



## Metro Inner-North Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Friday, 3 June 2022; 9.30am  
**Meeting Number:** MINJDAP/139  
**Meeting Venue:** Town of Cottesloe  
109 Broome Street, Cottesloe

### 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 | 443 Stirling Highway (Lot 1) Cottesloe .....  | 4  |
| 9.  | Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation<br>of Approval ..... | 14 |
| 9.1 | No. 95a (Lot 388) Waratah Avenue, Dalkeith.....   | 14 |
| 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 Craig Masarei (Local Government Member, Town of Cottesloe)  
Cr Paul MacFarlane (Local Government Member, Town of Cottesloe)

#### *Item 9.1*

Cr Kerry Smyth (Local Government Member, City of Nedlands)  
Cr Blane Brackenridge (Local Government Member, City of Nedlands)

### **Officers in attendance**

#### *Item 8.1*

Mr Matthew Scott (Town of Cottesloe)  
Mr Ed Drewett (Town of Cottesloe)  
Ms Sonia Hayes (Town of Cottesloe)

#### *Item 9.1*

Mr Roy Winslow (City of Nedlands)

### **Minute Secretary**

Ms Marissa Morskate (City of Nedlands)

### **Applicants and Submitters**

#### *Item 8.1*

Mr Tim Dawkins (Urbis)

#### *Item 9.1*

Mr Jeremy Hofland (Rowe Group)

### **Members of the Public / Media**

There was 10 members of the public in attendance.

**Ms Francesca Lefante**  
Presiding Member, Metro Inner-North JDAP



## 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.40am on 3 June 2022 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 the meeting is being audio recorded 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 Presiding Member granted permission for the minute taker to record proceedings for the purpose of the minutes only.

## 2. Apologies

Cr Fergus Bennett (Local Government Member, City of Nedlands)

## 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 further information provided by the responsible authority in relation to Item 8.1, received on 30 May 2022.

All members declared that they had duly considered the documents.

## 6. Disclosure of Interests

In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Members, Cr Kerry Smyth and Cr Blane Brackenridge, declared that they participated in a prior Council meeting in relation to the application at item 9.1. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr Smyth and Cr Brackenridge acknowledged that they are not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.



In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member determined that the members listed above, who had disclosed an Impartiality Interest, are permitted to participate in the discussion and voting on the item.

## **7. Deputations and Presentations**

**7.1** Mr Tim Dawkins (Urbis) 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 Town of Cottesloe Officers 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 Jeremy Hofland (Rowe Group) addressed the DAP in support of the recommendation for the application at Item 9.1 and responded to questions from the panel.

**7.4** The City of Nedlands Officers addressed the DAP in relation to the application at Item 9.1 and responded to questions from the panel.

***The presentations at Item 7.3 – 7.4 were heard prior to the application at Item 9.1.***

## **8. Form 1 – Responsible Authority Reports – DAP Applications**

### **8.1 443 Stirling Highway (Lot 1) Cottesloe**

|                          |  |
|--------------------------|--|
| Development Description: | Office Development, Two Single Dwellings, And A Large Format Digital Roof Sign |
| Applicant:               | Urbis  |
| Owner:                   | Rhodantha Pty Ltd  |
| Responsible Authority:   | Town of Cottesloe  |
| DAP File No:             | DAP/22/02156   |



## REPORT RECOMMENDATION

**Moved by:** NIL

**Seconded by:** NIL

It is recommended that the Metro Inner-North Joint Development Assessment Panel resolve to:

Approve DAP Application reference DAP22/02156 and accompanying plans received 4 & 17 March 2022 for two, two-storey dwellings; and drawings SK-100 (rev.05), SK-101 (Rev. 05), SK-102 (Rev. 05), SK-110 (Rev. 06), SK111 (Rev. 08), SK112 (Rev. 08), SK113 (Rev. 04), SK-200 (Rev.08), SK-201 (Rev. 08), SK-600 (Rev. 10), and SK-601 (Rev. 10) received 4 May 2022 for a two-storey office development and roof sign, in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the Town of Cottesloe's Local Planning Scheme No. 3, subject to the following conditions and advice notes:

