



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

**Meeting Date and Time:** 19 November 2019; 9:00am  
**Meeting Number:** MWJDAP/249  
**Meeting Venue:** Town of Cambridge Council Chambers  
1 Bold Park Drive  
Floreat

### **Attendance**

#### **DAP Members**

Ms Francesca Lefante (Presiding Member)  
Ms Lee O'Donohue (A/Deputy Presiding Member)  
Mr Justin Page (A/Specialist Member)  
Cr Andre Timmermanis (Local Government Member, Town of Cambridge)  
Cr Rod Bradley (Local Government Member, Town of Cambridge)

#### **Officers in attendance**

Mr Steve Laming (Town of Cambridge)  
Ms Jennifer Heyes (Town of Cambridge)  
Mr Peter Foxcroft (Town of Cambridge)

#### **Minute Secretary**

Mr John Carter (Town of Cambridge)

#### **Applicants and Submitters**

Mr Petar Mrdja (Urbanista Town Planning)  
Mr Paul Ghantous (Urbii)  
Mr Matt Buckley (Matt Buckley Designs)

#### **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 9:03am on 19 November 2019 and acknowledged the traditional owners and paid respects 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.

## **7. Deputations and Presentations**

- 7.1** Mr Petar Mrdja (Urbanista Town Planning) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.
- 7.2** Mr Matt Buckley (Matt Buckley Designs) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.
- 7.3** Mr Paul Ghantous (Urbii) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.
- 7.4** Ms Jennifer Heyes (Town of Cambridge) addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.



7.5 Mr Peter Foxcroft (Town of Cambridge) 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 Property Location: Lot 1 (51) Cambridge Street, West Leederville  
Development Description: Three-Storey Mixed Use Development  
Comprising One (1) Office, Six (6) Multiple  
Applicant: Matt Buckley Designs  
Owner: Auswell Development Pty Ltd  
Responsible Authority: Town of Cambridge  
DAP File No: DAP/19/01659

### REPORT RECOMMENDATION

**Moved by:** Cr Andre Timmermanis

**Seconded by:** Cr Rod Bradley

*With the agreement of the mover and seconder, the following amendments were made:*

(i) *That Condition 2 be amended to read as follows:*

*The ground floor office shall be reconfigured to provide two-way vehicle access with a minimum depth of 12m and a minimum width of ~~4.8~~ 5.5m from the front boundary to the internal vehicle access area.*

*Amended plans showing the above shall be submitted to the Town for approval prior to the submission of a Building Permit application. The amended plans shall be to the satisfaction of the Town.*

**REASON:** *Width reduced to provide two-way access, increase landscaping, reduce impact on office space and provide for waste management (bin presentation area).*

(ii) *That Condition 7 be amended to read as follows:*

*The proposed crossover ~~shall have a maximum width of 5.5m inclusive of splays~~ and shall be constructed in accordance with the Town's specifications and thereafter maintained for the life of the development to the satisfaction of the Town.*

**REASON:** *Due to the modification of Condition 2, in which the driveway was modified to 4.8m width. The final crossover width is to be determined between the Town and Applicant based on amended plans resulting from Condition 2.*

That the Metro West JDAP resolves to:

**Approve** DAP Application reference DAP/19/01659 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*, for a Three-Storey Mixed Use Development Comprising One (1) Office, Six (6) Multiple Dwellings and Car Parking at Lot 1 (No. 51) Cambridge Street, West Leederville subject to the following conditions:

### Conditions



1. 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.
2. The ground floor office shall be reconfigured to provide two-way vehicle access with a minimum depth of 12m and a minimum width of 4.8m from the front boundary to the internal vehicle access area.

Amended plans showing the above shall be submitted to the Town for approval prior to the submission of a Building Permit application. The amended plans shall be to the satisfaction of the Town.

3. A detailed drainage plan, demonstrating on-site retention and disposal, is to be submitted to, and approved by, the Town prior to the lodgement of the Building Permit application.

