



Metro Inner-North Joint Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 31 August 2023; 9:30am
Meeting Number: MINJDAP/198
Meeting Venue: Town of Cottesloe
109 Broome Street, Cottesloe

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Francesca Lefante
Presiding Member, Metro Inner-North JDAP



Attendance

DAP Members

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

Officers in attendance

Ed Drewett (Town of Cottesloe)
Matthew Scott (Town of Cottesloe)
Steve Cleaver (Town of Cottesloe)
Shaun Kan (Town of Cottesloe)

Minute Secretary

Jacquelyne Pilkington (Town of Cottesloe)
Karen Ozkara (Town of Cottesloe)

Applicants and Submitters

Item 8.1

Brad Osborne
Steve Allerding (Allerding & Associates)
Paul Reidy (Fitzpatrick & Partners)
Amanda Butterworth (Allerding & Associates)

Item 9

Felipe Soto (Space Collective)
Scott Lambie (Stantec)
Daniel Lees (element)

Members of the Public / Media

4 members of the public in attendance.

Nadia Budihardjo - Business News was in attendance

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:32 am on 31 August 2023 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*.


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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

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 & 9.1, received on 30 August 2023.

All members declared that they had duly considered the documents including material received the morning of the 31 August 2023.

6. Disclosure of Interests

Nil

7. Deputations and Presentations

- 7.1 Brad Osborne addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.2 Stephen Allerdig (Allerdig & Associates) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.3 Paul Reidy (Fitzpatrick and Partners) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.


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- 7.4 Town of Cottesloe officers addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

The presentation at Item 7.1 – 7.4 were heard prior to the application at Item 8.1.

- 7.5 Felipe Soto (Space Collective) addressed the DAP in support of the recommendation for the application at Item 9.1 and responded to questions from the panel.
- 7.6 Scott Lambie (Stantec) addressed the DAP in support of the recommendation for the application at Item 9.1 and responded to questions from the panel.
- 7.7 Dan Lees (element) addressed the DAP in support of the recommendation for the application at Item 9.1 and responded to questions from the panel.
- 7.8 Town of Cottesloe officers addressed the DAP in relation to the application at Item 9.1 and responded to questions from the panel.

The presentations at Items 7.5 - 7.8 were heard prior to the application at Item 9.1.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 26 (126) Railway Street, Cottesloe

Development Description:	Mixed Use Development (Office & Residential)
Applicant:	Allerding & Associates
Owner:	AMB Holdings Pty Ltd
Responsible Authority:	Town of Cottesloe
DAP File No:	DAP/23/02456

REPORT RECOMMENDATION

Moved by: John Syme

Seconded by: Cr Paul MacFarlane

Approve DAP Application reference DAP/23/02456 and the following plans and documentation:

- *Plans dated 16/6/23: Drawing Nos: DA-29; DA-30 (Issue A); DA-31 (Issue A); DA-32 (Issue A); DA-33 (Issue A); DA-34 (Issue A); DA-40 (Issue A); DA-41 (Issue A); DA-42 (Issue A); DA-43 (Issue A); DA-45 (Issue A); DA-46 (Issue A); DA-47 (Issue A); DA-67 (Issue A); DA-68 (Issue A); DA-69 (Issue A);*
- *Plan dated 15/8/23: Drawing No: DA93 (Issue 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's Local Planning Scheme No. 3, subject to the following conditions:


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Conditions

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 12 carbays shall be provided on-site, together with end-of-trip facilities and bicycle parking as shown on the approved plans. Details to be submitted at the Building Permit stage to the satisfaction of the Town.
4. Prior to occupation, all car parking spaces and access aisles are to be provided in accordance with Australian Standards, and thereafter maintained at the owner's cost.
5. Prior to the submission of a Building Permit application, details of vehicle delivery 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.
6. The security gates across the vehicle access driveway shall be operated so as to not prevent occupants and visitors from entering and exiting the site, to the satisfaction of the Town.
7. The design and functionality of the access ramp and bin storage area(s) shall be to the Town's specifications and Australian Standards. Details to be submitted at the Building Permit stage to the satisfaction of the Town.
8. Final details of a Reduction in Vehicle Use policy to incentivise the use of alternative transport options for all employees, directors, shareholders, those residing in the residential building, guests, and clients, shall be submitted to, and approved by the Town, and implemented at the applicants cost in perpetuity.
9. Prior to the submission of a Building Permit application, final landscape plans and specifications for both the subject site and the public realm, including hard and soft landscape specifications and reticulation details shall 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 shall 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. Landscaping and planters shown on the approved plans shall be arranged and maintained so as to restrict overlooking of the adjoining properties. Details to be submitted at the Building Permit stage to the satisfaction of the Town.


