sam Klopper (Klopper & Davis Architects)  
Ms Belinda Moharich (Moharich and More)

#### *Item 9.1*

Mr Dan Lees (element)



## Members of the Public / Media

Nil

Mr Hugo Timms from the Post was in attendance.

### 1. Declaration of Opening

The Presiding Member declared the meeting open at 9:05AM on 16 December 2019 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 2017 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

The Presiding Member advised that the meeting is being audio recorded in accordance with Section 5.16 of the DAP Standing Orders 2017 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 Presiding Member granted permission for the minute taker to record proceedings for the purpose of the minutes only.

### 2. Apologies

Mr Jarrod Ross (Deputy Presiding Member)  
Mr Jason Hick (Specialist Member)

### 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

All members declared that they had duly considered the documents.

### 6. Disclosure of Interests

DAP Member, Mr Jarrod Ross, declared an impartiality interest in item 8.1. Mr Ross' employer Taylor Burrell Barnett are employed by the Town of Cambridge to prepare their Local Planning Strategy, including community engagement, preparation of the required documentation and provision of advice on process.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2017, the Presiding Member determined that the member listed above, who had disclosed an impartiality interest, was not permitted to participate in the discussion and voting on the item.



## PROCEDURAL MOTION

**Moved by:** Ms Francesca Lefante

**Seconded by:** Mr Fred Zuideveld

That the application at Item 9.1 be heard prior to the application at Item 8.1.

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

### 7. Deputations and Presentations

- 7.1 Mr Gianpaolo Crugnale (G-Living) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.
- 7.2 Mr Sam Klopper (Klopper & Davis Architects) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.
- 7.3 Ms Belinda Moharich (Moharich and More) addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.
- 7.4 Mr Tayne Evershed (Planning Solutions) addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.
- 7.5 Cr Nelson (Town of Cambridge) addressed the DAP in relation to the application at Item 8.1.

***The presentations at Items 7.1 - 7.5 were heard prior to the application at Item 8.1.***

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

- 8.1 Property Location: Lots 11 & 19 (240-250) Railway Parade, Lots 12, 30 & 31 (2-4) Rosslyn Street and Lot 154793 Crown Reserve 7749 (Harms Lane), West Leederville
- Development Description: Mixed use residential and commercial development comprising of 2 towers (8 and 10 storeys) and 3 levels of basement car parking
- Applicant: G Living
- Owner: Lot 11 Railway Pde – Mr Scot Griffin & Mr Anthony Knight  
Lot 19 Railway Pde – Ms Jane Whiddon  
Lot 12 & 30 Rosslyn St – Mr Scot Griffin & Mr Anthony Knight  
Lot 31 Rosslyn St – Mr Bradley Martin Street and Ms Juliet Elizabeth Street  
Harms Lane – Department of Planning, Lands and Heritage
- Responsible Authority: Town of Cambridge
- DAP File No: DAP/19/01664



## REPORT RECOMMENDATION

**Moved by:** Cr Andres Timmermanis

**Seconded by:** Cr Rod Bradley

That the Metro-West JDAP resolves to:

1. **Refuse** DAP Application reference DAP/19/01664 and accompanying plans in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Town of Cambridge Local Planning Scheme No. 1, and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme for a mixed use residential and commercial development comprising of two towers (8 and 10 storeys) and three levels of basement car parking.

### Reasons

1. The proposal does not satisfy Schedule 2, Part 9, clause 67 (m) of the *Planning and Development (Local Planning Schemes) Regulations 2015* or the objectives of the R-Codes Vol 2 - Part 2 Primary Controls, the Town's West Leederville Activity Centres Plan (WLACP) and Local Planning Policy 2.5: West Leederville Precinct in regards to building bulk and scale.

The excessive building height and reduced setbacks increase the developments bulk and scale and does not meet the desired future character for the locality in regards to built form and urban design planning principles to maintain human scale buildings along street frontages and is considered to have an adverse impact on the amenity of the locality.

In addition, the separation between buildings will detrimentally impact on the amenity of future occupiers in regards to outlook and privacy.

2. The proposal does not satisfy the objectives of the R-Codes Vol 2 - Part 2, Element 2.8 Development incentives for community benefit.

The community benefits proposed are not considered to be commensurate with the additional development proposed on the site.

In addition, it is considered that the community benefits proposed are not acceptable due to their locations and being held in private ownership. There is no certainty that the community benefits, located on private land, will continue over the lifetime of the development.

3. The proposal does not meet the car parking requirement for non-residential land uses in accordance with the Town's Local Planning Policy 3.13 – Parking. In the absence of information detailing how the proposed reciprocal car parking arrangements will be managed between non-residential and residential land uses, a full and proper assessment is unable to be made.

4. The proposal does not satisfy the objectives of the R-Codes Vol 2 - Part 3, Element 3.5 Visual Privacy in regards to direct overlooking of habitable rooms and private open space within the site and of neighbouring properties.



5. The proposal does not satisfy the objectives of the R-Codes Vol 2 - Part 4, Element 4.14 Mixed Use in regards to creating a safe and secure living environment for residents. The location of the pedestrian pathway through the site combined with the vertical play ground in the north eastern corner creates access control issues that impact on the safety of the future residents.
6. The proposal does not satisfy the objectives of the R-Codes Vol 2 - Part 4, Element 4.16 Water Management and Conservation as specific water management measures to be implemented, as outlined in the submitted Sustainable Design Assessment Report, have not been clearly identified. In the absence of this information a full and proper assessment is unable to be made against this Element.
7. The proposal does not satisfy the objectives of the R-Codes Vol 2 – Part 4, Element 4.17 Waste Management as specific information relating to servicing the site for waste collection and the separation and recycling of waste has not been provided. In the absence of this information a full and proper assessment is unable to be made against this Element.