### Dwellings

1. All water draining from roofs and other impermeable surfaces should 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. The finish and colour of the boundary wall(s) facing the adjoining side boundaries shall be to the satisfaction of the Town.
3. Any proposed fencing within the front setback area shall be visually permeable above 1.2m of natural ground level, measured from the primary street side, except where shown on the approved plans. Details to be shown at the Building Permit stage.
4. Walls, fences and other structures shall be truncated or reduced to no higher than 0.75m within 1.5m of where the driveway joins the front boundary/street. Details to be shown at the Building Permit stage.
5. Plant and equipment, including air-conditioning units, should 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.
6. Finalisation of the subdivision issued by the Western Australian Planning Commission on 21 April 2022 (Application No: 161866) and new Certificates of Title being issued for the proposed lots prior to occupation.
7. A tree for each dwelling shall be provided within a minimum 2m x 2m tree planting area that is free of impervious surfaces and roof cover to the satisfaction of the Town.
8. The development shall satisfy the conditions specified in the Main Roads Western Australia (MRWA) letter dated 18 February 2022 (or as amended).

**Ms Francesca Lefante**  
Presiding Member, Metro Inner-North JDAP



### 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 works.
3. The owner/applicant is responsible for applying to the Town for new crossover(s) and obtaining approval prior to commencement of works. In this regard, the width of the crossover(s) may be less than the driveway widths shown on the approved plans.
4. The owner/applicant is requested to liaise with adjoining landowners prior to undertaking works that may affect the health of trees located on adjoining lots or altering dividing fences.
5. The owner/applicant is advised that the lots may be required to be subdivided and new Certificate of Titles be issued prior to the granting of a Building Permit.
6. All construction work shall be carried out in accordance with the requirements of the Environmental Protection (Noise) Regulations 1997.
7. 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.
8. 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.
9. The owner/applicant is responsible for ensuring that the land is suitable for the proposed development and that any appropriate remediation of the site has occurred prior to works being commenced, in accordance with the Department of Water and Environment Regulations. This is separate to the planning approval process.

### Office and roof sign

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. The development shall satisfy the conditions specified in the Main Roads Western Australia (MRWA) letter dated 18 February 2022 (or as amended).



4. The proposed roof sign shall only display static advertising (non-digital). Details to be submitted at the Building Permit stage to the satisfaction of the Town.
5. Vehicle parking for the office use shall be provided on-site, together with end-of-trip facilities/bicycle parking, as shown on the approved plans.
6. A detailed landscaping plans shall be submitted for the proposed non-residential development to the satisfaction of the Town and maintained at the applicant's cost.
7. The external profile of the development as shown on the approved plans not being changed, except with the written consent of the Town.
8. All external glazing to the ground floor office tenancy shall be visually permeable (clear glass) to provide visual interest to the building at street level. Details to be submitted at the Building Permit stage to the satisfaction of the Town.
9. Finalisation of the subdivision issued by the Western Australian Planning Commission on 21 April 2022 (Application No: 161866) and new Certificates of Title being issued for the proposed lots prior to occupation.

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. The owner/applicant is responsible for applying to the Town for new crossover(s) and obtaining approval prior to commencement of works.
5. The owner/applicant is responsible for obtaining approval for a separate Signage Licence from the Town.
6. In respect to Condition 4, the applicant/owner may be required to obtain the separate approval of MRWA.
7. 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.
8. 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.

