



Metro West Joint Development Assessment Panel Minutes

Meeting Date and Time: 15 February 2019, 10:00am
Meeting Number: MWJDAP/220
Meeting Venue: Town of Cottesloe
109 Broome Street
Cottesloe

Attendance

DAP Members

Ms Francesca Lefante (Presiding Member)
Mr Jarrod Ross (Deputy Presiding Member)
Mr John Syme (A/Specialist Member)
Cr Sally Pyvis (Local Government Member, Town of Cottesloe)
Mayor Philip Angers (Local Government Member, Town of Cottesloe)

Officers in attendance

Mr Ed Drewett (Town of Cottesloe)

Minute Secretary

Ms Elizabeth Nicholls (Town of Cottesloe)
Ms Liz Cartell (Town of Cottesloe)

Applicants and Submitters

Mr Brad Osborne
Ms Katherine Kaliff (Swanbourne Village Trust)
Mr James Shaw (Ecotect Architects)

Members of the Public / Media

There were 11 members of the public in attendance.

Mr Hugo Timms from The Post and Mr Jon Bassett from Western Suburbs Weekly were in attendance.

1. Declaration of Opening

The Presiding Member declared the meeting open at 10.03am on 15 February 2019 and acknowledged the past and present traditional owners and custodians 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 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 Jason Hick, declared a proximity interest in item 8.1. The properties that are the subject of this application are situated on the same block as Mr Hick's primary residence and are situated in extremely close proximity (less than 10 metres away).

In accordance with section 6.3.1 of the DAP Standing Orders 2017, the Presiding Member determined that the member listed above, who had disclosed a proximity interest, was not permitted to participate in the discussion or voting on the item.

DAP Member, Mayor Philip Angers, declared an impartiality interest in item 8.1. Mayor Angers knows the Baverstocks from their attendance at the Council meeting but they are not social acquaintances.

In accordance with section 4.6.1 and 4.6.2 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 discussion and voting on the item.

7. Deputations and Presentations

7.1 Mr Brad Osborne addressed the DAP against the application at Item 8.1 and responded to questions from the panel.

7.2 Ms Katherine Kaliff (Swanbourne Village Trust) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.



7.3 Mr Ed Drewett (Town of Cottesloe) 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 Application

8.1 Property Location: Lot 26 (126) Railway Street, Cottesloe
Development Description: Nine residential multiple dwellings, one community yoga or performance space and office development
Applicant: Mr Ian Brashaw, Urbanplan
Owner: Garry Baverstock/Wise Earth Pty Ltd
Responsible Authority: Town of Cottesloe
DAP File No: DAP/18/01539

REPORT RECOMMENDATION

Moved by: Nil

Seconded by: Nil

That the Metro West JDAP resolves to:

REFUSE DAP Application reference DAP/18/01539 and accompanying plans from Josh Byrne & Associates (drawing nos CP-01, CP-02, CP-03, CP-04 and CP-05) received 20 November 2018, and drawing nos CD01, CD02, CD03, CD04, CD05, CD06, CD07, CD08, CD09, CD10, CD11, CD12, CD13, CD14, and CD15 received 25 January 2019, in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provision of the Town of Cottesloe's Local Planning Scheme No.3, for the following reasons:

1. The development does not comply with the Town of Cottesloe's Local Planning Scheme No. 3 with respect to the maximum permitted building heights for the proposed two-storey buildings.
2. The development does not satisfy the relevant design principles of the Residential Design Codes, or meet the requirements of the Local Development Plan, with respect to:
 - (a) Plot Ratio;
 - (b) Street setback to Congdon Street; and
 - (c) Front fencing.
3. The failure to provide any on-site parking bays for the non-residential uses is not compliant with the Town of Cottesloe's Local Planning Scheme No. 3, *Table 3 - Vehicle Parking Requirements, Schedule 13 (Clause 7.1), and Clause 5.8.5*; and it does not satisfy the requirements of the Local Development Plan. In particular, the on-site parking shortfall will have a detrimental impact on street parking in the locality should the non-residential uses no longer be required solely for use by the residential owners/tenants on the site.

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



ALTERNATE MOTION

Moved by: Mayor Philip Angers

Seconded by: Mr John Syme

That the Metro West JDAP resolves to:

Approve DAP Application reference DAP/18/01539 and accompanying plans from Josh Byrne & Associates received 20 November 2018, and drawing nos. CD01, CD02, CD03, CD04, CD05, CD06, CD07, CD08, CD09, CD10, CD11, CD12, CD13, CD14, and CD15 received 25 January 2019, in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, subject to the following conditions:

1. The maximum building height not exceeding 7m above the natural ground level for the two-storey buildings. Details to be submitted at the Building Permit stage to the satisfaction of the Town.
2. The external stairs associated with the residential use in the Congdon Street setback shall be light-weight in appearance and open-sided. Details to be submitted at the Building Permit stage to the satisfaction of the Town.
3. Three on-site visitor bays shall be provided, all clearly marked, located close to the point of entry to the development, and outside any security barrier or gate. Details to be submitted at the Building Permit stage to the satisfaction of the Town.
4. Front walls along Railway Street adjoining the residential buildings shall be visually permeable above 1.2m. Details to be submitted at the Building Permit stage to the satisfaction of the Town.
5. Vehicle access to/from Railway Street shall be left in/left out only.
6. All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
7. The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town.
8. All water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site, where climatic and soil conditions allow for the effective retention of stormwater on-site.
9. All air-conditioning and other plant or equipment being designed, positioned and screened so as to be visually concealed and treated as may be necessary so as to ensure that sound levels emitted shall not exceed those specified in the Environment Protection (Noise) Regulations 1997.
10. A separate application for construction of a new crossover meeting the Town's specifications and Australian Standards shall be submitted for approval by the Town.
11. The design and functionality of the access ramp and bin store shall be to the Town's specifications and Australian Standards. Details to be submitted at the Building Permit stage to the satisfaction of the Town.



