



Metro-Inner North Joint Development Assessment Panel Minutes

Meeting Date and Time: Monday, 20 December 2021; 10.00am
Meeting Number: MINJDAP/122
Meeting Venue: Electronic Means

This DAP meeting was conducted by electronic means (Zoom) open to the public rather than requiring attendance in person

1 Table of Contents

1.	Opening of Meeting, Welcome and Acknowledgement.....	3
2.	Apologies.....	3
3.	Members on Leave of Absence.....	3
4.	Noting of Minutes.....	3
5.	Declaration of Due Consideration.....	3
6.	Disclosure of Interests.....	3
7.	Deputations and Presentations.....	4
8.	Form 1 – Responsible Authority Reports – DAP Applications.....	4
	8.1 Lot 1 (257) Walcott Street & Lot 2 (36) Little Walcott Street, North Perth.....	4
	8.2 Lot 6 (No. 110) Marine Parade, Cottesloe.....	12
9.	Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval.....	17
	Nil.....	17
10.	State Administrative Tribunal Applications and Supreme Court Appeals ...	17
11.	General Business.....	18
12.	Meeting Closure	18



Attendance

DAP Members

Ms Francesca Lefante (Presiding Member)
Ms Lee O'Donohue (Deputy Presiding Member)
Mr John Syme (Third Specialist Member)

Item 8.1

Cr Susan Gontaszewski (Local Government Member, City of Vincent)

Item 8.2

Cr Paul MacFarlane (Local Government Member, Town of Cottesloe)
Cr Craig Masarei (Local Government Member, Town of Cottesloe)

Officers in attendance

Item 8.1

Mr Adam Parker (City of Vincent)
Mr Jay Naidoo (City of Vincent)

Item 8.2

Mr Ed Drewett (Town of Cottesloe)
Mr Matthew Scott (Town of Cottesloe)
Ms Freya Ayliffe (Town of Cottesloe)
Mr Wayne Zimmerman (Town of Cottesloe)
Ms Jennifer Bender (Town of Cottesloe)

Minute Secretary

Ms Ashlee Kelly (DAP Secretariat)
Mr Chris Dodson (DAP Secretariat)

Applicants and Submitters

Item 8.1

Ms Zarina MacDonald (Burgess Design Group)
Mr Mark Szabo (Burgess Design Group)
Mr Rodney Ding (Stantec)
Ms Sonya Hayes (Stanec)

Item 8.2

Mr Felipe Soto (Space Collective)
Mr Dan Lees (element)
Mr Ben Wilson (BWC Corp Pty Ltd)

Members of the Public / Media

Ms Nadia Budihardjo from Community News was in attendance.



1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 10.02am on 20 December 2021 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 2020 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

1.1 Announcements by Presiding Member

The Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2020 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 meeting would not be recorded.

This meeting was convened via electronic means (Zoom). Members were reminded to announce their name and title prior to speaking.

2. Apologies

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

The Presiding Member noted that an addendum to the agenda was published to include details of a DAP direction for further information and responsible authority response in relation to Item 8.2, received on 15 December 2021.

All members declared that they had duly considered the documents.

6. Disclosure of Interests

DAP Member, Cr Craig Masarei, declared an Impartiality Interest in item 8.2. Cr Masarei knows the family of the applicant.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, 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 item.



7. Deputations and Presentations

- 7.1 Mr Mark Szabo (Burgess Design Group) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.2 The City of Vincent addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

The presentations at Item 7.1 – 7.2 were heard prior to the application at Item 8.1.

- 7.3 Mr Ben Wilson (BWC Corp Pty Ltd) addressed the DAP in support of the recommendation for the application at Item 8.2.
- 7.4 Mr Dan Lees (element) addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.
- 7.5 Mr Felipe Soto (Space Collective) responded to questions from the panel in relation to Item 8.2.
- 7.6 The Town of Cottesloe Officers addressed the DAP in relation to the application at Item 8.2 and responded to questions from the panel.