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12. Prior to submission of a Building Permit application, a final Waste Management Plan and Acoustic Report shall be submitted to, and approved, by the Town.
13. Prior to the issue of a building permit, a Noise Management Plan shall be submitted to and approved by the Town. The Noise Management Plan shall include, but not be limited to, measures to be implemented to minimise potential noise impact from the amphitheatre.
14. 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.
15. The finish and colour of the boundary wall(s) facing the adjoining southern and western boundaries shall be to the satisfaction of the Town. Details to be shown at the Building Permit stage.
16. All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
17. The landowner shall be responsible for the costs of any changes to the public domain outside the site proposed by or due to the development, including (but not limited to) the removal of any redundant crossovers and reinstatement of the verge and kerb, construction of any new crossover and any upgrading of verge pavements or landscaping. All such works shall be to the specification and satisfaction of the Town.
18. Pergola structures shown on the approved plans shall be open-framed and covered in a water permeable material or unroofed. Details to be submitted at the Building Permit stage to the satisfaction of the Town.
19. Prior to occupation, a notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the Certificate(s) of Title of the lot. The notification shall be created at the owner/applicant's expense and lodged with the Registrar of Titles for endorsement. The Notification is to state as follows:

"This lot is in the vicinity of a transport corridor and is affected, or may in the future be affected, by road and rail transport noise. Road and rail transport noise levels may rise or fall over time depending on the type and volume of traffic."
20. Prior to the issue of a building permit for the development, details are to be included with the building permit demonstrating to the satisfaction of the Town that the development incorporates the noise mitigation 'Quiet House Requirements' of the State Planning Commission 'Road and Rail Noise Guidelines', or designs and implements an approved Noise Management Plan by a qualified acoustic practitioner. All requirements are to be implemented prior to occupation and maintained for the life of the development to the satisfaction of the Town.



21. A public art contribution to the value of at least 1% of the development cost shall be provided in accordance with the Town's *Developer Contributions for Public Art* policy. Details to be submitted to the satisfaction of the Town prior to lodgement of a Building Permit application.
22. Prior to the submission of a Building Permit, the owner/applicant shall obtain written approval from the Town of Cottesloe for private infrastructure over public land required under Reg.17 of the *Local Government (Uniform Local Provisions) Regulations 1996*.
23. A Construction Management Plan shall be submitted to and approved by the Town prior to the submission of a building permit application. The management plan shall include details regarding mitigation measures to address impacts associated with construction works, including but not limited to:
 - the control of vibration, dust, noise, waste, sand and sediment; temporary fencing; hoardings and gantries; site access/egress; deliveries of construction materials; heavy construction machinery; parking for contractors and tradespersons; and traffic control;
 - any trees (including roots) that are to be retained on the development site, and in close proximity to the proposed works should be appropriately protected during construction works (e.g. tree protection zones).

The construction works shall be undertaken in accordance with the approved Construction Management Plan.

24. The gym/communal recreation area shall not be used by the general public.
25. The wall height (to level of roof) of the upper floor lobby and lift shaft to the office shall not exceed 9m above natural ground level. Details to be submitted to the satisfaction of the Town prior to lodgement of a Building Permit application.
26. The portion of roof that vertically aligns with the gym below shall be permeable. Details to be submitted to the satisfaction of the Town prior to lodgement of a Building Permit application.

