



Metro West Joint Development Assessment Panel Minutes

Meeting Date and Time: 3 February 2020; 9:30 AM
Meeting Number: MWJDAP/257
Meeting Venue: City of Vincent
244 Vincent Street
Leederville

Attendance

DAP Members

Ms Francesca Lefante (Presiding Member)
Mr Jarrod Ross (Deputy Presiding Member)
Mr Jason Hick (Specialist Member)

Item 8.1

Cr Joshua Topelberg (Local Government Member, City of Vincent)

Item 9.1

Cr Derek Nash (Local Government Member, City of Subiaco)

Officers in attendance

Item 8.1

Mr Jay Naidoo (City of Vincent)
Ms Joslin Colli (City of Vincent)
Mr Max Bindon (City of Vincent)

Item 9.1

Mr Matthew Cain (City of Subiaco)
Mr Alexander Petrovski (City of Subiaco)

Minute Secretary

Ms Kylie Tichelaar (City of Vincent)

Applicants and Submitters

Item 8.1

Ms Reegan Cake (Dynamic Planning)

Item 9.1

Mr Shayne Isbister (Blackburne)
Mr Ben Doyle (Planning Solutions)
Mr Matthew Chau (Blackburne)
Mr Tim Boekhoorn (Hames Sharley)
Ms Ines Janca



Members of the Public / Media

There was 1 member of the public in attendance.

Mr Lloyd Gorman from The Post was in attendance.

Ms Victoria Rifici from Eastern Reporter was in attendance.

1. Declaration of Opening

The Presiding Member declared the meeting open at 9:31 am on 3 February 2020 and acknowledged the traditional owners and pay 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

Cr Dan Loden (Local Government Member, City of Vincent)

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

Nil



7. Deputations and Presentations

- 7.1 Mr Ines Janca presenting addressed the DAP against the application at Item No. 9.1.
- 7.2 Mr Ben Doyle (Planning Solutions) addressed the DAP in support of the application at Item No. 9.1 and responded to questions from the panel.
- 7.3 Mr Jay Naidoo (City of Vincent) responded to questions from the panel in relation to Item 9.1.

The presentations at items 7.1 to 7.3 were heard prior to application at Item 9.1

- 7.4 Mr Reegan Cake (Dynamic Planning and Developments) addressed the DAP in support of the application at Item No. 8.1 and responded to questions from the panel.
- 7.5 Mr Jay Naidoo (City of Vincent) responded to questions from the panel in relation to Item 9.1.

The presentations at items 7.4 to 7.5 was heard prior to application at Item 8.1

PROCEDURAL MOTION 1

Moved by: Ms Francesca Lefante

Seconded by: Cr Joshua Topelberg

That the application at Item No. 9.1 be heard prior to the application at Item No. 8.1

The Procedural Motion was put and CARRIED UNANIMOUSLY

REASON: To facilitate the requirements of the members and time constraints relating to Item 9.1

PROCEDURAL MOTION 2

Moved by: Ms Francesca Lefante

Seconded by: Mr Jarrod Ross

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

REASON: To allow panel members to change for Item 8.1 (City of Vincent).

The meeting was adjourned at 9:50 am

The meeting was reconvened at 9:52 am.

The Procedural Motion was put and CARRIED UNANIMOUSLY



8. Form 1 – Responsible Authority Reports – DAP Application

| | |
|--------------------------|--|
| 8.1 Property Location: | Nos. 77-83 (Lots 456 and 17) Scarborough Beach Road, Mount Hawthorn |
| Development Description: | Proposed Child care Premises |
| Applicant: | Dynamic Planning and Developments |
| Owner: | Colaust Pty Ltd |
| Responsible Authority: | City of Vincent |
| DAP File No: | DAP/19/01674 |

REPORT RECOMMENDATION

Moved by: Nil

Seconded by: Nil

That the Metro West Joint Development Assessment Panel resolves to:

1. **Refuse** DAP Application reference DAP/19/01674 and accompanying plans referenced as drawings S01 rev2, S02 rev3, S03 rev3, S04 rev2 and landscaping plans 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 Vincent Local Planning Scheme No. 2, for the following reasons:

Reasons

1. The proposed development is inconsistent with the City of Vincent's Local Planning Scheme No. 2 and the objectives of the Mixed Use zone as the development:
 - a) Has not been designed to provide for an active use and that contributes activity at street level to Scarborough Beach Road;
 - b) Has not been designed so that it achieves an appropriate built form response that is compatible with and complimentary to the surrounding properties, and that also provides passive surveillance of Imbros Lane;
 - c) Does not sufficiently incorporate sustainability principles relating to solar passive design and water conservation; and
 - d) Has not been demonstrated that the noise emitted would achieve compliance with the *Environmental Protection (Noise) Regulation 1997* and would not negatively impact on or cause nuisance to the adjoining properties.
2. Having regard to Clause 67(m) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the design principles of Clauses 1.2 (Setbacks), 1.4 (Ground Floor Design), 1.5 (Awnings, Verandahs and Collonades) and 1.6 (Building Design) of the City's Policy No. 7.1.1 – Built Form, the development has not been designed to be physically compatible with its setting. Further to reason 1(a) and (b), this is due to the development not incorporating design elements and building façade articulation that reduce the impact of building bulk, facilitate the provision of landscaping or address Imbros Lane. The resultant built form outcome would have a detrimental impact on the visual amenity of the area and does not appropriately address these street and laneway frontages.



