



Metro West Joint Development Assessment Panel Minutes

Meeting Date and Time: 6 February 2020; 9:30 AM
Meeting Number: MWJDAP/259
Meeting Venue: Town of Cambridge Council Chambers
1 Bold Park, Floreat

Attendance

DAP Members

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

Item 8.1

Cr Kerry Smyth (Local Government Member, City of Nedlands)
Cr John Wetherall (Local Government Member, City of Nedlands)

Item 10.1

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

Officers in attendance

Item 8.1

Ms Fiona Atkins (City of Nedlands)
Mr Ross Jutras-Minett (City of Nedlands)
Mr James Creswell (City of Nedlands)
Mr Chaminda Mendes (City of Nedlands)

Item 10.1

Ms Jennifer Heyes (Town of Cambridge)
Mr Ryan Munyard (Town of Cambridge)
Mr Peter Foxcroft (Town of Cambridge)
Evan Williams (Porter Consulting Engineering)

Minute Secretary

Ms Nancy Vanden Bergh (Town of Cambridge)

Applicants and Submitters

Item 8.1

Mr Jeremy Hofland (Rowe Group)
Mr John Vickers (Village Cinema Dalkeith Pty Ltd)
Mr Peter Larsen (Larsen Family)
Mr Lance Smith (Duomark)
Ms Belinda Moharich (Moharich and More)
Mr Murray Casselton (element)


Ms Francesca Lefante
Presiding Member, Metro West JDAP



Mr Paul Baster
Ms Veronica Bellemore-Thomas

Item 10.1

Ms Penelope Melis
Mr Fook Joo Chin
Mr Evan Williams (Porter Consulting Engineers)
Mr Nathan Stewart (Rowe Group)
Ms Jessica Mills (Lancelot Carine Pty Ltd)
Mr Chad Cossom (Lancelot Carine Pty Ltd)
Ms Emma Lawrence (Nature Play Solutions)
Ms Chris Lawrence (Nature Play Solutions)
Mr Peter Hobbs (Peter Hobbs Architects)
Mr Greg Rowe (Rowe Group)
Mr Darren Levey (Uloth and Associates)
Mr John Devine
Mayor Kerri Shannon (Town of Cambridge)

Members of the Public / Media

Mr Hugo Timms from The Post was in attendance.
Ms Laura Pond from the Community News was in attendance.

1. Declaration of Opening

The Presiding Member declared the meeting open at 9.33am on 6 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

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

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 10.1. Mr Jarrod Ross is an employee of Taylor Burrell Barnett who are employed by the Town of Cambridge to prepare their Local Planning Strategy and West Leederville Activity Centre Plan. Mr Jarrod Ross does not consider this to impact his ability to participate in the determination of the subject application, as the work being undertaken is either not at a stage where it could conflict with the subject proposal, or focuses on a precinct which falls outside the subject site.

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 permitted to participate in the discussion and voting on the items.

7. Deputations and Presentations

- 7.1 Mr Paul Baster (element) addressed the DAP against the application at Item 8.1 and responded to questions from the panel.
- 7.2 Mr John Vickers (Village Cinema Dalkeith Pty Ltd) 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 support of the application at Item 8.1 and responded to questions from the panel.
- 7.4 Mr Jeremy Hofland (Rowe Group) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.
- 7.5 Mr Lance Smith Duomark addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

The presentation at Item 7.1-7.5 were heard prior to the application at Item 8.1

- 7.6 Ms Penelope Melis and Mr Fook Joo Chin addressed the DAP against the application at Item 10.1.
- 7.7 Mr John Devine addressed the DAP against the application at Item 10.1.
- 7.8 Ms Jessica Mills and Mr Chad Cossom (Lancelot Carine Pty Ltd) addressed the DAP in support of the application at Item 10.1 and responded to questions from the panel.
- 7.9 Ms Emma Lawrence (Nature Play Solutions) addressed the DAP in support of the application at Item 10 and responded to questions from the panel.



7.10 Mr Peter Hobbs (Peter Hobbs Architects) addressed the DAP in support of the application at Item 10.1 and responded to questions from the panel.