Advice Notes

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


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4. 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.
5. Signage does not form part of this approval and may require a separate approval.
6. 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.
7. The applicant/owner shall liaise with Western Power in respect to any necessary modifications to the existing power lines adjoining the lot.
8. 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.
9. 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: Lee O'Donohue

Seconded by: Francesca Lefante

That Condition No.13 be deleted and replaced with Condition No. 13 of Officer's Recommendation to read as follows;

The ground floor, west-facing opening(s), to the amphitheatre shall be non-openable. Details to be submitted at the Building Permit Stage unless otherwise approved by Council.

The Amending Motion was put and LOST (2/3).

For: Lee O'Donohue
Francesca Lefante

Against: John Syme
Cr Paul MacFarlane
Cr Craig Masarei

Francesca Lefante
Presiding Member, Metro Inner-North JDAP



AMENDING MOTION 2

Moved by: John Syme

Seconded by: Cr Craig Masarei

The following amendments were made en bloc;

- i. That Condition No.22 be deleted, and the remaining Conditions be renumbered accordingly.
- ii. That a new Advice Note No.10 be added to read as follows;

Prior to the submission of a Building Permit, the owner/applicant shall obtain written approval from the Town of Cottesloe for private infrastructure over public land required under Reg.17 of the Local Government (Uniform Local Provisions) Regulations 1996.

The Amending Motion was put and CARRIED UNANIMOUSLY

REASON: The condition relates to matters address under other legislation, as such are included in an advice note.

REPORT RECOMMENDATION (AS AMENDED)

Approve DAP Application reference DAP/23/02456 and the following plans and documentation:

- *Plans dated 16/6/23: Drawing Nos: DA-29; DA-30 (Issue A); DA-31 (Issue A); DA-32 (Issue A); DA-33 (Issue A); DA-34 (Issue A); DA-40 (Issue A); DA-41 (Issue A); DA-42 (Issue A); DA-43 (Issue A); DA-45 (Issue A); DA-46 (Issue A); DA-47 (Issue A); DA-67 (Issue A); DA-68 (Issue A); DA-69 (Issue A);*
- *Plan dated 15/8/23: Drawing No: DA93 (Issue 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's Local Planning Scheme No. 3, subject to the following conditions:

Conditions

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 12 carbays shall be provided on-site, together with end-of-trip facilities and bicycle parking as shown on the approved plans. Details to be submitted at the Building Permit stage to the satisfaction of the Town.

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Presiding Member, Metro Inner-North JDAP



4. Prior to occupation, all car parking spaces and access aisles are to be provided in accordance with Australian Standards, and thereafter maintained at the owner's cost.
5. Prior to the submission of a Building Permit application, details of vehicle delivery 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.
6. The security gates across the vehicle access driveway shall be operated so as to not prevent occupants and visitors from entering and exiting the site, to the satisfaction of the Town.
7. The design and functionality of the access ramp and bin storage area(s) shall be to the Town's specifications and Australian Standards. Details to be submitted at the Building Permit stage to the satisfaction of the Town.
8. Final details of a Reduction in Vehicle Use policy to incentivise the use of alternative transport options for all employees, directors, shareholders, those residing in the residential building, guests, and clients, shall be submitted to, and approved by the Town, and implemented at the applicants cost in perpetuity.
9. Prior to the submission of a Building Permit application, final landscape plans and specifications for both the subject site and the public realm, including hard and soft landscape specifications and reticulation details shall 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 shall 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. Landscaping and planters shown on the approved plans shall be arranged and maintained so as to restrict overlooking of the adjoining properties. Details to be submitted at the Building Permit stage to the satisfaction of the Town.
12. Prior to submission of a Building Permit application, a final Waste Management Plan and Acoustic Report shall be submitted to, and approved, by the Town.
13. Prior to the issue of a building permit, a Noise Management Plan shall be submitted to and approved by the Town. The Noise Management Plan shall include, but not be limited to, measures to be implemented to minimise potential noise impact from the amphitheatre.
14. 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.