Pursuant to Schedule 2, Part 9, clause 67 (b), (g) and (h) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, it is considered the proposed bulk and scale of the development is excessive in terms of the degree of departure from the Local Planning Framework and therefore is contrary to orderly and proper planning. A significant departure from the Local Planning Framework will detrimentally impact on the future character of the area.

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

For: Cr Andres Timmermanis  
Cr Rod Bradley

Against: Ms Francesca Lefante  
Ms Sheryl Chaffer  
Mr Fred Zuideveld

**ALTERNATE MOTION**

**Moved by:** Mr Fred Zuideveld

**Seconded by:** Ms Sheryl Chaffer

That the Metro West JDAP resolves to:

1. **Approve** DAP Application reference DAP/19/01664 and accompanying plans in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the provisions of the Town of Cambridge Town Planning Scheme No. 1, and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme for a mixed use residential and commercial development comprising of two towers (8 and 10 storeys) and three levels of basement car parking subject to the following:



**Conditions:**

- 1) This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.
- 2) The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any conditions of this approval.
- 3) Lot 11 & 19 (No. 240-250) Railway Parade, Lots 12, 30 & 31 (No. 2-4) Rosslyn Street, and Lot 154793 Crown Reserve 7749 (Harms Lane), West Leederville shall be amalgamated into a single lot and the new Certificate of Title be issued prior to works commencing.
- 4) Amended plans be provided as part of the building permit application which show the following modifications to the development:
  - a) The entrance and/or the configuration of the loading dock shall be redesigned so that the service vehicle can enter and exit the development in a forward gear, and that the vehicle manoeuvring does not impact adjacent on-street parking.
  - b) A designated service bay for deliveries and pickups is to be provided.
  - c) The design of the exit from the car park on Rosslyn Street conforms to the requirements of *Australian Standard 2890.1* for pedestrian sight lines.
  - d) The Landscape Concept Plan to show the Railway Avenue street tree species as being *Angophora costata*, and the Rosslyn Street tree species as being *Corymbia ficafolia*, as per the Town's treescape plan.
  - e) Visual privacy screens are to be shown to the following apartments in accordance with the R-Codes Vol 2, Element 3.5:
    - Tower 1 above 5th Floor:
    - Balcony to Type D1 apartment: eastern and northern faces.
    - Balconies to Type C1, C2 and D1 apartments: northern face.
    - Tower 2:
    - Balcony to Type A3 and Type C2 apartments: eastern face.
    - Balcony to Type A2 apartment: western face.
- 5) Prior to practicable completion of the development all visual privacy screens shown on the approved plans, and as required in Condition 4 above, are to be installed in accordance with the Residential Design Codes Vol 2 and be maintained thereafter by the owner to the Town's satisfaction.
- 6) Car parking, Access and Bicycle Facilities
  - A minimum of 150 carparking bays shall be provided on the subject site in accordance with *Australian Standard 2890.1:2004 - Off-street car parking* and *Australian Standard 2890.6:2009 - Off -street parking for people with disabilities*.
  - A minimum of 21 car parking bays shall be sealed, marked and permanently set aside for non-residential land uses for use for the life of the development, to the satisfaction of the Town.



- All nine (9) visitor bays being located outside any security barrier and being marked, sign posted according and available for use for the life of the development, to the satisfaction of the Town.
- A minimum of one (1) loading/service bay shall be provided on the subject site in accordance with cl4.2 and Table 1 of *Australian Standard 2890.2:2002 - Off-street commercial vehicle facilities* and shall be marked and sign posted prior to the commencement of use/occupation of any part of the development and thereafter maintained for the life of the development to the satisfaction of the Town.
- All basement vehicle access ramps, all vehicle access ways and all car bays having a minimum headroom clearance of 2.2m (as measured to the lowest roof projection) in accordance with cl5.3.1 of *Australian Standard 2890.1:2004 - Off-street Car Parking*.
- All basement carpark columns are to be located in accordance with cl5.2 and Figure 5.1 of Australian Standard 2890.1:2004 - Off-street Car Parking.
- Prior to commencement of use, the existing redundant crossover to Lot 19 (No. 246-250) Railway Parade and Lot 154793 Crown Reserve 7749 (Harms Lane), West Leederville shall be removed and the verge and kerb reinstated to the satisfaction of the Town.
- Prior to commencement of use, a vehicle crossover shall be constructed to the specification and satisfaction of the Town. The vehicle crossover shall be constructed with a maximum width of 12m and thereafter maintained for the life of the development to the satisfaction of the Town.
- The existing footpath shall be retained across the proposed crossover.
- A minimum of 36 bicycle spaces to be provided for the exclusive use of residents and a minimum of 10 bicycle spaces to be provided as shown on the approved plans for the use of visitors. The bicycle facilities shall be designed in accordance with *Australian Standard 2890.3:2015 - Bicycle parking* and Council's Local Planning Policy 3.13 - Parking.
- Details of the provision of 'end-of-trip facilities to be provided to the satisfaction of the Town prior to the issue of an Occupancy Permit.
- A minimum of 18 motorcycle/scooter/gopher bay shall be provided.
- A detailed Engineering Plan shall be submitted to, and approved by the Town, prior to works commencing detailing the location and specifications of three on-street embayment car parking bays on Railway Parade as shown on the approved plans, and the footpath and kerbing works on the directly affected frontages, to be constructed at the cost of the developer.
- One (1) of the embayment car bays to be designated for the exclusive use of the car charging station.
- The location of a minimum of one (1) Type 1 Fast Charging Station(s) to be provided, and approved by the Town, prior to the issuing of a Building Permit.
- The location of a bicycle repair station to be provided, and approved by the Town, prior to the issuing of a Building Permit.