The presentations at Items 7.3 - 7.6 were heard prior to the application at Item 8.2.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 1 (257) Walcott Street & Lot 2 (36) Little Walcott Street, North Perth

Development Description: Child Care Premises
Applicant: Burgess Design Group
Owner: National Australia Bank Ltd as Mortgagee in Possession c/- Dentons
Responsible Authority: City of Vincent
DAP File No: DAP/21/02082

REPORT RECOMMENDATION

Moved by: Ms Lee O'Donohue

Seconded by: Cr Susan Gontaszewski

That the Metro Inner-North JDAP resolves to:

1. **Approve** DAP Application reference DAP/21/02082 and accompanying plans (Plan No. DA00 – DA04) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the provisions of the City of Vincent Local Planning Scheme No.2, and Clause 24(1) and 26 of the Metropolitan Region Scheme, subject to the following conditions:



Conditions

1. General

This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

2. Use of Premises

2.1. This approval is for Child Care Premises as defined in the City of Vincent Local Planning Scheme No.2:

Child Care Premises means premises where –

(a) an education and care service as defined in the Education and Care Services National Law (Western Australia) section 5(1), other than a family day care service as defined in that section, is provided; or

(b) a child care service as defined in the Child Care Services Act 2007 section 4 is provided.

2.2. The development shall be limited to the following hours of operation:

- Monday to Friday – 6:30am to 6:30pm; and
- Saturday, Sunday and Public Holidays – Closed.

2.3. The outdoor play areas associated with the development shall only operate from 7:00am to 6:30pm Monday to Friday.

2.4. The development shall be limited to a maximum of 13 staff and 76 children on-site at any one time.

3. Building Design

3.1. Doors and windows and adjacent floor areas fronting Walcott Street shall maintain an active and interactive relationship with this street. Ground floor glazing and/or tinting shall be a minimum of 70 percent visually permeable to provide unobscured visibility. Darkened, obscured, mirrored or tinted glass or other similar materials as considered by the City is prohibited.

3.2. All external fixtures and mechanical plant, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive.

3.3. The colours, materials and finishes of the development shall be in accordance with the details and annotations as indicated on the approved plans which forms part of this approval, to the satisfaction of the City. The development shall be finished in accordance with the approved plans **prior to the occupation or use of the development.**



4. Boundary Walls

The surface finish of boundary walls facing an adjoining property shall be of a good and clean condition, **prior to the occupation or use of the development**, and thereafter maintained, to the satisfaction of the City. The finish of boundary walls is to be fully rendered or face brick, or material as otherwise approved, to the satisfaction of the City.

5. Landscaping

All landscaping works shall be undertaken in accordance with the approved landscaping plan (Plan No. DA03), except for the two Lagerstroemia indica trees located between Little Walcott and the bin store at ground level being replaced with mixed plants from the verge planting list specified in the landscaping plan, to the City's satisfaction, **prior to the occupation or use of the development** and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers.

6. Public Art

6.1. In accordance with the City's Policy No. 7.5.13 - Percent for Art the application is required to make a public art contribution of \$20,120 being one percent of the \$2.012 million cost of development.

In order to comply with the Policy, the owner(s) or applicant, on behalf of the owner(s) shall submit a statutory declaration **prior to the lodgement of a Building Permit** stipulating the choice of:

Option 1: Owner/Applicant chooses to co-ordinate the Public Art project themselves or by engaging an art consultant

OR

Option 2: Owner/Applicant chooses to pay cash-in-lieu. Owner/Applicants who choose Option 2 will receive a 15% discount on the Percent for Art contribution.

6.2. The owner(s), or the applicant on behalf of the owner(s), shall comply with the City of Vincent Percent for Public Art Policy No. 7.5.13 in conjunction with the above chosen option:

Option 1

Prior to the issue of a Building Permit for the development, obtain approval for the Public Art Project and associated Artist; and

Prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work;

OR

Option 2 –

Prior to the issue of an Occupancy Permit pay the above cash-in-lieu contribution amount.



