



# Metro-Inner North Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Friday, 21 October 2022; 09:30am  
**Meeting Number:** MINJDAP/158  
**Meeting Venue:** Town of Cottesloe,  
109 Broome Street, Cottesloe

## 1 Table of Contents

1.	Opening of Meeting, Welcome and Acknowledgement.....	2
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 19 Napoleon Street (Lot 20) Cottesloe (Also Known As 19 & 21 Napoleon Street).....	4
9.	Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval.....	10
	Nil.....	10
10.	State Administrative Tribunal Applications and Supreme Court Appeals ...	11
11.	General Business.....	12
12.	Meeting Closure .....	12



## **Attendance**

### **DAP Members**

Ms Francesca Lefante (Presiding Member)  
Ms Lee O'Donohue (Deputy Presiding Member)  
Mr John Syme (Third Specialist Member)  
Cr Paul MacFarlane (Local Government Member, Town of Cottesloe)  
Cr Craig Maserei (Local Government Member, Town of Cottesloe)

### **Officers in attendance**

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

### **Minute Secretary**

Ms Jacquelyne Pilkington (Town of Cottesloe)

### **Applicants and Submitters**

Ms Bianca Sandri (Urbanista)  
Ms Daniella Mrdja (Urbanista)  
Mr Brandon Pratley (Griffiths Architects)  
Mr James Thompson (MJA Architects)  
Mr Brendan Foley (Thomson Geer)  
Mr Chris Swiderski (FLYT)  
Mr Dilan Patel (Talis)  
Ms Andra Biondi (Urbanista)  
Mr Nick King (Australian Development Capital)  
Mr Graham Agar (Full Circle Design Services) – Written Submission

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

Nil.

## **1. Opening of Meeting, Welcome and Acknowledgement**

The Presiding Member declared the meeting open at 9:33 am on 21 October 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*.

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



## 1.1 Announcements by Presiding Member

The Presiding Member advised that panel members may refer to technical devices, such as phones and laptops, throughout the meeting to assist them in considering the information before them.

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

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

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 8.1, received on 19 October 2022.

All members declared that they had duly considered the documents.

## 6. Disclosure of Interests

Nil.



## 7. Deputations and Presentations

- 7.1 Mr Brendon Pratley (Griffiths Architects) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.2 Mr James Thompson (MJA Architects) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.3 Ms Daniella Mrdja (Urbanista) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.4 Mr Brendon Foley (Thomson Geer) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.5 The Town of Cottesloe addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

A written submission against the recommendation for the application at Item 8.1 was provided to the DAP by Mr Graham Agar (Full Circle Designs).

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

### 8.1 19 Napoleon Street (Lot 20) Cottesloe (Also Known As 19 & 21 Napoleon Street)

Development Description:	Four-Storey Office Building With Rooftop Terrace, And Change Of Use Of Existing Ground Floor Buildings To 'Restaurant And Small Bar'
Applicant:	Urbanista Town Planning
Owner:	Stirling Cooper Collective 3 Pty Ltd
Responsible Authority:	Town of Cottesloe
DAP File No:	DAP/22/02276

### REPORT RECOMMENDATION

Moved by: Nil

Seconded by: Nil



1. That Council RECOMMENDS that the Metro Inner-North Joint Development Assessment Panel resolves to:

**Refuse** DAP Application reference DAP/22/02276 and accompanying plans (DA0.01-rev. A; DA0.02-rev. A; DA1.01-rev. A; DA1.02-rev. A; DA1.03-rev. A; DA1.04-rev. A; DA1.05-rev. A; DA1.06-rev. A; DA2.01-rev. A; DA2.02-rev. A; DA3.01-rev. A; DA3.02-rev. A; DA3.03-rev. A; DA3.04-rev. A) 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 Town of Cottesloe Local Planning Scheme No. 3, for the following reasons:

- a) The proposed development is contrary to the established local planning framework or the desired future character of the area as identified in the draft *Cott Village Precinct Plan*, particularly due to its height, scale, functionality, and absence of orderly and proper planning;
- b) The proposed development does not adequately respect the permitted scale and built form of the surrounding single-storey and two-storey properties in Napoleon Street;
- c) There is insufficient justification for proposed variations to the Scheme to be allowed based on the preservation of the existing heritage building on the site, including significant variations to building height, storeys, parking and plot ratio;
- d) There is insufficient on-site parking proposed, the parking and manoeuvring areas do not satisfy AS2890.1, and the parking shortfall does not satisfy subclause (1)(b) in Schedule 2, Part 9A of the *Planning & Development (Local Planning Schemes) Regulations 2015*;
- e) There is inadequate provision for an on-site loading bay or bin pick-up area at the rear thereby creating a potential obstruction to other users in Clapham Lane;
- f) The proposal will set an undesirable precedence for developments that do not conform to the adopted local planning framework;
- g) The proposal will not sustain the amenity, character and streetscape quality of the area.