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

**Ms Francesca Lefante**  
Presiding Member, Metro Inner-North JDAP



## ALTERNATE MOTION

**Moved by:** Ms Lee O'Donohue

**Seconded by:** Cr Craig Masarei

It is recommended that the Metro Inner-North Joint Development Assessment Panel resolve to:

**Approve** DAP Application reference DAP22/02156 and accompanying plans received 4 & 17 March 2022 for two, two-storey dwellings; and drawings SK-100 (rev.05), SK-101 (Rev. 05), SK-102 (Rev. 05), SK-110 (Rev. 06), SK111 (Rev. 08), SK112 (Rev. 08), SK113 (Rev. 04), SK-200 (Rev.08), SK-201 (Rev. 08), SK-600 (Rev. 10), and SK-601 (Rev. 10) received 4 May 2022 for a two-storey office development and roof sign, in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the Town of Cottesloe's Local Planning Scheme No. 3, subject to the following conditions and advice notes:

### Dwellings

1. All water draining from roofs and other impermeable surfaces should 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. The finish and colour of the boundary wall(s) facing the adjoining side boundaries shall be to the satisfaction of the Town.
3. Any proposed fencing within the front setback area shall be visually permeable above 1.2m of natural ground level, measured from the primary street side, except where shown on the approved plans. Details to be shown at the Building Permit stage.
4. Walls, fences and other structures shall be truncated or reduced to no higher than 0.75m within 1.5m of where the driveway joins the front boundary/street. Details to be shown at the Building Permit stage.
5. Plant and equipment, including air-conditioning units, should 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.
6. Finalisation of the subdivision issued by the Western Australian Planning Commission on 21 April 2022 (Application No: 161866) and new Certificates of Title being issued for the proposed lots prior to occupation.
7. A tree for each dwelling shall be provided within a minimum 2m x 2m tree planting area that is free of impervious surfaces and roof cover to the satisfaction of the Town.

**Ms Francesca Lefante**  
Presiding Member, Metro Inner-North JDAP



### 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 works.
3. The owner/applicant is responsible for applying to the Town for new crossover(s) and obtaining approval prior to commencement of works. In this regard, the width of the crossover(s) may be less than the driveway widths shown on the approved plans.
4. The owner/applicant is requested to liaise with adjoining landowners prior to undertaking works that may affect the health of trees located on adjoining lots or altering dividing fences.
5. The owner/applicant is advised that the lots may be required to be subdivided and new Certificate of Titles be issued prior to the granting of a Building Permit.
6. All construction work shall be carried out in accordance with the requirements of the Environmental Protection (Noise) Regulations 1997.
7. 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.
8. 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.
9. The owner/applicant is responsible for ensuring that the land is suitable for the proposed development and that any appropriate remediation of the site has occurred prior to works being commenced, in accordance with the Department of Water and Environment Regulations. This is separate to the planning approval process.

### Office and roof sign

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. The development shall satisfy the conditions specified in the Main Roads Western Australia (MRWA) letter dated 27 May 2022.



4. Vehicle parking for the office use shall be provided on-site, together with end-of-trip facilities/bicycle parking, as shown on the approved plans.
5. A detailed landscaping plans shall be submitted for the proposed non-residential development to the satisfaction of the Town and maintained at the applicant's cost.
6. All external glazing to the ground floor office tenancy shall be visually permeable (clear glass) to provide visual interest to the building at street level. Details to be submitted at the Building Permit stage to the satisfaction of the Town.
7. Finalisation of the subdivision issued by the Western Australian Planning Commission on 21 April 2022 (Application No: 161866) and new Certificates of Title being issued for the proposed lots prior to occupation.

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. The owner/applicant is responsible for applying to the Town for new crossover(s) and obtaining approval prior to commencement of works.
5. The owner/applicant is responsible for obtaining approval for a separate Signage Licence from the Town.
6. 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.
7. 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.



## AMENDING MOTION 1

**Moved by:** Ms Francesca Lefante

**Seconded by:** Ms Lee O'Donohue

That Advice Note No. 9 in the Dwellings advice note section be repeated as Advice Note No. 8 in the Office and roof sign advice note section.

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** To reflect the applicant obligations to obtain all approvals under other legislation, including site remediation works via DWER.