7.11 Mr Greg Rowe (Rowe Group) addressed the DAP in support of the application at Item 10.1 and responded to questions from the panel.

7.12 Mayor Kerri Shannon (Town of Cambridge) addressed the DAP in relation to the application at Item 10 and responded to questions from the panel.

The presentations at Items 7.6 - 7.12 were heard prior to the application at Item 10.1.

PROCEDURAL MOTION

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 application.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: To allow members to speak more than once on the application

The Standing Orders were suspended at 10:48am.

PROCEDURAL MOTION

Moved by: Ms Francesca Lefante

Seconded by: Mr Jarrod Ross

To reinstate Development Assessment Panel Standing Orders 2017.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: For discussions to cease and the meeting resume

The Standing Orders were reinstated at 11:34am.

8. Form 1 – Responsible Authority Reports – DAP Application

8.1 Property Location:	95A (Lot 388) Waratah Avenue, Dalkeith
Development Description:	Mixed Use – 14 residential units, 3 commercial tenancies
Applicant:	Rowe Group
Owner:	Village Cinema Dalkeith Pty Ltd
Responsible Authority:	City of Nedlands
DAP File No:	DAP/19/01695

REPORT RECOMMENDATION

Moved by: Cr Kerry Smyth

Seconded by: Cr John Wetherall

That the Metro West Joint Development Assessment Panel resolves to:



1. **Refuse** DAP Application reference DAP/19/01695 and accompanying plans date received 15 January 2020 (A01, A03, A04, A101, A102, A103, A104, A105, A106, A107, A108, A109, A110, A1.11, A2.01, A2.02, A2.03, A3.01) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Nedlands Local Planning Scheme No.3, and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme for the following reasons:

Reasons

Local Planning Scheme No. 3

1. The development does not satisfy the aims and objectives of the City's Local Planning Scheme No. 3 with respect to clause 9(a) – Protect and enhance local character and amenity due to the bulk associated with the eastern lot boundary wall and western side setbacks. The proposed nil setbacks will have a negative impact on the Waratah Avenue streetscape.
2. Having regard to Clause 67(b)(y) of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, the setbacks provided to the northern and western lot boundaries do not achieve the element objectives O2.4.1, O2.4.2, O2.4.3 and O2.4.4 for State Planning Policy 7.3 – Residential Design codes Volume 2 - Apartments with respect to element 2.4 – Side and rear setbacks as they are considered to set an undesirable precedent and may compromise the future planning of the adjacent western site.
3. Having regard to Clause 67(b)(y) of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, the lot boundary wall on the eastern boundary is considered to set an undesirable precedent and may compromise the future planning of the adjoining eastern site.
4. The development proposal does not achieve the element objectives O 3.2.1 and O 3.2.2 for State Planning Policy 7.3 – Residential Design codes Volume 2 – Apartments with respect to element 3.1 – Orientation, as the setback of balconies and openings on the western elevation relies on the provision of a laneway, which has not yet been agreed to by Council.
5. The development proposal does not achieve the element objectives O3.3.1, O3.3.2 and O3.3.3 for State Planning Policy 7.3 – Residential Design Codes Volume 2 - Apartments with respect to element 3.3 – Tree canopy and deep soil areas, as the landscaping plan proposes insufficient deep soil area to support the proposed trees.
6. The development proposal does not achieve the element objectives O4.12.1, O4.12.2, O4.12.3 and O4.12.4 for State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments with respect to element 4.12 – Landscape design. The landscaping plan provided has not been completed by a qualified landscape architect or landscape designer and has not demonstrated its practicality on the subject site.



7. The development proposal does not achieve the element objectives O3.6.1 and O3.6.2 for element 3.6 - Public Domain Interface. In its current form 74% of the frontage is occupied by vehicle, waste and pedestrian access, which is not considered appropriate for this locality.
8. The development proposal does not achieve the element objectives O4.7.1 and O4.7.2 for element 4.17 in the Residential Design Codes - Waste management. The City does not support the use of on-street parking bays for the collection of waste and the current waste management plan does not accord with the City's draft Local Planning Policy - Waste Management.
9. Having regard to clause 67(b)(y) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, the proposed vehicular access from Waratah Avenue will prejudice the orderly and proper planning of this locality.
10. Having regard to Clause 67(s) of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Scheme) Regulations 2015 and the City's Draft Local Planning Policy – Parking, the applicant has not demonstrated the number of car parking bays provided is appropriate for the proposed development.