3. The development does not satisfy the design principles of Clauses 1.5 (Awnings, Verandahs and Collonades) or 1.9 (Pedestrian Access) of the City's Policy No. 7.1.1 – Built Form. Insufficient weather protection is provided for pedestrians at the building entrance and along Scarborough Beach Road. Entrance to the building is not legible and is not readily identifiable from Scarborough Beach Road. Legibility and way finding through the site and car park area for patrons is reduced due to the design and layout of the car park.
4. The proposed landscaping does not satisfy the design principles of Clause 1.7 (Landscaping) of the City's Policy No. 7.1.1 – Built Form due to the limited provision of canopy coverage and deep soil areas across the site to provide amenity for patrons, reduce the impact of the development on the streetscape, increase urban air quality and reduce the impact of the urban heat island effect.
5. Having regard to Clause 67(s) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the design principles of Clause 1.10 (Vehicle Access & Parking) of the City's Policy No. 7.1.1 – Built Form, the car park has not been designed to adequately provide safe manoeuvring and parking of vehicles to car bay 19, resulting in a parking arrangement that is not convenient and functional and that would not prevent vehicle congestion within the site and queueing on Scarborough Beach Road. The lack of a functional car park layout results in reduced safety for patrons moving between the car park and child care premises entrance.
6. The development does not satisfy the design principles of Clause 1.8 (Environmentally Sustainable Design) of the City's Policy No. 7.1.1 – Built Form as it does not incorporate environmental sustainable design features to reduce solar passive gain in summer to the north-eastern façade and does not demonstrate a capability for the recovery and re-use of water for non-potable applications.

The Report Recommendation LAPSED for want of a mover and a seconder

PROCEDURAL MOTION 3

Moved by: Ms Francesca Lefante

Seconded by: Mr Jarrod Ross

That the Standing Orders be suspended in accordance with section 5.10.2h of the DAP Standing Orders 2017 to allow members to speak more than once on the same item and continue further debate on details.

The Procedural Motion was put and CARRIED UNANIMOUSLY

The standing orders was suspended at 10:07 am

PROCEDURAL MOTION 4

Moved by: Cr Joshua Topelberg

Seconded by: Mr Jarrod Ross

To reinstate the Development Assessment Panel Standing Orders

The Procedural Motion was put and CARRIED UNANIMOUSLY

The standing order was reinstated at 10:37 am



PROCEDURAL MOTION 5

Moved by: Mr Jarrod Ross

Seconded by: Cr Joshua Topelberg

To defer consideration of the application for a period of no more than 90 days to allow the applicant to further consider the Officers' advice as outlined in the Responsible Authority Report of 3 Feb 2020 and undertake a review of the development proposal and submit any revised plans no later than 14 days from this decision.

Particular attention should be given to:

- The development interface with Scarborough Beach Road through the provision of awnings, major entry points, passive surveillance and activation of the streetscape.
- The development interface with Imbros Lane to provide passive surveillance of the laneway;
- The extent of onsite landscaping provided in the context of the relevant policy provisions;
- Ensuring the car park design is highly functional and provides for safety of pedestrian movement; and
- Further consideration of amenity impacts on surrounding properties.

The Procedural Motion was put and CARRIED UNANIMOUSLY

REASON: The matter was deferred to provide sufficient time for the applicant to provide further information relating to building streetscape, interface, surveillance and activation of Scarborough Beach Rd and Imbros Lane.

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

| | |
|--------------------------|--|
| 9.1 Property Location: | Lot 22 (10) Rokeby Road and Lot 19 (375) Roberts Road, Subiaco |
| Development Description: | Demolition of existing buildings (Subiaco Pavilion Market) and development of a 24 storey mixed use building |
| Proposed Amendments: | Minor Amendments to approved plans |
| Applicant: | Planning Solutions |
| Owner: | 10 Rockeby Road Subiaco Pty Ltd Matthew Chan |
| Responsible Authority: | City of Subiaco |
| DAP File No: | DAP/18/01530 |



REPORT RECOMMENDATION

Moved by: Mr Jarrod Ross

Seconded by: Cr Derek Nash

That the Metro West Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/18/01530 as detailed on the DAP Form 2 dated 8 November 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/18/01530 as detailed on the DAP Form 2 dated 8 November 2019 and accompanying plans (SD000 Rev C – Cover Sheet; SD100 Rev C – Site Plan; SD101 Rev B - Ground Floor Landscape; SD200 Rev E – Floor Plan Basement 2 Residential Parking; SD201 Rev E – Floor Plan Basement 1 Commercial Parking; SD202 Rev E – Floor Plan Ground Floor; SD203 Rev D – Floor Plan Level 1; SD204 Rev D – Floor Plan Level 2-3; SD205 Rev D – Floor Plan Level 4; SD206 Rev D – Floor Plan Level 5; SD207 Rev F – Floor Plan Level 6; SD208 Rev D – Floor Plan Level 7-8; SD208A Rev C – Floor Plan Level 9; SD208B Rev C – Floor Plan Level 10-12; SD209 Rev D – Floor Plan Level 13-20; SD210 Rev D – Floor Plan Level 21-23; SD211 Rev B – Floor Plan Roof; SD400 Rev D – Elevations; SD401 Rev D – Elevations; SD402 Rev D – Elevations; SD403 Rev D – Elevations; SD404 Rev D – Elevations; SD501 Rev B – Shadow Diagrams; SD502 Rev B – Shadow Diagrams) 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 Subiaco Town Planning Scheme No. 4*, for the proposed amendments to the approved development at 10 Rokeby Road & 375 Roberts Road, Subiaco; and
3. All conditions and requirements detailed on the Joint Development Assessment Panel approval dated 22 February 2019 and included in Attachment 1 shall continue to apply to this approval unless altered by this application.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

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

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 |



11. 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 10:39am.