#### 7) Parking Management Plan

- A Parking Management Plan for the reciprocal use of the nine (9) visitor car parking bays shall be submitted to, and approved by, the Town prior to an Occupancy Permit. The plan is to include but not limited to addressing the following:



- The nine (9) visitor bays will be signposted as being for resident visitor parking between the hours of 5pm - 8am Monday to Friday and all day on weekends, and for use by commercial visitors between the hours of 8am and 5pm Monday to Friday with a time limit of 2 or 3 hours;
- How the reciprocal parking for the proposed development will be managed;
- How the operators will communicate reciprocal parking arrangements to the occupiers of the development;
- The roller door to the basement parking shall remain open during business hours providing free access to the visitor bays. Outside of business hours access to the resident visitor bays will be via an intercom to be installed in the driveway.

#### 8) Landscape Maintenance Plan

- A detailed Landscape Maintenance Plan to the satisfaction of the Town, shall be lodged with the Town and approved by the Town prior to the issuing of a Building Permit and is to specify:
  - the location and type of proposed trees, shrubs and other plantings within the development site;
  - areas to be irrigated and reticulated;
  - the location of deep soil zones;
  - the frequency of servicing (minimum of quarterly) to maintain a good level of presentation;
  - how access to balcony gardens and courtyards can be accessed from the building for garden maintenance; and
  - pavement treatments.
- All works shown in the landscape and maintenance plans above shall be undertaken in accordance with the approved plans to the Town's satisfaction, prior to an Occupancy Permit, and maintained thereafter for the life of the development to the satisfaction of the Town at the expense of the owner/occupiers.
- The landscaping areas shall reflect the submitted Landscape Concept Plan (prepared by 'Urban Landscaping' dated November 2019 Rev C) and be installed within six months of the development's practicable completion and be maintained thereafter by the landowner to the satisfaction of the Town.

#### 9) Schedule of External Finishes

- Prior to the commencement of development, a detailed schedule of external finishes (including materials and colour schemes and details) as shown on the approved plans, shall be submitted to, and approved by the Town. The development shall be finished in accordance with the approved schedule prior to the use or occupation of the development.
- Prior to the practicable completion of the development all parapet walls shall be finished to a professional standard, and be maintained thereafter, by the landowner to the Town's satisfaction.





## 10) Drainage

- A detailed drainage plan, demonstrating on-site retention and disposal, is to be submitted to, and approved by, the Town prior to works commencing. That Drainage Plan is to be thereafter implemented upon commencement of site works and thereafter maintained for the life of the development to the satisfaction of the Town.
- Should any dewatering of the development site be required (as determined by the Town), then prior to lodgement of the Building Permit application, a Dewatering Management Plan must be submitted to, and approved by, the Town. The Plan must be implemented upon commencement of any site works/development for their entire duration.

## 11) Construction Management Plan

Prior to lodgement of the Building Permit application, a Construction Management Plan must be submitted to, and approved by, the Town. The Plan must address the following issues, where applicable:

- Staging plan for the entire works, including timeframes and assigned responsibilities for tasks;
- public safety and amenity;
- site plan and security;
- contact details of essential site personnel, construction period and operating hours;
- community information, consultation and complaints management plan;
- noise, vibration, air and dust management;
- dilapidation reports of nearby properties;
- traffic, access and parking management including arrangements for contractor and subcontractor parking;
- waste management and materials re-use;
- earthworks, excavation, land retention/piling methods and associated matters;
- stormwater and sediment control;
- protection and management of existing roads, kerbs, footpaths, street trees and miscellaneous services;
- asbestos removal management plan; and/or
- any other matter deemed relevant by the Town.

The Plan must be implemented upon commencement of any site works/development and for their entire duration for the construction works to the satisfaction of the Town.

## 12) Waste Management Plan

- A Waste Management Plan is required to be submitted to, and be approved by, the Town prior to the issuing of a Building Permit. The plan is to include but not limited to addressing the following:
  - provide details to confirm the safe swing and reversal into the site without impacting adjacent on-street parking;
  - the width of doors that bins will be moved through to ensure ease of transfer and the method used for moving the bins between the two towers;



- the dimensions of the bin storage room in Tower 2;
  - the width and height of the secured doors to the loading facility;
  - the process for separating recycling and waste at the point of collection in the Towers, including the chute system proposed in Tower 2.
  - allowance for the commencement of Food Organics and Garden Organics, the third waste stream to be integrated into the development.
- The Waste Management Plan is to be complied with for the duration of the occupation of the development to the Town's satisfaction

### 13) Water Management and Conservation

- An amended Sustainable Design Assessment report is required to be submitted to, and be approved by, the Town prior to the issuing of a Building Permit. The plan is to include but not limited to addressing the following:
  - details on water saving initiatives are to be provided including the installation of grey water storage tanks or grey water plumbing systems;
  - provision is made for the installation of rain water tanks;
  - the installation of rain gardens or bioretention gardens, additional to the deep soil areas, to increase infiltration;
  - general water sensitive urban design principles to be clearly demonstrated; and
  - identify storage capacity for all stormwater to be retained on site to pre-development conditions.
- The development shall be connected to the Water Corporation's reticulated sewer, where available, prior to commencement of use.
- All stormwater shall be contained and disposed of on-site at all times, to the satisfaction of the Town.