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.

4. 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.

5. Prior to commencement of use/occupation of any part of the development, the redundant crossover shall be removed and the kerb reinstated to the specification and satisfaction of the Town.

6. Operating hours of the Office shall be restricted to the following:
  - Monday to Friday: 7:30am - 5:30pm; and
  - Saturday, Sunday and Public Holidays: CLOSED.

7. The proposed crossover shall be constructed in accordance with the Town's specifications and thereafter maintained for the life of the development to the satisfaction of the Town.

8. The existing footpath shall be retained across the proposed crossover.

9. The carparking bays, as shown on the approved plans, shall be provided and be clearly marked on the ground and served by a minimum 5.8m wide paved/sealed accessway. All basement vehicle access ramps, all vehicle accessways and all car bays are to have 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*.

10. 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*.



11. Prior to practical completion of the development, the two (2) shared commercial/residential visitor carparking bays shall be marked and sign posted to the effect of the following:
  - Commercial: Between Monday and Friday 7:30am to 5:30pm;
  - Residential Visitors: Between Monday and Friday 5:30pm to 7:30am. No restrictions Saturday, Sunday and Public Holidays;and shall be available for use for the life of the development, to the satisfaction of the Town and prior to the occupancy of any dwelling.
12. Prior to practical completion of the development, a minimum of five (5) bicycle spaces, comprising three (3) resident spaces, one (1) office space and one (1) residential visitor space shall be provided at the subject site and signposted accordingly in accordance with *Australian Standard 2890.3:2015 - Bicycle parking* and Council's Local Planning Policy 3.13 - Parking.
13. 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.
14. All structures (and associated footings) shall be contained within the lot boundaries of the subject site.
15. Prior to the practicable completion of the development all boundary walls shall be finished to a professional standard, and be maintained thereafter, by the landowner to the Town's satisfaction.
16. The development shall incorporate all colours and materials as shown on the approved Elevation Plans to the satisfaction of the Town prior to the practical completion of the development.
17. A detailed Landscaping and Reticulation Plan shall be submitted to, and approved by the Town prior to the lodgement of a Building Permit application.

That Plan shall reflect the submitted Landscape Concept Plan (prepared by 'R Haus Landscape Architecture Studio' (dated May 2019) and is to specify:

  - deep soil planting areas, showing the location and type of proposed trees, shrubs and other plantings within the development site;
  - the suitability of each plant selection in relation to the solar exposure each plant will receive in its location.
  - maintenance scheduling and designation of responsibilities; and
  - pavement treatments (if relevant).All landscaping must be completed in accordance with the approved Plan prior to the occupation of any dwelling and thereafter be maintained by the landowner to the satisfaction of the Town for the life of the development.
18. A Waste Management Plan shall be submitted to the Town for final approval to the satisfaction of the Town prior to the use/occupation of any part of the development and is to be thereafter implemented and maintained by the landowner to the satisfaction of the Town for the life of the development.



19. 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 (as determined by the Town):
- a) Staging plan for the entire works, including timeframes and assigned responsibilities for tasks;
  - b) Contact details of essential site personnel, construction period and operating hours;
  - c) The on-site storage of materials and equipment
  - d) Site security and public safety and amenity measures;
  - e) Community information, consultation and complaints and incident procedures;
  - f) Traffic, access and parking management;
  - g) Vibration, air, dust and noise management;
  - h) Dilapidation reports of nearby properties;
  - i) Waste management and materials re-use;
  - j) Earthworks, excavation, land retention/piling methods and associated matters;
  - k) Stormwater and sediment control;
  - l) Protection of existing roads, kerbs, footpaths, street trees and miscellaneous services;
  - m) Asbestos removal
  - n) Any other matter deemed relevant by the Town.

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

20. The landowner shall comply with the Town's *Local Planning Policy 3.19 - Percent for Public Art* by providing public art on the subject site, with a minimum value of \$20,000.