### REPORT RECOMMENDATION (AS AMENDED)

It is recommended that the Metro Inner-North Joint Development Assessment Panel resolve to:

**Approve** DAP Application reference DAP22/02156 and accompanying plans received 4 & 17 March 2022 for two, two-storey dwellings; and drawings SK-100 (rev.05), SK-101 (Rev. 05), SK-102 (Rev. 05), SK-110 (Rev. 06), SK111 (Rev. 08), SK112 (Rev. 08), SK113 (Rev. 04), SK-200 (Rev.08), SK-201 (Rev. 08), SK-600 (Rev. 10), and SK-601 (Rev. 10) received 4 May 2022 for a two-storey office development and roof sign, in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the Town of Cottesloe's Local Planning Scheme No. 3, subject to the following conditions and advice notes:

#### Dwellings

1. All water draining from roofs and other impermeable surfaces should 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. The finish and colour of the boundary wall(s) facing the adjoining side boundaries shall be to the satisfaction of the Town.
3. Any proposed fencing within the front setback area shall be visually permeable above 1.2m of natural ground level, measured from the primary street side, except where shown on the approved plans. Details to be shown at the Building Permit stage.
4. Walls, fences and other structures shall be truncated or reduced to no higher than 0.75m within 1.5m of where the driveway joins the front boundary/street. Details to be shown at the Building Permit stage.
5. Plant and equipment, including air-conditioning units, should 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.
6. Finalisation of the subdivision issued by the Western Australian Planning Commission on 21 April 2022 (Application No: 161866) and new Certificates of Title being issued for the proposed lots prior to occupation.



7. A tree for each dwelling shall be provided within a minimum 2m x 2m tree planting area that is free of impervious surfaces and roof cover 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 works.
3. The owner/applicant is responsible for applying to the Town for new crossover(s) and obtaining approval prior to commencement of works. In this regard, the width of the crossover(s) may be less than the driveway widths shown on the approved plans.
4. The owner/applicant is requested to liaise with adjoining landowners prior to undertaking works that may affect the health of trees located on adjoining lots or altering dividing fences.
5. The owner/applicant is advised that the lots may be required to be subdivided and new Certificate of Titles be issued prior to the granting of a Building Permit.
6. All construction work shall be carried out in accordance with the requirements of the Environmental Protection (Noise) Regulations 1997.
7. 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.
8. 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.
9. The owner/applicant is responsible for ensuring that the land is suitable for the proposed development and that any appropriate remediation of the site has occurred prior to works being commenced, in accordance with the Department of Water and Environment Regulations. This is separate to the planning approval process.



### Office and roof sign

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. The development shall satisfy the conditions specified in the Main Roads Western Australia (MRWA) letter dated 27 May 2022.
4. Vehicle parking for the office use shall be provided on-site, together with end-of-trip facilities/bicycle parking, as shown on the approved plans.
5. A detailed landscaping plans shall be submitted for the proposed non-residential development to the satisfaction of the Town and maintained at the applicant's cost.
6. All external glazing to the ground floor office tenancy shall be visually permeable (clear glass) to provide visual interest to the building at street level. Details to be submitted at the Building Permit stage to the satisfaction of the Town.
7. Finalisation of the subdivision issued by the Western Australian Planning Commission on 21 April 2022 (Application No: 161866) and new Certificates of Title being issued for the proposed lots prior to occupation.

### 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. The owner/applicant is responsible for applying to the Town for new crossover(s) and obtaining approval prior to commencement of works.
5. The owner/applicant is responsible for obtaining approval for a separate Signage Licence from the Town.
6. 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.



7. 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.
8. The owner/applicant is responsible for ensuring that the land is suitable for the proposed development and that any appropriate remediation of the site has occurred prior to works being commenced, in accordance with the Department of Water and Environment Regulations. This is separate to the planning approval process.

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

**REASON:** The proposed development is considered well designed and consistent with the planning framework, zoning and location. Due consideration was given to the road status, Main Roads comments on the sign scale and historical use, development, and approvals on the site. Various condition minor changes were supported to reflect the officer comments and provide clarity in the provisions and Main Roads additional response 27 May 2022. On balance the JDAP supported the proposal consistent with the recommendation and reasons outlined in the RAR.