### 14) Acoustic Report

The Acoustic Report (prepared by Lloyd George Acoustic and dated 30 August 2019) shall be implemented prior to commencement of use, and thereafter maintained for the life of the development, to the satisfaction of the Town.

### 15) Public Art

- In accordance with the Town's Local Planning Policy 3.19 - Percent for Public Art the landowner shall provide public art on the subject site, with a minimum cost to be no less than 1% of the construction value of the development.
- The public art design shall be submitted to, and approved by the Town prior to works commencing.



- Upon approval of the public art design, the landowner shall execute and provide to the Town a Notification pursuant to Section 70A of the Transfer of Land Act 1893 to be registered on the Certificate of Title advising prospective purchasers of the subject site that the public art forming part of the development shall be maintained at their full cost for the life of the development.
  - The public art shall thereafter be installed prior to commencement of use/occupation of any part of the development and thereafter maintained for the life of the development to the satisfaction of the Town.
- 16) Prior to lodgement of the Building Permit application, the landowner shall:
- a). Enter into a Deed of Agreement with the Town whereby they:
    - i) Indemnify the Town against any loss or damage caused to the road reserve or asset/infrastructure of the Town or to any person or property arising out of the commencement of the development/use of the road reserve in connection with the development;
    - ii) Agree to maintain the development at their full cost for the life of the development and to the satisfaction of the Town; and
    - iii) Agree to take out and maintain a policy of public liability insurance for the life of the development for not less than \$10 million to insure the Town against all claims for loss or damage caused to the road reserve or asset/infrastructure of the Town or to any person or property arising out of the commencement of the development/use of the road reserve in connection with the development.

The Agreement shall be prepared by the Town's solicitors and enable the Town to lodge an absolute caveat over the subject site. The landowner shall pay all costs associated with the Town's solicitor's preparation and execution of the Agreement and the lodgement of the absolute caveat.

- b) Execute and provide to the Town a Notification pursuant to Section 70A of the Transfer of Land Act 1893 to be registered on the Certificate of Title advising prospective purchasers of the subject land that an awning and planter boxes forming part of the development encroaches into the abutting road reserves and that the provisions of Regulation 17 of the Local Government (Uniform Local Provisions) Regulations 1996 apply to that portion of the development in connection with the road reserve.

Also that the landowner of the subject property shall maintain (at their expense and for its entire life) the awning and planter boxes within the road reserve to the satisfaction of the Town in accordance with Regulation 17(8)(a) of the Local Government (Uniform Provisions) Regulations 1996.

- 17) All structures (and associated footings) shall be contained within the lot boundaries of the subject site.
- 18) Development shall comply with Western Power electrical requirements to service the proposed development.
- 19) Any external lighting shall be located (and thereafter operated) in accordance with *Australian Standard 4282 - Control of the Obtrusive Effects of Outdoor Lighting* (as amended) and the *Town of Cambridge Private Property Local Law 2016* (as amended) to the satisfaction of the Town.



**Advice Notes:**

1. If the development the subject of this approval is not substantially commenced within a period of **two years** (or another period specified in the approval) after the date of the determination, the approval will lapse and be of no further effect.
2. Where an approval has so lapsed, no development shall be carried out without further approval of the Town having first been sought and obtained.
3. If an applicant or landowner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. An application shall be made within 28 days of the determination.
4. The applicant and the landowner are advised that a separate development application may be required for any proposed signage on the property.
5. The applicant shall be responsible for ensuring that all lot boundaries as shown on the approved plans are correct.
6. The landowner is advised that a Demolition Permit application shall be submitted to, and approved by the Town prior to any demolition work commencing on the subject site in accordance with the *Building Act 2011* and *Building Regulations 2012*.
7. Any asbestos shall be handled, removed and disposed of in accordance with the *Health (Asbestos) Regulations 1992* and the *Environmental Protection (Controlled Waste) Regulations 2004*.
8. The landowner is advised that a Building Permit application shall be submitted to, and approved by the Town prior to any construction or site works commencing on the subject site in accordance with the *Building Act 2011* and *Building Regulations 2012*.
9. With regard to Condition 5, the applicant and the landowner are advised that a "Vehicle Crossover Application Form" shall be submitted to, and approved by the Town prior to the commencement of any site works/development.

All crossovers shall be constructed in accordance with the Town's *Policy No.5.2.7 - Standard Vehicle Crossover* (as amended).

10. With regard to Condition 12, the applicant and the landowner is advised that connection to reticulated sewer requires prior approval from the Water Corporation.

Commercial and industrial premises may be required to obtain a "Trade Waste Permit" from the Water Corporation. The Trade Waste Permit may require the installation of specific equipment such as grease traps, oil separators or other devices.

11. The installation of any external air conditioning units shall be in a location and manner that ensures noise emissions do not exceed the levels prescribed in the *Environmental Protection (Noise) Regulations 1997*.