2. That Council **ADVISES** the Metro Inner-North Joint Development Assessment Panel that the merits of the application are recognised and Council is prepared to support the proposal subject to modifications, including the following:
- The height of the development being reduced to a maximum of three storeys (plus terrace);
  - The number of on-site parking bays being to the satisfaction of the Town;
  - Parking and manoeuvring areas being modified to satisfy AS2890.1;
  - The provision for an on-site loading bay or bin pick-up area at the rear of the property adjacent to Clapham Lane, to the satisfaction of the Town; and
  - The provision of a cash-in-lieu contribution to a maximum of 25% of the total car parking requirement in accordance with the Town of Cottesloe Local Planning Policy No.1 - Parking Matters.

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

#### **ALTERNATE MOTION**

**Moved by:** Mr John Syme

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

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

**Approve** DAP Application reference DAP/22/02276 and accompanying plans (DA0.01-rev. A; DA0.02-rev. A; DA1.01-rev. A; DA1.02-rev. A; DA1.03-rev. A; DA1.04-rev. A; DA1.05-rev. A; DA1.06-rev. A; DA2.01-rev. A; DA2.02-rev. A; DA3.01-rev. A; DA3.02-rev. A; DA3.03-rev. A; DA3.04-rev. A) 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 Town of Cottesloe Local Planning Scheme No. 3, subject to the following conditions:

- The conservation works to the heritage building identified in the *Heritage Impact Statement* by Griffiths Architects dated July 2022 shall be completed prior to occupation, to the satisfaction of the Town.
- A photographic record of the heritage building shall be submitted to the satisfaction of the Town prior to issue of a Demolition Permit and/or Building Permit.
- A minimum 12 on-site car bays shall be provided, together with end-of-trip facilities. Details to be submitted at Building Permit stage to the satisfaction of the Town;
- The provision of a cash-in-lieu contribution of 25% of the total car parking requirement in accordance with the Town of Cottesloe Local Planning Policy No.1 - *Parking Matters* prior to occupation.
- Parking and manoeuvring areas shall satisfy AS2890.1. Details to be submitted at Building Permit stage to the satisfaction of the Town;

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



- f) The provision for an on-site loading bay or bin pick-up area at the rear of the property adjacent to Clapham Lane, to the satisfaction of the Town;
- g) 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.
- h) 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.
- i) The vehicle access shall include the installation and maintenance of a system to warn of vehicles exiting the car parking area, to the satisfaction of the Town.
- j) All external glazing to the ground floor fronting Napoleon Street 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.

Advice Notes:

- a) 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.
- b) 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.
- c) 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.
- d) Signage does not form part of this approval and may require a separate approval.

**AMENDING MOTION Number 1**

**Moved by:** Mr John Syme

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

To amend Condition (d) to read as follows:

*The provision of cash-in-lieu ~~contribution of 25% of 7 car bays~~ calculated ~~the total car parking requirement~~ in accordance with **Part 9A of the Planning and Development (Local Planning Schemes) Regulations 2015** ~~Local Planning Policy No 1 Parking Matters~~ prior to occupation.*

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

**REASON:** To provide clarity regarding the cash-in-lieu parking contribution required and method of cost calculation.

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



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## AMENDING MOTION Number 2

**Moved by:** Mr John Syme

**Seconded by:** Cr Paul MacFarlane

To amend Condition (f) to read as follows:

~~The provision for an on-site loading bay or bin pick-up area at the rear of the property adjacent to Clapham Lane, to the satisfaction of the Town;~~ **A Waste Management Plan is to be prepared and approved prior to occupation, with satisfactory arrangements for all waste disposal being provided by private contractors to the satisfaction of the Town.**

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

**REASON:** To ensure waste management for the lane addresses the specific access requirements along the lane. With the approval of the Panel the amending motion was amended to additional wording to the carried motion to provide certainty to the condition.