7. Car Parking, Access and Bicycle Facilities

7.1. **Prior to the occupation or use of the development**, a Parking Management Plan shall be submitted to and approved by the City. The Parking Management Plan is to include, but not limited to, the following:

- Detailed management measures for the operation of the vehicular entry gate, to ensure access is readily available for visitors and staff at all times;
- The allocation of the car parking bays in accordance with the numbering indicated on the approved plans with nine staff car parking bays located in bays 1-9, eight visitor car parking bays in bay 10 and bays 12-18, and one ACROD car parking bay in bay 11; and
- The location and provision of signage for the purposes of wayfinding to the rear building entry and identifying the car parking bays allocated to staff and visitors.

The approved Parking Management Plan shall be implemented, and the development shall be carried out in accordance with the approved Parking Management Plan and approved plans, to the satisfaction of the City at the expense of the owners/occupiers.

7.2. **Prior to the occupation or use of the development**, 18 car parking bays and related access ways as shown on the approved plans shall be constructed, line marked and maintained thereafter by the owners/occupiers in accordance with Australian Standards AS2890.1, to the satisfaction of the City.

7.3. **Prior to the occupation or use of the development**, a minimum of three short-term bicycle parking bays and one long-term bicycle parking bay shall be installed on-site in the locations indicated on the approved plans. The design and installation of the bicycle parking bays shall be in accordance with Australian Standards AS2890.3, to the satisfaction of the City.

7.4. All pedestrian access and vehicle driveway/crossover levels shall match into existing verge, footpath and street levels to the satisfaction of the City.

7.5. **Prior to the first occupation of the development**, redundant or “blind” crossovers shall be removed and the verge and kerb made good to the satisfaction of the City, at the applicant/owner’s full expense.

8. Signage

All signage is to be in strict accordance with the City’s Policy No. 7.5.2 – Signs and Advertising, unless further development approval is obtained.



9. Acoustic Report

9.1. **Prior to issue of a Building Permit**, the submitted acoustic report (Lloyd George Acoustics, 3 September 2021) shall be updated to demonstrate compliance with the City's Sound Attenuation Policy No. 7.5.21, namely in relation to Section 4.4 and demonstrating that all mechanical plant / equipment proposed to be installed would comply with the *Environmental Protection (Noise) Regulations 1997*. All recommended measures included in this updated report shall be implemented as part of the development, to the satisfaction of the City **prior to the use or occupation of the development** and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers.

9.2. **Prior to the occupation or use of the development**, a Noise Management Plan shall be submitted to and approved by the City. The Noise Management Plan must address all activities, equipment, and operations at the Child Care Premises, to the satisfaction of the City, including but not limited to:

- 'Best Practice' measures identified in the approved acoustic report (Lloyd George Acoustics, 3 September 2021);
- 'Best Practice' measures for pick-up and drop-off of children at the Child Care Premises;
- Operating hours;
- Visitor numbers and management;
- Set up / pack down of furniture and / or other activities associated with the Child Care Premises; and
- Community relations and a complaint management procedure.

The Child Care Premises shall operate in accordance with the approved Noise Management Plan at all times, to the satisfaction of the City.

10. Waste and Servicing Management Plan

Prior to the occupation or use of the development, an updated Waste and Servicing Management Plan shall be submitted to and approved by the City. The plan shall be in accordance with the City's Waste Management Guidelines and must include the following details to the satisfaction and specification of the City:

- The location of bin storage areas and bin collection areas;
- The number, volume and type of bins, and the type of waste to be placed in the bins;
- Details on the future ongoing management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas;
- Frequency of bin collections;
- Size of vehicles to be used for the purposes of general deliveries, waste collection and fuel deliveries; and
- Timing of deliveries and waste collection, including that these shall only occur between 7:00am and 7:00pm on Monday to Friday and outside of peak drop-off and pick-up times.



The Waste and Servicing Management Plan must be implemented at all times to the satisfaction of the City.