12. The noise generated by activities on-site, including machinery motors or vehicles shall not exceed the levels prescribed in the *Environmental Protection (Noise) Regulations 1997*.

All development works are to be carried out in accordance with control of noise practices set out in Australia Standard 2436 - Guide to noise and vibration control on construction, demolition and maintenance sites (as amended).

13. The undertaking of the development (including any site works) shall not cause a dust nuisance (as determined by the Town) in accordance with the Town of Cambridge Private Property Local Law 2016 (as amended).

Where required, measures such as installation of sprinklers, use of water tanks, mulching or other land management systems shall be implemented by the landowner at the direction of the Town.

14. The design, construction and fit-out for new food premises or the renovation/alteration of existing food premises shall be in accordance with *Australian Standard 4674 - Design, construction and fit-out of food premises* (as amended).

15. The landowner is advised that a "Food Act 2008 Notification/Registration Form" shall be submitted to, and approved by the Town prior to any food being prepared/sold on the premises in accordance with the *Food Act 2008* and *Food Regulations 2009*.

16. The landowner is advised that the sale of liquor requires a liquor licence from the Department of Racing, Gaming and Liquor.

Prior to applying for the liquor licence;

- i) A Section 39 "Certificate of Local Health Authority" shall be submitted to, and approved by, the Town; AND
- ii) A Section 40 "Certificate of Local Planning Authority" shall be submitted to, and approved by, the Town in accordance with the Liquor Control Act 1988.

17. The applicant and the landowner is advised that approval from Australia Post is required for the relocation of the existing street posting box on the Railway Parade frontage. The approved new location of street posting box is to be shown on amended plans to be submitted to the Town prior to the issuing of a Building Permit.



## AMENDING MOTION 1

**Moved by:** Ms Sheryl Chaffer

**Seconded by:** Mr Fred Zuideveld

That Condition 4(a) and 4(b) be deleted and the remaining conditions be renumbered accordingly.

**The Amending Motion was put and CARRIED (3/2).**

For: Ms Francesca Lefante  
Ms Sheryl Chaffer  
Mr Fred Zuideveld

Against: Cr Andres Timmermanis  
Cr Rod Bradley

**REASON:** Adequately covered through the first point of Condition 11.

## AMENDING MOTION 2

**Moved by:** Ms Sheryl Chaffer

**Seconded by:** Mr Fred Zuideveld

That Condition 17 be amended to read as follows:

*All structures (and associated footings) shall be contained within the lot boundaries of the subject site **with the exception of awnings to the frontage of the buildings along the street.***

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

**REASON:** Awnings positive to pedestrian amenity and atmosphere of the street.

## ALTERNATE MOTION (AS AMENDED)

1. **Approve** DAP Application reference DAP/19/01664 and accompanying plans in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the provisions of the Town of Cambridge Town Planning Scheme No. 1, and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme for a mixed use residential and commercial development comprising of two towers (8 and 10 storeys) and three levels of basement car parking subject to the following:

### Conditions:

- 1) This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.
- 2) The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any conditions of this approval.



- 3) Lot 11 & 19 (No. 240-250) Railway Parade, Lots 12, 30 & 31 (No. 2-4) Rosslyn Street, and Lot 154793 Crown Reserve 7749 (Harms Lane), West Leederville shall be amalgamated into a single lot and the new Certificate of Title be issued prior to works commencing.
- 4) Amended plans be provided as part of the building permit application which show the following modifications to the development:
  - a) The design of the exit from the car park on Rosslyn Street conforms to the requirements of *Australian Standard 2890.1* for pedestrian sight lines.
  - b) The Landscape Concept Plan to show the Railway Avenue street tree species as being *Angophora costata*, and the Rosslyn Street tree species as being *Corymbia ficafolia*, as per the Town's treescape plan.
  - c) Visual privacy screens are to be shown to the following apartments in accordance with the R-Codes Vol 2, Element 3.5:
    - Tower 1 above 5th Floor:
    - Balcony to Type D1 apartment: eastern and northern faces.
    - Balconies to Type C1, C2 and D1 apartments: northern face.
    - Tower 2:
    - Balcony to Type A3 and Type C2 apartments: eastern face.
    - Balcony to Type A2 apartment: western face.
- 5) Prior to practicable completion of the development all visual privacy screens shown on the approved plans, and as required in Condition 4 above, are to be installed in accordance with the Residential Design Codes Vol 2 and be maintained thereafter by the owner to the Town's satisfaction.
- 6) Car parking, Access and Bicycle Facilities
  - A minimum of 150 carparking bays shall be provided on the subject site in accordance with *Australian Standard 2890.1:2004 - Off-street car parking* and *Australian Standard 2890.6:2009 - Off -street parking for people with disabilities*.
  - A minimum of 21 car parking bays shall be sealed, marked and permanently set aside for non-residential land uses for use for the life of the development, to the satisfaction of the Town.
  - All nine (9) visitor bays being located outside any security barrier and being marked, sign posted according and available for use for the life of the development, to the satisfaction of the Town.
  - A minimum of one (1) loading/service bay shall be provided on the subject site in accordance with cl4.2 and Table 1 of *Australian Standard 2890.2:2002 - Off-street commercial vehicle facilities* and shall be marked and sign posted prior to the commencement of use/occupation of any part of the development and thereafter maintained for the life of the development to the satisfaction of the Town.
  - All basement vehicle access ramps, all vehicle access ways and all car bays having a minimum headroom clearance of 2.2m (as measured to the lowest roof projection) in accordance with cl5.3.1 of *Australian Standard 2890.1:2004 - Off-street Car Parking*.
  - All basement carpark columns are to be located in accordance with cl5.2 and Figure 5.1 of *Australian Standard 2890.1:2004 - Off-street Car Parking*.
  - Prior to commencement of use, the existing redundant crossover to Lot 19 (No. 246-250) Railway Parade and Lot 154793 Crown Reserve 7749 (Harms Lane), West Leederville shall be removed and the verge and kerb reinstated to the satisfaction of the Town.