*Cr Craig Masarei and Cr Paul MacFarlane (Local Government Members, Town of Cottesloe) left the panel at 10.25am.*

*Cr Blane Brackenridge and Cr Kerry Smyth (Local Government Members, City of Nedlands) joined the panel at 10.27am.*

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

**9.1 No. 95a (Lot 388) Waratah Avenue, Dalkeith**

|                          |   |
|--------------------------|---|
| Development Description: | Amendments to approved development of Mixed Used  |
| Proposed Amendments:     | Amendments to approved development of Mixed Used – 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:** Mr John Syme

**Seconded:** Ms Lee O'Donohue

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

(i) *That Condition No. 22 be amended to read as follows:*

*Within 60 days of the date of this decision, an amended building permit is to be submitted demonstrating the following modifications ~~have been made to the vehicle access ramp, consistent with the recommendations in the Cardno Technical Memorandum dated 18 May 2022 and Level5Design Technical Note dated 16 May 2022 and to the satisfaction of the City of Nedlands:~~*

- a) *The ~~first~~ **upper** 6 metres of the vehicle access ramp shall have a gradient not greater than 1 in 8 (12.5%) **consistent with the Technical Note by Level5Design dated 16 May 2022.***
- b) *The vehicle access ramp shall have a minimum headroom clearance of 2.3m.*
- c) *A sight line truncation of 2.0m x 2.5m either side of the **upper end of the** vehicle access ramp shall be clear of obstructions.*
- d) *A warning sign visible to exiting vehicles at the top of the vehicle access ramp shall be mounted at a minimum clearance height of 2.3m and a maximum clearance height of 3.0m **at the location shown in Figure 3-1 on page 3 of the Technical Memorandum by Cardno dated 18 May 2022.** The sign will read "STOP. WATCH FOR PEDESTRIANS".*
- e) *An illuminated warning sign visible to pedestrians shall be mounted at a clearance height of 2.75m above the footpath in front of the vehicle access ramp **at the location shown in Figure 3-4 on page 5 of the Technical Memorandum by Cardno dated 18 May 2022.** The sign will read "CAUTION VEHICLES EXITING".*
- f) *Two convex mirrors shall be mounted above either side of **the upper end of the** vehicle access ramp **at the location shown in Figure 3-6 on page 7 of the Technical Memorandum by Cardno dated 18 May 2022** to provide exiting vehicles visibility in each direction along the footpath.*
- g) *Line markings at the top of the vehicle access ramp **at the location shown in Figure 3-2 on page 4 of the Technical Memorandum by Cardno dated 18 May 2022** shall be visible to exiting vehicles and painted in non-slip paint. The line markings shall consist of a red stop line and wording that reads "STOP WATCH FOR PEDESTRIANS".*
- h) *No security gate or other access control is to be installed at the top ramp*

**REASON:** The changes to the driveway were considered appropriate in the context of the approved plans. New condition 22 was modified with some elements not considered warranted in the context of the site, various minor condition rewording was considered made to provide clarity in the provisions.

(ii) *That Advice Note No. 32 be deleted.*

**REASON:** The advice note is not required as the proposed condition that it related to was removed and does not form part of the motion.



It is recommended that the Metro Inner-North JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/19/01695 as detailed on the DAP Form 2 dated 16 March 2022 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** DAP Application reference DAP/19/01695 and accompanying Basement, Ground Floor, Section A plans date stamped 17 March 2022 (Attachment 2), and the remaining originally approved plans dated 7 May 2020, in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause 16 of the City of Nedlands Local Planning Scheme No. 3, for the proposed minor amendments to the approved Mixed Use development at 95A Waratah Avenue, Dalkeith.

### **Amended Conditions**

13. Prior to occupation, the proposed car parking and vehicle access areas shall be constructed, sealed, drained, paved and line marked in accordance with the amended approved plans and, with the exception of the vehicle access ramp as set out below, are to comply with AS2890.1 to the satisfaction of the City of Nedlands.