## AMENDING MOTION Number 3

**Moved by:** Mr John Syme

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

To amend Condition (g) to read as follows:

All water draining from roofs and **paved areas where practical** other impermeable surfaces shall be directed **collected and disposed of** ~~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.~~

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

**REASON:** To provide clarify regarding on-site drainage requirements.

## ALTERNATE (AS AMENDED)

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

**Approve** DAP Application reference DAP/22/02276 and accompanying plans (DA0.01-rev. A; DA0.02-rev. A; DA1.01-rev. A; DA1.02-rev. A; DA1.03-rev. A; DA1.04-rev. A; DA1.05-rev. A; DA1.06-rev. A; DA2.01-rev. A; DA2.02-rev. A; DA3.01-rev. A; DA3.02-rev. A; DA3.03-rev. A; DA3.04-rev. A) 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 Town of Cottesloe Local Planning Scheme No. 3, subject to the following conditions:

- a) The conservation works to the heritage building identified in the *Heritage Impact Statement* by Griffiths Architects dated July 2022 shall be completed prior to occupation, to the satisfaction of the Town.
- b) A photographic record of the heritage building shall be submitted to the satisfaction of the Town prior to issue of a Demolition Permit and/or Building Permit.

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





- c) A minimum 12 on-site carbays shall be provided, together with end-of-trip facilities. Details to be submitted at Building Permit stage to the satisfaction of the Town;
- d) The provision of cash-in-lieu of 7 car bays calculated in accordance with Part 9A of the Planning and Development (Local Planning Schemes) Regulations 2015 prior to occupation.
- e) Parking and manoeuvring areas shall satisfy AS2890.1. Details to be submitted at Building Permit stage to the satisfaction of the Town:
- f) A Waste Management Plan is to be prepared and approved prior to occupation, with satisfactory arrangements for all waste disposal being provided by private contractors to the satisfaction of the Town.
- g) All stormwater from roof and paved areas where practical shall be collected and disposed of on-site.
- h) 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.
- i) The vehicle access shall include the installation and maintenance of a system to warn of vehicles exiting the car parking area, to the satisfaction of the Town.
- j) All external glazing to the ground floor fronting Napoleon Street 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.

Advice Notes:

- a) 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.
- b) 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.
- c) 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.
- d) Signage does not form part of this approval and may require a separate approval.

**The Alternate Motion (as amended) was put and CARRIED UNANIMOUSLY**



**REASON:** Panel Members were of the opinion that the proposal in its current form is consistent with the planning framework. The design response in terms of bulk, scale and height is appropriate in the context of the area and is the intended future streetscape character of Napoleon Street, particularly in terms of purpose and function, noting the ongoing transition of the area to meet the planning framework.

The proposal is a high-quality building design with strong and positive street interaction with the retention of the Heritage building being a significant contribution to the retention of the streetscape. The additional development height is well managed through the measures taken to transition to the site through setbacks and on structure landscaping. The main building design, form and scale incorporates upper floor design, setback and material variations that create architectural interest to Napoleon Street.

The provision of dedicated on-site commercial tenancy parking which is accessed via the rear lane was supported as it allows for the retention of the heritage building, its use and streetscape long Napoleon Street.

Consideration was given to the proposed precinct plan, Members were of the opinion that the building form, location of bulk, design and position at the rear of the site, did not pre-empt or preclude this process, given the proposal focuses on retaining the existing building, protecting the streetscape, and addressing overshadowing through generous setback which steps the building away from the front street boundary. On balance the Panel supported the proposal.

**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 -

<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 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/21/02136 DR60/2022	City of Nedlands	No. 43 Esplanade, Nedlands	Proposed Mixed Use Development - One consulting room and three multiple dwellings	01/04/2022
DAP/18/01491 DR61/2022	City of Vincent	No. 636-640 Newcastle Street, Leederville	Mixed Use Development comprising of 32 Multiple Dwellings, 10 Offices, One Restaurant/Café and One Shop	04/04/2022
DAP/20/01770 DR140/2022	City of Nedlands	97 (Lots 1-4) and 105 (Lot 500) Stirling Highway, Nedlands	Mixed use development comprising of basement car parking, restaurants, offices, motor vehicle sales and multiple dwellings.	23/08/2022



## **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 11:52 am.

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