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

For: Cr Kerry Smyth

Against: Ms Francesca Lefante
Mr Jarrod Ross
Mr Jason Hick
Cr John Wetherall

PROCEDURAL MOTION

Moved by: Mr Jarrod Ross

Seconded by: Cr John Wetherall

That the consideration of DAP Application DAP/19/01695 for a period of no more than 60 days to allow the applicant, in liaison with the City of Nedlands to:

1. Consider opportunities to achieve lawful access to the rear of the subject site;
2. Consider built-form setbacks to the western boundary in the context of the future development of the adjacent site which may not be substantially set back from that boundary;
3. To further review the ground floor design to improve streetscape activation and presentation; and
4. To further review waste management within the site.



The PROCEDURAL MOTION was put and CARRIED (4/1).

For: Ms Francesca Lefante
Mr Jarrod Ross
Mr Jason Hick
Cr John Wetherall

Against: Cr Kerry Smyth

Cr Kerry Smyth and Cr John Wetherall left the panel at 12:01pm.

Cr Andres Timmermanis and Cr Rod Bradley joined the panel at 12:01pm.

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

Nil

10. Appeals to the State Administrative Tribunal

10.1 Property Location: Lot 2 (No. 130) and Lot 3 (No. 132) Brookdale Street, Floreat
Development Description: Child Care Premises
Applicant: Rowe Group
Owner: Lancelot Carine Pty Ltd
Responsible Authority: Town of Cambridge
DAP File No: DAP/18/01384

REPORT RECOMMENDATION

Moved by: Mr Jarrod Ross

Seconded by: Mr Jason Hick

That the Metro West JDAP, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR203/2018 resolves to:

Reconsider its decision dated 10 July 2018 and **approve** DAP Application reference DAP/18/01384 and accompanying revised plans (stamped received 15 November 2019) in accordance Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the provisions of the Town of Cambridge *Local Planning Scheme No. 1, Local Law No. 43 - Buildings on Endowment Lands & Limekilns Estate* and pursuant to Clause 24(1) and 26 of the *Metropolitan Region Scheme*, 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 development shall be modified as follows:
 - i) Fencing within the 9m primary street setback area shall be as follows:
 - a) 'Picket fence' portion (ie. entire front boundary fence length located south-west of the proposed crossover)
 - Pickets shall not exceed 75mm in width; and
 - Pickets shall not be spaced any closer that the depth of the pickets.
 - b) 'Pool fence' portion (ie. entire front boundary fence length located north-east of the proposed crossover)
 - The pool fence shall have a minimum open-to-solid ratio of 4:1 (ie. 80%)
 - c) 'Side fence' portions (ie. those portions on each side lot boundary, within the 9m primary street setback area)

Either:

 - Pickets shall not exceed 75mm in width; and
 - Pickets shall not be spaced any closer that the depth of the pickets.

OR

 - The side fence portions shall have an open-to-solid ratio that meets the visual permeability requirements for pickets
 - ii) The trellis structures shall not have a water-impermeable roof and the support columns of each trellis structure shall be shown entirely within the subject lot boundaries and shall be located behind the dividing fence as shown on the approved plans.

Prior to lodgement of the Building Permit application, amended plans shall be submitted to, and approved by, the Town showing the above. The approved amended plans shall be enacted prior to practical completion of the development.

3. The landowner shall comply with the Town's *Local Planning Policy 3.19 - Percent for Public Art* via **one** of the following options:
 - i) Provide public art on the subject site, with a minimum value of \$21,000 **[Option 1]**; OR
 - ii) Provide public art in the vicinity of the subject site, with a minimum value of \$21,000 in the public realm **[Option 2]**; OR
 - iii) Pay \$21,000, which equates to 1% of the construction cost for the overall development, in lieu of providing public art on the subject site **[Option 3]**.