### **New condition**

22. Within 60 days of the date of this decision, an amended building permit is to be submitted demonstrating the following modifications to the vehicle access ramp, to the satisfaction of the City of Nedlands:
  - a) The upper 6 metres of the vehicle access ramp shall have a gradient not greater than 1 in 8 (12.5%) consistent with the Technical Note by Level5Design dated 16 May 2022.
  - b) The vehicle access ramp shall have a minimum headroom clearance of 2.3m.
  - c) A sight line truncation of 2.0m x 2.5m either side of the upper end of the vehicle access ramp shall be clear of obstructions.
  - d) A warning sign visible to exiting vehicles at the top of the vehicle access ramp shall be mounted at a minimum clearance height of 2.3m and a maximum clearance height of 3.0m at the location shown in Figure 3-1 on page 3 of the Technical Memorandum by Cardno dated 18 May 2022. The sign will read "STOP. WATCH FOR PEDESTRIANS".
  - e) An illuminated warning sign visible to pedestrians shall be mounted at a clearance height of 2.75m above the footpath in front of the vehicle access ramp at the location shown in Figure 3-4 on page 5 of the Technical Memorandum by Cardno dated 18 May 2022. The sign will read "CAUTION VEHICLES EXITING".
  - f) Two convex mirrors shall be mounted above either side of the upper end of the vehicle access ramp at the location shown in Figure 3-6 on page 7 of the Technical Memorandum by Cardno dated 18 May 2022 to provide exiting vehicles visibility in each direction along the footpath.



- g) Line markings at the top of the vehicle access ramp at the location shown in Figure 3-2 on page 4 of the Technical Memorandum by Cardno dated 18 May 2022 shall be visible to exiting vehicles and painted in non-slip paint. The line markings shall consist of a red stop line and wording that reads “STOP WATCH FOR PEDESTRIANS”.
- h) No security gate or other access control is to be installed at the top ramp.

All other conditions and requirements detailed on the previous approval dated 7 May 2020 shall remain unless altered by this application.

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

**REASON:** The changes to the driveway were considered appropriate in the context of the approved plans. New condition 22 was modified with some elements not considered warranted in the context of the site, various minor condition rewording was considered made to provide clarity in the provisions. The JDAP supported the proposal inclusive of exterior colour, predominantly for the reasons outlined in the RAR.

**10. State Administrative Tribunal Applications and Supreme Court Appeals**

The Presiding Member noted the following SAT Applications -

| <b>Current SAT Applications</b>  |                  |   |   |                    |
|----------------------------------|------------------|---|---|--------------------|
| <b>File No. &amp; SAT DR No.</b> | <b>LG Name</b>   | <b>Property Location</b>  | <b>Application Description</b>  | <b>Date Lodged</b> |
| DAP/19/01651<br>DR160/2020       | City of Nedlands | Lot 1 (80) Stirling Highway, Lots 21-23 (2, 4 & 6)<br>Florence Road and Lots 33 & 33 (9&7)<br>Stanley Street,<br>Nedlands | Shopping Centre   | 21/07/2020         |
| DAP/21/02136<br>DR60/2022        | City of Nedlands | No. 43 Esplanade,<br>Nedlands   | Proposed Mixed Use Development - One consulting room and three multiple dwellings                       | 01/04/2022         |
| DAP/18/01491<br>DR61/2022        | City of Vincent  | No. 636-640<br>Newcastle Street,<br>Leederville   | Mixed Use Development comprising of 32 Multiple Dwellings, 10 Offices, One Restaurant/Café and One Shop | 04/04/2022         |



The Presiding Member noted the following Supreme Court Appeal –

| <b>Current Supreme Court Appeals</b> |                     |  |  |                    |
|--------------------------------------|---------------------|--|--|--------------------|
| <b>File No.</b>                      | <b>LG Name</b>      | <b>Property Location</b>               | <b>Application Description</b>   | <b>Date Lodged</b> |
| DAP/19/01722<br>CIV 2311 of<br>2021  | City of<br>Stirling | Lot 1 (331) West<br>Coast Drive, Trigg | Mixed Use<br>Development – Six<br>(6) Multiple<br>Dwellings and One<br>(1) Commercial<br>Tenancy | 7 April<br>2022    |

#### **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 10.51am.