- Prior to commencement of use, a vehicle crossover shall be constructed to the specification and satisfaction of the Town. The vehicle crossover shall be constructed with a maximum width of 12m and thereafter maintained for the life of the development to the satisfaction of the Town.
- The existing footpath shall be retained across the proposed crossover.
- A minimum of 36 bicycle spaces to be provided for the exclusive use of residents and a minimum of 10 bicycle spaces to be provided as shown on the approved plans for the use of visitors. The bicycle facilities shall be designed in accordance with *Australian Standard 2890.3:2015 - Bicycle parking* and Council's Local Planning Policy 3.13 - Parking.
- Details of the provision of 'end-of-trip facilities to be provided to the satisfaction of the Town prior to the issue of an Occupancy Permit.
- A minimum of 18 motorcycle/scooter/gopher bay shall be provided.
- A detailed Engineering Plan shall be submitted to, and approved by the Town, prior to works commencing detailing the location and specifications of three on-street embayment car parking bays on Railway Parade as shown on the approved plans, and the footpath and kerbing works on the directly affected frontages, to be constructed at the cost of the developer.
- One (1) of the embayment car bays to be designated for the exclusive use of the car charging station.
- The location of a minimum of one (1) Type 1 Fast Charging Station(s) to be provided, and approved by the Town, prior to the issuing of a Building Permit.
- The location of a bicycle repair station to be provided, and approved by the Town, prior to the issuing of a Building Permit.

#### 7) Parking Management Plan

- A Parking Management Plan for the reciprocal use of the nine (9) visitor car parking bays shall be submitted to, and approved by, the Town prior to an Occupancy Permit. The plan is to include but not limited to addressing the following:
  - The nine (9) visitor bays will be signposted as being for resident visitor parking between the hours of 5pm - 8am Monday to Friday and all day on weekends, and for use by commercial visitors between the hours of 8am and 5pm Monday to Friday with a time limit of 2 or 3 hours;
  - How the reciprocal parking for the proposed development will be managed;
  - How the operators will communicate reciprocal parking arrangements to the occupiers of the development;
  - The roller door to the basement parking shall remain open during business hours providing free access to the visitor bays. Outside of business hours access to the resident visitor bays will be via an intercom to be installed in the driveway.





8) Landscape Maintenance Plan

- A detailed Landscape Maintenance Plan to the satisfaction of the Town, shall be lodged with the Town and approved by the Town prior to the issuing of a Building Permit and is to specify:
  - the location and type of proposed trees, shrubs and other plantings within the development site;
  - areas to be irrigated and reticulated;
  - the location of deep soil zones;
  - the frequency of servicing (minimum of quarterly) to maintain a good level of presentation;
  - how access to balcony gardens and courtyards can be accessed from the building for garden maintenance; and
  - pavement treatments.
- All works shown in the landscape and maintenance plans above shall be undertaken in accordance with the approved plans to the Town's satisfaction, prior to an Occupancy Permit, and maintained thereafter for the life of the development to the satisfaction of the Town at the expense of the owner/occupiers.
- The landscaping areas shall reflect the submitted Landscape Concept Plan (prepared by 'Urban Landscaping' dated November 2019 Rev C) and be installed within six months of the development's practicable completion and be maintained thereafter by the landowner to the satisfaction of the Town.

9) Schedule of External Finishes

- Prior to the commencement of development, a detailed schedule of external finishes (including materials and colour schemes and details) as shown on the approved plans, shall be submitted to, and approved by the Town. The development shall be finished in accordance with the approved schedule prior to the use or occupation of the development.
- Prior to the practicable completion of the development all parapet walls shall be finished to a professional standard, and be maintained thereafter, by the landowner to the Town's satisfaction.

10) Drainage

- A detailed drainage plan, demonstrating on-site retention and disposal, is to be submitted to, and approved by, the Town prior to works commencing. That Drainage Plan is to be thereafter implemented upon commencement of site works and thereafter maintained for the life of the development to the satisfaction of the Town.
- Should any dewatering of the development site be required (as determined by the Town), then prior to lodgement of the Building Permit application, a Dewatering Management Plan must be submitted to, and approved by, the Town. The Plan must be implemented upon commencement of any site works/development for their entire duration.



## 11) Construction Management Plan

Prior to lodgement of the Building Permit application, a Construction Management Plan must be submitted to, and approved by, the Town. The Plan must address the following issues, where applicable:

- Staging plan for the entire works, including timeframes and assigned responsibilities for tasks;
- public safety and amenity;
- site plan and security;
- contact details of essential site personnel, construction period and operating hours;
- community information, consultation and complaints management plan;
- noise, vibration, air and dust management;
- dilapidation reports of nearby properties;
- traffic, access and parking management including arrangements for contractor and subcontractor parking;
- waste management and materials re-use;
- earthworks, excavation, land retention/piling methods and associated matters;
- stormwater and sediment control;
- protection and management of existing roads, kerbs, footpaths, street trees and miscellaneous services;
- asbestos removal management plan; and/or
- any other matter deemed relevant by the Town.