The public art design shall be submitted to, and approved by the Town prior to any works commencing on-site.

Upon approval of the public art design, the landowner shall at their expense 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 by the landowner for the life of the development 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 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 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*.
5. 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*.
6. In accordance with the *Building Act 2011* and *Building Regulations 2012*, a Building Permit application shall be submitted to, and approved by the Town's Building Services branch prior to any construction or earthworks commencing on the subject site.
7. With respect to the requisite Drainage Plan, the landowner/applicant is advised that the proposed drainage infrastructure shall be accessible for inspection by camera inspection equipment and jetting/cleaning equipment.
8. The landowner/applicant shall be responsible for ensuring that all lot boundaries as shown on the approved plans are correct.
9. The landowner/applicant is advised that dividing fencing between properties is a civil matter between abutting landowners in accordance with the *Dividing Fences Act 1961*.
10. All works within the road reserve, such as crossovers, verge treatments and landscaping require a separate application and approval by the Town's Infrastructure section. All works shall conform to the Town's specifications.
11. A separate development application shall be submitted to, and approved by, the Town prior to the erection/installation of any of any signage on the premises that is not exempt from requiring development approval.
12. The noise generated by activities on-site, including machinery motors or vehicles is not to exceed the levels as set out under the *Environmental Protection (Noise) Regulations 1997*.

All development works are to be carried out in accordance with control of noise practices set out in Section 6 of *Australia Standard 2436:2010 - Guide to Noise and Vibration Control on Construction, Demolition and Maintenance Sites*.

No works shall commence prior to 7am without the Town's approval.

13. The landowner/applicant is advised that the installation of any external air conditioning units shall be in a location and manner that ensures noise emissions comply with the *Environmental Protection (Noise) Regulations 1997*.
14. The implementation of the development shall not cause a dust nuisance to surrounding properties (as determined by the Town) in accordance with the Town of Cambridge Private Property Local Law 2016 (as amended).



Where appropriate, measures such as installation of sprinklers, use of water tanks, mulching or other land management systems shall be implemented by the landowner/developer at the direction of the Town if the Town determines that a dust nuisance exists.

15. A suitable waste receptacle enclosure for the storage and cleaning of waste receptacles must be constructed in accordance with Part 5 of the Town of Cambridge's Health Local Law 2016.
16. Any air-conditioning units must be installed and operated in compliance with the Environmental Protection (Noise) Regulations 1997.
17. Operations of the premises are to comply with the Environmental Protection (Noise) Regulations 1997 at all times.
18. All delivery or collection vehicles, including waste management vehicles, operating outside the period of 7:00am to 7:00pm Monday to Saturday and at any time of Sundays and Public Holidays is not permitted.
19. The carpark is required to comply with the Health (Miscellaneous Provisions) Act 1911 and the Health (Carbon Monoxide) Regulations 1975 (if applicable).
20. Adequate mechanical or natural ventilation to be provided to the carpark in accordance with AS 1668.2-2012 or AS 1668.4-2012 as applicable.
21. Laundry facilities to comply with the Health Act (Laundries and Bathrooms) Regulations.

#### **AMENDING MOTION**

**Moved by:** Ms Francesca Lefante

**Seconded by:** Nil

That condition 2 be deleted and remaining conditions be renumbered accordingly.

**The Amending Motion LAPSED for want of a seconder.**

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

For: Ms Lee O'Donohue  
Mr Justin Page  
Cr Rod Bradley  
Cr Andre Timmermanis

Against: Ms Francesca Lefante

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

#### **9. Form 2 – Responsible Authority Reports – Amending or cancelling DAP development approval**

Nil





## 10. Appeals to the State Administrative Tribunal

The Presiding Member noted the following State Administrative Tribunal Applications –

Current SAT 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
Town of Claremont	Lot 508 (3) Shenton Road, Claremont	Eight Storey Mixed Use Development

## 11. General Business / Meeting Close

There being no further business, the Presiding Member declared the meeting closed at 10:43am.