11. Construction Management Plan

Prior to the issue of a Building Permit, a Construction Management Plan that details how the construction of the development will be managed to minimise the impact on the surrounding (including demolition and/or forward works). The Construction Management Plan is required to address the following concerns that relate to any works to take place on the site:

- Public safety, amenity and site security;
- Contact details of essential site personnel;
- Construction operating hours;
- Noise control and vibration management;
- Dilapidation Reports of nearby properties;
- Air, sand and dust management;
- Stormwater and sediment control;
- Soil excavation method;
- Waste management and materials re-use;
- Traffic and access management;
- Parking arrangements for contractors and subcontractors;
- Consultation plan with nearby properties; and
- Compliance with AS4970-2009 relating to the protection of trees on the development site.

12. Environmentally Sustainable Design

All of the recommended measures of the approved sustainability report prepared by CADDIS Group dated 24 September 2021 shall be implemented **prior to the occupation or use of the development**, to the satisfaction of the City.

13. Stormwater

Stormwater from all roofed and paved areas shall be collected and contained on site. Stormwater must not affect or be allowed to flow onto or into any other property or road reserve.

Advice Notes

1. This is a development approval issued under the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme only. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/owner to obtain any other necessary approvals and to commence and carry out development in accordance with all other laws.
2. A further two years is added to the date by which the development shall be substantially commenced, pursuant to Schedule 4, Clause 4.2 of the Clause 78H Notice of Exemption from Planning Requirements During State of Emergency signed by the Minister for Planning on 8 April 2020.



3. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.
4. The owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls.
5. An Infrastructure Protection Bond together with a non-refundable inspection fee shall be lodged with the City by the applicant, prior to the commencement of works, and will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City. An application for the refund of the bond shall be made in writing. The bond is non-transferable.
6. The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5 metres) shall be maintained for all users at all times during construction works. Permits are required for placement of any materials within the road reserve.
7. The owner/applicant may be required to obtain a Work Zone Permit from the City in order to satisfy the Construction Management Plan condition due to the location of the site on a regional road with access constraints. The requirement for, and cost of any such permit shall be determined by the City following the lodgement of a Building Permit.
8. The City's Health Services team provide the following advice:
 - a. The premises design and construction shall ensure compliance with Australian Standard 4674-2004 'Design, construction and fit-out of food premises'. The applicant shall ensure mechanical ventilation installed in the kitchen complies with Australian Standard 1668.2, and if applicable, provision is made for a grease trap to be installed at the premises. Enquires on this matter are to be referred to the Water Corporation (Trade Waste);
 - b. The business must comply with the *Food Act 2008*, *Food Regulations 2009* and the *Australia New Zealand Food Standards Code*. The applicant must register with the City's Health Services prior to operation of the food business. Please contact Health Services on 9273 6533 upon receipt of this approval to discuss the requirements further with an Environmental Health Officer.
 - c. A Food Safety Plan is needed for food businesses that provide food to more than 6 vulnerable persons at any one time. This will need to be submitted to the City's Health Services for verification when the Food Act Registration form is received.



- d. The premises to be provided with a suitable enclosure for the storage and cleaning of refuse receptacles. The enclosure is to be provided with:
 - i. a tap connected to an adequate supply of water;
 - ii. adequate ventilation to remove objectionable odours;
 - iii. of sufficient size to accommodate all receptacles used on the premises but in any event having floor area not less than 3 square metres;
 - iv. constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the City;
 - v. having walls not less than 1.5 metres in height and having an access way of not less than 1 metre in width and fitted with a self-closing gate;
 - vi. containing a smooth and impervious floor-
 - of not less than 75 millimetres in thickness; and
 - which is evenly graded to an approved liquid refuse disposal system and
 - which is easily accessible to allow for the removal of the receptacles.
9. All new crossovers to lots are subject to a separate application to be approved by the City. All new crossovers shall be constructed in accordance with the City's Standard Crossover Specifications, which specify that the portion of the existing footpath traversing the proposed crossover (subject to the Footpath being in good condition as determined by the Infrastructure and Environment Services Directorate), must be retained. The proposed crossover levels shall match into the existing footpath levels. Should the footpath not to be in satisfactory condition, it must be replaced with in-situ concrete panels in accordance with the City's specification for reinstatement of concrete paths.
10. As part of demonstrating that the car parking bays and related access ways shall be constructed in accordance with the Australian Standards AS2890.1, an internal car park grading plan should be provided as part of the plans including the building permit submission.
11. No further consideration shall be given to the disposal of stormwater 'offsite' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater 'offsite' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The Panel Members were of the opinion that the childcare is an appropriate landuse and development on the sites and is consistent with local Centre zone and planning framework.