12. The privacy screens shown on the approved plans shall be permanently fixed, made of durable material, and designed to restrict overlooking of the adjoining properties. Details to be submitted at the Building Permit stage to the satisfaction of the Town.
13. The landowner shall be responsible for the costs of any changes to the public domain outside the site proposed by or due to the development, including (but not limited to) the removal of any redundant crossovers and reinstatement of the verge and kerb, construction of any new crossover and any upgrading of verge pavements or landscaping. All such works shall be to the specification and satisfaction of the Town.
14. A comprehensive Construction Management Plan shall be submitted to the satisfaction of the Town prior to the issue of a Building Permit, and shall address (amongst other things): traffic management and safety for the streets and site worker parking, including off-site parking and street verges, in consultation with and approval by the Town.
15. The office and yoga performance venue shall be for use by the owners/tenants only.
16. A Landscape Management Plan shall be provided to the satisfaction of the Town and shall include verge areas directly adjacent to the site, and address sustainability, deep soil planting, visual amenity, water sensitive urban design, water-wise planting, and objectives for long term tree establishment. Details to be submitted prior to issue of the building permit to the satisfaction of the Town.
17. A schedule of materials and finishes shall be submitted at the Building Permit stage to the satisfaction of the Town.
18. The pergola structures shown on the approved plans shall be open-framed and covered in a water permeable material or unroofed. Details to be submitted at the Building Permit stage to the satisfaction of the Town.

Advice Notes:

1. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.
2. The owner/applicant is responsible for applying to the Town for a Building Permit and obtaining approval prior to undertaking the development.
3. The owner/applicant may be required to submit an acoustic noise report that includes predicted noise emissions from plant and equipment at the Building Permit stage and comply with all relevant health requirements.

AMENDING MOTION

Moved by: Mr Jarrod Ross

Seconded by: Mr John Syme

That Condition 6 be moved to Advice Note 4 and that Condition 10 be moved to Advice Note 5 with remaining Conditions to be renumbered accordingly.



The Amending Motion was put and CARRIED (4/1).

For: Ms Francesca Lefante
Mr Jarrod Ross
Mr John Syme
Mayor Philip Angers

Against: Cr Sally Pyvis

REASON: The Applicant is required to comply with Environment Protection (Noise) Regulations 1997. A separate application for construction is a requirement of the Town, irrespective of the development. These items are advising the Applicant and are not conditions.

ALTERNATE MOTION (AS AMENDED)

That the Metro West JDAP resolves to:

Approve DAP Application reference DAP/18/01539 and accompanying plans from Josh Byrne & Associates received 20 November 2018, and drawing nos. CD01, CD02, CD03, CD04, CD05, CD06, CD07, CD08, CD09, CD10, CD11, CD12, CD13, CD14, and CD15 received 25 January 2019, in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, subject to the following conditions:

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7. All water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site, where climatic and soil conditions allow for the effective retention of stormwater on-site.



8. All air-conditioning and other plant or equipment being designed, positioned and screened so as to be visually concealed and treated as may be necessary so as to ensure that sound levels emitted shall not exceed those specified in the Environment Protection (Noise) Regulations 1997.
9. The design and functionality of the access ramp and bin store shall be to the Town's specifications and Australian Standards. Details to be submitted at the Building Permit stage to the satisfaction of the Town.
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3. The owner/applicant may be required to submit an acoustic noise report that includes predicted noise emissions from plant and equipment at the Building Permit stage and comply with all relevant health requirements.
4. All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
5. A separate application for construction of a new crossover meeting the Town's specifications and Australian Standards shall be submitted for approval by the Town.

The Alternate Motion (as amended) was put and CARRIED (4/1).

For: Ms Francesca Lefante
Mr Jarrod Ross
Mr John Syme
Mayor Philip Angers

Against: Cr Sally Pyvis

REASON: The JDAP were of the view that the proposal design, scale and bulk was suitable in this location, positivity contributed to the streetscape and satisfied the planning framework including the R-Code design principles and Local Development Plan. Sufficient on-site parking is provided for the development given the nature and use of the non-residential components for the exclusive use of the tenants.

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 Applications		
LG Name	Property Location	Application Description
City of Vincent	Lot 10 (125) Richmond Street, Leederville	Modifications to the external façade of a Three Storey Multiple Dwelling Development
City of Vincent	Lot 1 (308) and Lot 2 (310) Oxford Street, Leederville	Five Storey Mixed Use Development
Town of Cambridge	Lot 2 (130) and Lot 3 (132) Brookdale Street, Floreat	Child Care Centre
Town of Cambridge	Lot 587 (264) Selby Street, Wembley	Child Care Centre
Town of Claremont	Lot 508 (3) Shenton Road, Claremont	Eight Storey Mixed Use Development
Town of Claremont	Lot 510 (58-62) Bay View Terrace, Claremont	Third storey additions and refurbishment of commercial tenancies and illuminated large format LED signage



11. General Business / Meeting Close

There being no further business, the Presiding Member declared the meeting closed at 11.03am.

A handwritten signature in black ink, appearing to be 'F. Lefante', with a long horizontal line extending to the right.