If **Option 1 or 2** is elected, the public art design shall be submitted to, and approved by the Town Prior to lodgement of the Building Permit application.



Prior to commencement of use, a Notification pursuant to Section 70A of the *Transfer of Land Act 1893* shall be registered on the Certificate of Title of the subject site at the landowner's full cost and to the satisfaction of the Town to notify owners and prospective purchasers 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 be installed prior to commencement of use and thereafter maintained for the life of the development to the satisfaction of the Town.

If **Option 3** is elected, the cash-in-lieu amount shall be paid in full to the Town Prior to lodgement of the Building Permit application.

4. Prior to lodgement of the Building Permit application, a Construction Management Plan (CMP) shall be submitted to, and approved by, the Town.

The CMP shall address the following, where applicable (as determined by the Town):

- i) Staging plan for the entire works, including timeframes and assigned responsibilities for tasks;
- ii) Contact details of essential site personnel, construction period and operating hours;
- iii) The on-site storage of materials and equipment;
- iv) Site security and public safety and amenity measures;
- v) Community information, consultation and complaints and incident procedures;
- vi) Traffic, access and parking management;
- vii) Vibration, air, dust and noise management;
- viii) Dilapidation reports of nearby properties;
- ix) Construction waste and materials re-use;
- x) Earthworks, excavation, land retention/piling methods and associated matters;
- xi) Stormwater and sediment control;
- xii) Protection of existing roads, kerbs, footpaths, street trees and miscellaneous services;
- xiii) Asbestos removal;
- xiv) Any other matter deemed relevant by the Town.

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

5. Prior to commencement of use, the existing raised island median strip within the Brookdale Street road reserve which adjoins the service road entrance shall be extended north within the existing line marked median strip (as shown on Figure 1, 'Recommended Access Plan' of the Consolidated Traffic Report (prepared by Uloth and Associates and dated 15 November 2019)) to physically restrict vehicle movements from the service road to a left-in/left-out only configuration at the landowner(s) full cost (including all traffic management costs) to the satisfaction of the Town.



6. Prior to commencement of use, the footpath abutting the subject site (as shown on the approved undercroft parking plan) shall be re-graded at the landowner(s) full cost to a maximum grade of 1:20 (ie. 5%) in the direction of pedestrian travel and a maximum grade of 2.5% in the direction of vehicular travel and to the specifications and satisfaction of the Town. The footpath shall also be marked in yellow diagonal lines (as shown on Figure 1, 'Recommended Access Plan' of the Consolidated Traffic Report (prepared by Uloth and Associates and dated 15 November 2019)) at the landowner(s) full cost and to the satisfaction of the Town prior to commencement of use.
7. Prior to commencement of use, the revised Acoustic Report (prepared by Herring Storer Acoustics and dated 17 December 2019 - stamped received 18 December 2019, Rev. 6) shall be implemented and thereafter complied with by the landowner(s) for the life of the development to the satisfaction of the Town.
8. The implementation of the revised Acoustic Report shall include timers on all air conditioning units not located in the under croft plant room to prohibit their use between 7pm - 7am unless otherwise approved by the Town.
9. Prior to commencement of use, the revised Waste Management Plan (prepared by Aesop Property Group and stamped received 4 December 2019) shall be implemented and thereafter complied with by the landowner(s) for the life of the development to the satisfaction of the Town.
10. Prior to commencement of use, the existing crossovers to Lot 2 (No. 130) and Lot 3 (No. 132) Brookdale Street Floreat, shall be removed and the verge and kerb reinstated at the landowner's full cost to the satisfaction of the Town.
11. All vehicle parking bays, manoeuvring and circulation areas shown on the approved plans shall be sealed/paved, surface marked in accordance with *Australian Standard 2890.1 - Off-street car parking* (as amended) and *Australian Standard 2890.6 - Off-street parking for people with disabilities* (as amended), kerbed and drained prior to commencement of use and thereafter maintained by the landowner(s) for the life of the development to the satisfaction of the Town.
12. Prior to commencement of use, the revised Parking Management Plan (PMP) (prepared by Aesop Property Group and stamped received 15 November 2019) shall be implemented and thereafter complied with by the landowner(s) for the life of the development to the satisfaction of the Town.