The contemporary design materials and two storey scale is considered suitable in the context of the area. The building is orientation to Walcott Street and includes dual entry points open landscaped frontage and with are considered to improve and activate the streetscape. Vehicle access and parking appropriate in the context of the road network and the area. The proposal is supported consistent with the comments in the RAR, including



PROCEDURAL MOTION

Moved by: Ms Francesca Lefante

Seconded by: Ms Lee O'Donohue

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

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: to rotate panel members for Item 8.2

The meeting was adjourned at 10.25am.

The meeting was reconvened at 10.30am.

Cr Susan Gontaszewski (City of Vincent) left the panel at 10.25am.

Cr Craig Masarei and Cr Paul Macfarlane (Town of Cottesloe) joined the panel at 10.30am.

8.2 Lot 6 (No. 110) Marine Parade, Cottesloe

Development Description:	Mixed Use Development
Applicant:	Space Collective
Owner:	BWC Corp Pty Ltd
Responsible Authority:	Town of Cottesloe
DAP File No:	DAP/21/02066

REPORT RECOMMENDATION

Moved by: Mr John Syme

Seconded by: Cr Craig Masarei

That the Metro Inner-North Joint Development Assessment Panel resolves to:
Approve DAP Application reference DAP/21/02066 and accompanying plans KHILL-COTT-02 (rev: 0); A1-01 (rev: A); A2-01 (rev: A); A2-02 (rev: A); A2-03 (rev: A); A2-05 (rev: A); A2-06 (rev: A); A2-07 (rev: A); A2-08 (rev: A); A2-09 (rev: A); A3-01 (rev: A); A3-02 (rev: A); A3-03 (rev: A); A3-04 (rev: A) received 10 November 2021, and A2-04 (rev: B) received 26 November 2021, in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, and Town of Cottesloe Local Planning Scheme No. 3 for a mixed use development on Lot 6 (110-112) Marine Parade, Cottesloe, subject to no objection being raised by the Heritage Council of WA, and the following conditions and advice notes:

1. The upper-floor 'mezzanine' level being deleted to ensure the development does not exceed the maximum permitted 5-storeys. Details to be submitted prior to the submission of a Building Permit to the satisfaction of the Town.
2. 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.
3. Plant and equipment, including air-conditioning units, shall be designed, positioned and screened so as to not be visible from the street; designed to integrate with the building; or located so as not to be visually obtrusive.