The Plan must be implemented upon commencement of any site works/development and for their entire duration for the construction works to the satisfaction of the Town.

## 12) Waste Management Plan

- A Waste Management Plan is required to be submitted to, and be approved by, the Town prior to the issuing of a Building Permit. The plan is to include but not limited to addressing the following:
  - provide details to confirm the safe swing and reversal into the site without impacting adjacent on-street parking;
  - the width of doors that bins will be moved through to ensure ease of transfer and the method used for moving the bins between the two towers;
  - the dimensions of the bin storage room in Tower 2;
  - the width and height of the secured doors to the loading facility;
  - the process for separating recycling and waste at the point of collection in the Towers, including the chute system proposed in Tower 2.
  - allowance for the commencement of Food Organics and Garden Organics, the third waste stream to be integrated into the development.
- The Waste Management Plan is to be complied with for the duration of the occupation of the development to the Town's satisfaction



13) Water Management and Conservation

- An amended Sustainable Design Assessment report is required to be submitted to, and be approved by, the Town prior to the issuing of a Building Permit. The plan is to include but not limited to addressing the following:
  - details on water saving initiatives are to be provided including the installation of grey water storage tanks or grey water plumbing systems;
  - provision is made for the installation of rain water tanks;
  - the installation of rain gardens or bioretention gardens, additional to the deep soil areas, to increase infiltration;
  - general water sensitive urban design principles to be clearly demonstrated; and
  - identify storage capacity for all stormwater to be retained on site to pre-development conditions.
- The development shall be connected to the Water Corporation's reticulated sewer, where available, prior to commencement of use.
- All stormwater shall be contained and disposed of on-site at all times, to the satisfaction of the Town.

14) Acoustic Report

The Acoustic Report (prepared by Lloyd George Acoustic and dated 30 August 2019) shall be implemented prior to commencement of use, and thereafter maintained for the life of the development, to the satisfaction of the Town.

15) Public Art

- In accordance with the Town's Local Planning Policy 3.19 - Percent for Public Art the landowner shall provide public art on the subject site, with a minimum cost to be no less than 1% of the construction value of the development.
- The public art design shall be submitted to, and approved by the Town prior to works commencing.
- Upon approval of the public art design, the landowner shall execute and provide to the Town a Notification pursuant to Section 70A of the Transfer of Land Act 1893 to be registered on the Certificate of Title advising prospective purchasers of the subject site that the public art forming part of the development shall be maintained at their full cost for the life of the development.
- The public art shall thereafter be installed prior to commencement of use/occupation of any part of the development and thereafter maintained for the life of the development to the satisfaction of the Town.

16) Prior to lodgement of the Building Permit application, the landowner shall:

- a). Enter into a Deed of Agreement with the Town whereby they:
  - i) Indemnify the Town against any loss or damage caused to the road reserve or asset/infrastructure of the Town or to any person or property arising out of the commencement of the development/use of the road reserve in connection with the development;



- ii) Agree to maintain the development at their full cost for the life of the development and to the satisfaction of the Town; and
- iii) Agree to take out and maintain a policy of public liability insurance for the life of the development for not less than \$10 million to insure the Town against all claims for loss or damage caused to the road reserve or asset/infrastructure of the Town or to any person or property arising out of the commencement of the development/use of the road reserve in connection with the development.

The Agreement shall be prepared by the Town's solicitors and enable the Town to lodge an absolute caveat over the subject site. The landowner shall pay all costs associated with the Town's solicitor's preparation and execution of the Agreement and the lodgement of the absolute caveat.

- b) Execute and provide to the Town a Notification pursuant to Section 70A of the Transfer of Land Act 1893 to be registered on the Certificate of Title advising prospective purchasers of the subject land that an awning and planter boxes forming part of the development encroaches into the abutting road reserves and that the provisions of Regulation 17 of the Local Government (Uniform Local Provisions) Regulations 1996 apply to that portion of the development in connection with the road reserve.

Also that the landowner of the subject property shall maintain (at their expense and for its entire life) the awning and planter boxes within the road reserve to the satisfaction of the Town in accordance with Regulation 17(8)(a) of the Local Government (Uniform Provisions) Regulations 1996.

- 17) All structures (and associated footings) shall be contained within the lot boundaries of the subject site with the exception of awnings to the frontage of the buildings along the street.
- 18) Development shall comply with Western Power electrical requirements to service the proposed development.
- 19) Any external lighting shall be located (and thereafter operated) in accordance with *Australian Standard 4282 - Control of the Obtrusive Effects of Outdoor Lighting* (as amended) and the *Town of Cambridge Private Property Local Law 2016* (as amended) to the satisfaction of the Town.

#### **Advice Notes:**

- 1. If the development the subject of this approval is not substantially commenced within a period of **two years** (or another period specified in the approval) after the date of the determination, the approval will lapse and be of no further effect.
- 2. Where an approval has so lapsed, no development shall be carried out without further approval of the Town having first been sought and obtained.
- 3. If an applicant or landowner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. An application shall be made within 28 days of the determination.