The implementation of the revised PMP shall include the designated staff and drop-off/pick-up car parking bays shown on the approved plans being surface marked "*staff only*" and "*drop-off/pick-up only*" and sign posted accordingly and thereafter maintained by the landowner(s) for the life of the development to the satisfaction of the Town.

13. The existing four Brookdale Street verge trees shown on the approved plans for removal shall be removed and the stumps ground to 300mm below ground level, coordinated by the Town, at the landowner's full cost. The landowner shall liaise with the Town for the removal of the verge trees prior to any works the subject of this approval commencing on-site.



The landowner shall liaise with the Town for the verge trees to be replaced by four new 45L verge trees by the Town's contractor, at the landowner's full cost, in locations determined by the Town within six months of practical completion of the development.

14. The landscaping areas within the primary street setback area shown on the approved plans shall be installed and reticulated within six months of practical completion of the development and thereafter maintained by the landowner(s) for the life of the development to the satisfaction of the Town.
15. Operating hours of the Child Care Premises (including any service/delivery or waste collection vehicles to the site) shall be restricted to Monday to Friday only, between 7am - 7pm.
16. The outdoor play space located within the 6m rear setback area shall only be used for babies for the life of the development unless otherwise approved by the Town.
17. All stormwater shall be contained and disposed of on-site for the life of the development to the satisfaction of the Town.
18. Pedestrian/vehicle gates shall not encroach into the road reserve.
19. Any signage that is not exempt from development approval in accordance with *Local Planning Policy 3.15 - Advertising Signs* (as amended) shall not be erected on the subject premises unless otherwise approved by the Town as part of a separate development application.

Advice Notes:

1. 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.
2. If the development the subject of this approval is not substantially commenced within a period of **two years** (or other period specified in the approval) from the date of this determination, the approval will lapse and be of no further effect.
3. Where an approval has so lapsed, no development shall be carried out without further approval of the Town having first been sought and obtained.
4. The applicant shall be responsible for ensuring that all lot boundaries as shown on the approved plans are correct.
5. The landowner is advised that:
 - i) a Demolition Permit application shall be submitted to, and approved by the Town prior to any demolition work commencing on the subject site; and
 - ii) 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*.



6. All structures (and associated footings) shall be contained within the lot boundaries of the subject site.
7. The landowner is advised of the following in relation to the abutting road reserve:
 - i) A "Vehicle Crossover Application Form" shall be submitted to, and approved by the Town prior to the commencement of site works/development. All crossovers shall be constructed in accordance with the Town's *Policy No. 5.2.7 - Standard Vehicle Crossover* (as amended).
 - ii) The use of verge areas for temporary storage during building/demolition works requires a permit in accordance with the *Town of Cambridge Local Government and Public Property Local Law 2017* (as amended).
 - iii) Any verge treatment shall be in accordance with the Town's *Policy No. 5.2.19 - Street Verges - Landscaping and Maintenance* (as amended) and the Town's *Street Verge Landscape and Maintenance Guidelines* (as amended).
8. The landowner is advised that the development requires a "Certificate of approval" from the Town for a "Public building" prior to the commencement of use/occupation of the development in accordance with the *Health (Miscellaneous Provisions) Act 1911* and the *Health (Public Buildings) Regulations 1992*.
9. 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 subject premises in accordance with the *Food Act 2008* and *Food Regulations 2009*.
10. The landowner is advised that dividing fencing between properties is a civil matter between abutting landowners in accordance with the *Dividing Fences Act 1961*. It is the responsibility of the landowner to obtain any necessary approvals or satisfy any other obligations under the *Dividing Fences Act 1961*.

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

For: Ms Francesca Lefante
Mr Jarrod Ross
Mr Jason Hick

Against: Cr Andre Timmermanis
Cr Rod Bradley

REASON: In accordance with details contained in the Responsible Authority Report - due regard had been given to the various policy provisions of the Town, and the orientation, design, layout and siting of the development, is appropriate in the context of its location.

11. General Business / Meeting Close

There being no further business, the Presiding Member declared the meeting closed at 2:41pm.