4. A minimum 27 car bays shall be provided on-site, with a minimum 2 car bays being exclusively allocated to the ground floor commercial uses and not used for residential purposes, in perpetuity.
5. Bicycle parking for a minimum 4 residents' bicycles and 1 visitor's bicycle shall be provided in the basement parking areas to the satisfaction of the Town.
6. The maximum total number of patrons permitted to be accommodated in the ground floor commercial restaurant shall not exceed 66 patrons at any one time.
7. All commercial bins shall be located in the commercial bin store area shown on drawing A2-03 (rev: A) with direct access to Warnham Road, to the satisfaction of the Town.
8. All goods and deliveries to the commercial tenancies shall have direct access to Warnham Road.
9. Prior to the submission of a Building Permit, final landscape plans and specifications for both the subject site and the public realm, including hard and soft landscape specifications and reticulation details are to be submitted to, and approved, by the Town.
10. Prior to occupation of the development, all landscape areas within the site and in the public realm are to be installed in accordance with the final approved landscape plans and thereafter maintained, at the applicant's cost, to the satisfaction of the Town.
11. Prior to occupation of the development, all car parking spaces, access aisles, and the loading bay in Warnham Road, are to be paved, sealed, marked and drained in accordance with AS2890.1, and thereafter maintained at the owners cost, to the satisfaction of the Town.
12. Prior to the submission of a Building Permit, details of delivery vehicle parking and loading/unloading areas together with the nature and times of use of any special delivery vehicle parking, suitable line markings, sign posting, operational procedures and management measures shall be submitted to, and approved, by the Town.
13. Prior to the submission of a Building Permit, the Waste Management Plan by Talis Consultants dated 8 November 2021 shall be submitted to, and approved, by the Town. The approved plan shall be adhered to at all times by the owners and/or managers of the development, to the satisfaction of the Town.
14. Any external signage and awnings are to be integrated with the design of the building facades, with final details of the location and design of the signs and awnings being provided prior to installation, 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 to obtain approval prior to undertaking construction of the development.
3. The existing redundant crossover(s) shall be removed and the verges, kerbs and all surfaces made good at the applicant's expense to the satisfaction of the Town.
4. Signage does not form part of this approval and may require a separate approval.
5. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
6. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
7. The applicant is advised that any approval for built strata subdivision issued pursuant to the Strata Titles Act 1985 may include conditions that require the provision of public open space in the form of cash-in-lieu. It is recommended that the applicant lodge any built strata application prior to commencement of construction.

AMENDING MOTION 1

Moved by: Mr John Syme

Seconded by: Cr Paul MacFarlane

The following amendments were made en bloc:

- (i) That Condition No. 4 be amended to read as follows:

A minimum 27 car bays shall be provided on-site, with a minimum 23 car bays being exclusively allocated to the ground floor commercial uses and not used for residential purposes, in perpetuity.

REASON: To increase the on-site dedicated commercial parking.

- (ii) That Condition No. 6 be amended to read as follows:

The maximum total number of patrons permitted to be accommodated in the ground floor commercial restaurant shall not exceed 6678 patrons at any one time.

REASON: To increase the total number of patrons to reflect the minor changes requested by the applicant.

The Amending Motion was put and CARRIED UNANIMOUSLY.



AMENDING MOTION 2

Moved by: Mr John Syme

Seconded by: Cr Paul MacFarlane

That Condition No. 1 be deleted, and the remaining conditions be renumbered accordingly.

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

For: Ms Lee O'Donohue
Mr John Syme
Cr Paul MacFarlane
Cr Craig Masarei

Against: Ms Francesca Lefante

REASON: The majority of Panel Members were satisfied that the scale and position in mezzanine within limited area and open to the floor below is appropriately termed mezzanine, and not a storey, which is reinforced by the proposal being within the total height limit for the site.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro Inner-North Joint Development Assessment Panel resolves to:

Approve DAP Application reference DAP/21/02066 and accompanying plans KHILL-COTT-02 (rev: 0); A1-01 (rev: A); A2-01 (rev: A); A2-02 (rev: A); A2-03 (rev: A); A2-05 (rev: A); A2-06 (rev: A); A2-07 (rev: A); A2-08 (rev: A); A2-09 (rev: A); A3-01 (rev: A); A3-02 (rev: A); A3-03 (rev: A); A3-04 (rev: A) received 10 November 2021, and A2-04 (rev: B) received 26 November 2021, in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, and Town of Cottesloe Local Planning Scheme No. 3 for a mixed use development on Lot 6 (110-112) Marine Parade, Cottesloe, subject to no objection being raised by the Heritage Council of WA, and the following conditions and advice notes:

1. 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.
2. Plant and equipment, including air-conditioning units, shall be designed, positioned and screened so as to not be visible from the street; designed to integrate with the building; or located so as not to be visually obtrusive.
3. A minimum 27 car bays shall be provided on-site, with a minimum 3 car bays being exclusively allocated to the ground floor commercial uses and not used for residential purposes, in perpetuity.
4. Bicycle parking for a minimum 4 residents' bicycles and 1 visitor's bicycle shall be provided in the basement parking areas to the satisfaction of the Town.