4. The applicant and the landowner are advised that a separate development application may be required for any proposed signage on the property.
5. The applicant shall be responsible for ensuring that all lot boundaries as shown on the approved plans are correct.
6. The landowner is advised that a Demolition Permit application shall be submitted to, and approved by the Town prior to any demolition work commencing on the subject site in accordance with the *Building Act 2011* and *Building Regulations 2012*.
7. Any asbestos shall be handled, removed and disposed of in accordance with the *Health (Asbestos) Regulations 1992* and the *Environmental Protection (Controlled Waste) Regulations 2004*.
8. The landowner is advised that a Building Permit application shall be submitted to, and approved by the Town prior to any construction or site works commencing on the subject site in accordance with the *Building Act 2011* and *Building Regulations 2012*.
9. With regard to Condition 5, the applicant and the landowner are advised that a "Vehicle Crossover Application Form" shall be submitted to, and approved by the Town prior to the commencement of any site works/development.

All crossovers shall be constructed in accordance with the Town's *Policy No.5.2.7 - Standard Vehicle Crossover* (as amended).

10. With regard to Condition 12, the applicant and the landowner is advised that connection to reticulated sewer requires prior approval from the Water Corporation.

Commercial and industrial premises may be required to obtain a "Trade Waste Permit" from the Water Corporation. The Trade Waste Permit may require the installation of specific equipment such as grease traps, oil separators or other devices.

11. The installation of any external air conditioning units shall be in a location and manner that ensures noise emissions do not exceed the levels prescribed in the *Environmental Protection (Noise) Regulations 1997*.
12. The noise generated by activities on-site, including machinery motors or vehicles shall not exceed the levels prescribed in the *Environmental Protection (Noise) Regulations 1997*.

All development works are to be carried out in accordance with control of noise practices set out in Australia Standard 2436 - Guide to noise and vibration control on construction, demolition and maintenance sites (as amended).

13. The undertaking of the development (including any site works) shall not cause a dust nuisance (as determined by the Town) in accordance with the Town of Cambridge Private Property Local Law 2016 (as amended).



Where required, measures such as installation of sprinklers, use of water tanks, mulching or other land management systems shall be implemented by the landowner at the direction of the Town.

14. The design, construction and fit-out for new food premises or the renovation/alteration of existing food premises shall be in accordance with *Australian Standard 4674 - Design, construction and fit-out of food premises* (as amended).
15. The landowner is advised that a "Food Act 2008 Notification/Registration Form" shall be submitted to, and approved by the Town prior to any food being prepared/sold on the premises in accordance with the *Food Act 2008* and *Food Regulations 2009*.
16. The landowner is advised that the sale of liquor requires a liquor licence from the Department of Racing, Gaming and Liquor.  
  
Prior to applying for the liquor licence;
  - iii) A Section 39 "Certificate of Local Health Authority" shall be submitted to, and approved by, the Town; AND
  - iv) A Section 40 "Certificate of Local Planning Authority" shall be submitted to, and approved by, the Town in accordance with the Liquor Control Act 1988.
18. The applicant and the landowner is advised that approval from Australia Post is required for the relocation of the existing street posting box on the Railway Parade frontage. The approved new location of street posting box is to be shown on amended plans to be submitted to the Town prior to the issuing of a Building Permit.

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

For: Ms Francesca Lefante  
Ms Sheryl Chaffer  
Mr Fred Zuideveld

Against: Cr Andres Timmermanis  
Cr Rod Bradley

**REASON:** In accordance with details contained alternate motion.

- 9.1** Property Location: Lot 123 & 200 (13-15) Dean Street, Claremont  
Development Description: Demolition of existing dwelling, modifications to existing heritage building and construction of 16 Aged Persons' (Multiple) Dwellings  
Proposed Amendments: Modifications to basement car park, ceiling heights and balcony depths  
Applicant: element  
Owner: CHC (St Louis) Pty Ltd  
Responsible Authority: Town of Claremont  
DAP File No: DAP/19/01563



## REPORT RECOMMENDATION

**Moved by:** Cr Bruce Haynes

**Seconded by:** Mr Fred Zuideveld

That the Metro West JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/19/010563 as detailed on the DAP Form 2 dated 4 September 2019 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** the DAP Application reference DAP/19/010563 as detailed on the DAP Form 2 date 4 September 2019 and accompanying plans Attachment 4 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 Part V of the Town of Claremont Local Planning Scheme No.3, for the proposed minor amendment to the approved Demolition of existing dwelling, modifications to existing heritage building and construction of 16 Aged Persons' (Multiple) Dwellings at 13-15 Dean Street, Claremont, subject to:

### New Conditions

1. In all other respects, development is to occur in accordance with the drawings submitted with the application for amendment to development approval (Development Application 2019.00107), and those same conditions and advice notes of the Metro West Development Assessment Panel approval DAP/19/01563 dated 15 April 2019.
2. All minibus parking, and loading and unloading take place on site and not on Dean Street during or after construction of the Development, unless approved by the Town of Claremont.

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

**REASON:** In accordance with details contained in the Responsible Authority Report.

### 9. Appeals to the State Administrative Tribunal

The Presiding Member noted the following State Administrative Tribunal Applications –

Current Applications		
LG Name	Property Location	Application Description
Town of Cambridge	Lot 2 (130) and Lot 3 (132) Brookdale Street, Floreat	Child Care Centre
Town of Claremont	Lots 18 (164) and 19 (162) Alfred Road, Swanbourne	Proposed Childcare Centre



## **10. General Business / Meeting Close**

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2017 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.

There being no further business, the Presiding Member declared the meeting closed at 11:45am