5. The maximum total number of patrons permitted to be accommodated in the ground floor commercial restaurant shall not exceed 78 patrons at any one time.
6. All commercial bins shall be located in the commercial bin store area shown on drawing A2-03 (rev: A) with direct access to Warnham Road, to the satisfaction of the Town.
7. All goods and deliveries to the commercial tenancies shall have direct access to Warnham Road.
8. Prior to the submission of a Building Permit, final landscape plans and specifications for both the subject site and the public realm, including hard and soft landscape specifications and reticulation details are to be submitted to, and approved, by the Town.
9. Prior to occupation of the development, all landscape areas within the site and in the public realm are to be installed in accordance with the final approved landscape plans and thereafter maintained, at the applicant's cost, to the satisfaction of the Town.
10. Prior to occupation of the development, all car parking spaces, access aisles, and the loading bay in Warnham Road, are to be paved, sealed, marked and drained in accordance with AS2890.1, and thereafter maintained at the owners cost, to the satisfaction of the Town.
11. Prior to the submission of a Building Permit, details of delivery vehicle parking and loading/unloading areas together with the nature and times of use of any special delivery vehicle parking, suitable line markings, sign posting, operational procedures and management measures shall be submitted to, and approved, by the Town.
12. Prior to the submission of a Building Permit, the Waste Management Plan by Talis Consultants dated 8 November 2021 shall be submitted to, and approved, by the Town. The approved plan shall be adhered to at all times by the owners and/or managers of the development, to the satisfaction of the Town.
13. Any external signage and awnings are to be integrated with the design of the building facades, with final details of the location and design of the signs and awnings being provided prior to installation, 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 to obtain approval prior to undertaking construction of the development.
3. The existing redundant crossover(s) shall be removed and the verges, kerbs and all surfaces made good at the applicant's expense to the satisfaction of the Town.



4. Signage does not form part of this approval and may require a separate approval.
5. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
6. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
7. The applicant is advised that any approval for built strata subdivision issued pursuant to the Strata Titles Act 1985 may include conditions that require the provision of public open space in the form of cash-in-lieu. It is recommended that the applicant lodge any built strata application prior to commencement of construction.

The Report Recommendation (as amended) was put and CARRIED UNANIMOUSLY.

REASON: The JDAP were of the opinion that the proposal is consistent desired future character and context as set out in planning framework for the site. The design is high quality and reflects the prominent corner location of the site within the beach frontage. The majority of Panel Members were satisfied that the scale and position in mezzanine within limited area and open to the floor below is appropriately termed mezzanine, and not a storey, which is reinforced by the proposal being within the total height limit for the site. On balance the proposal was supported with some condition modifications.

9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval

Nil

10. State Administrative Tribunal Applications and Supreme Court Appeals

The Presiding Member noted the following SAT Applications -

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/19/01651 DR160/2020	City of Nedlands	Lot 1 (80) Stirling Highway, Lots 21-23 (2, 4 & 6) Florence Road and Lots 33 & 33 (9&7) Stanley Street, Nedlands	Shopping Centre	21/07/2020
DAP/19/01655 DR178/2021	City of Nedlands	Lot 684 (135) Broadway, Nedlands	Mixed Use Development (26 Serviced Apartments and Café)	30/08/2021



The Presiding Member noted the following Supreme Court Appeal –

Current Supreme Court Appeals				
File No.	LG Name	Property Location	Application Description	Date Lodged
DAP/20/01884 CIV 1791 of 2021	City of Stirling	Lot 100 Field Street, Mount Lawley	24 multiple dwellings and six (6) grouped dwellings	11 February 2021

11. General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2020 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.

12. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 11.28am.