15. The finish and colour of the boundary wall(s) facing the adjoining southern and western boundaries shall be to the satisfaction of the Town. Details to be shown at the Building Permit stage.
16. All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
17. The landowner shall be responsible for the costs of any changes to the public domain outside the site proposed by or due to the development, including (but not limited to) the removal of any redundant crossovers and reinstatement of the verge and kerb, construction of any new crossover and any upgrading of verge pavements or landscaping. All such works shall be to the specification and satisfaction of the Town.
18. Pergola structures shown on the approved plans shall be open-framed and covered in a water permeable material or unroofed. Details to be submitted at the Building Permit stage to the satisfaction of the Town.
19. Prior to occupation, a notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the Certificate(s) of Title of the lot. The notification shall be created at the owner/applicant's expense and lodged with the Registrar of Titles for endorsement. The Notification is to state as follows:

"This lot is in the vicinity of a transport corridor and is affected, or may in the future be affected, by road and rail transport noise. Road and rail transport noise levels may rise or fall over time depending on the type and volume of traffic."
20. Prior to the issue of a building permit for the development, details are to be included with the building permit demonstrating to the satisfaction of the Town that the development incorporates the noise mitigation 'Quiet House Requirements' of the State Planning Commission 'Road and Rail Noise Guidelines', or designs and implements an approved Noise Management Plan by a qualified acoustic practitioner. All requirements are to be implemented prior to occupation and maintained for the life of the development to the satisfaction of the Town.
21. A public art contribution to the value of at least 1% of the development cost shall be provided in accordance with the Town's *Developer Contributions for Public Art* policy. Details to be submitted to the satisfaction of the Town prior to lodgement of a Building Permit application.
22. A Construction Management Plan shall be submitted to and approved by the Town prior to the submission of a building permit application. The management plan shall include details regarding mitigation measures to address impacts associated with construction works, including but not limited to:
 - the control of vibration, dust, noise, waste, sand and sediment; temporary fencing; hoardings and gantries; site access/egress; deliveries of construction materials; heavy construction machinery; parking for contractors and tradespersons; and traffic control;



- any trees (including roots) that are to be retained on the development site, and in close proximity to the proposed works should be appropriately protected during construction works (e.g. tree protection zones).

The construction works shall be undertaken in accordance with the approved Construction Management Plan.

23. The gym/communal recreation area shall not be used by the general public.
24. The wall height (to level of roof) of the upper floor lobby and lift shaft to the office shall not exceed 9m above natural ground level. Details to be submitted to the satisfaction of the Town prior to lodgement of a Building Permit application.
25. The portion of roof that vertically aligns with the gym below shall be permeable. Details to be submitted to the satisfaction of the Town prior to lodgement of a Building Permit application.

Advice Notes

1. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.
2. The owner/applicant is responsible for applying to the Town for a Building Permit and obtaining approval prior to undertaking the development.
3. The owner/applicant may be required to submit an acoustic noise report that includes predicted noise emissions at the Building Permit stage and comply with all relevant health requirements.
4. 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.
5. Signage does not form part of this approval and may require a separate approval.
6. 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.
7. The applicant/owner shall liaise with Western Power in respect to any necessary modifications to the existing power lines adjoining the lot.
8. 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.



9. 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.
10. Prior to the submission of a Building Permit, the owner/applicant shall obtain written approval from the Town of Cottesloe for private infrastructure over public land required under Reg.17 of the *Local Government (Uniform Local Provisions) Regulations 1996*.

The Report Recommendation (as amended) was put and carried UNANIMOUSLY

REASON: The proposed development is consistent with the planning framework giving due regard to Local Planning Scheme, Local Development Plan, R-Codes and submissions received. The design is unique with significant detail provided to the Railway Road façade, street activation and interaction, including the suitability of the awning/roof projection over the road reserve. Members noted that this aspect was subject to further approvals under separate legislation. The form, scale and height are appropriate in the site context. In this instance variations to the Local Development Plan were supported given the design, landscaping and site levels relative to the adjoining residential property. The design incorporates extensive landscaping and significant environmental features which are highly regarded and positive elements of the proposal. On balance the proposal was supported having regard to the design and use in the context of the site and including reasons given in the RAR.

PROCEDURAL MOTION

Moved by: Francesca Lefante

Seconded by: Cr Paul MacFarlane

That the meeting be adjourned for a period of 5 minutes to allow members a comfort break.

The meeting was adjourned at 11:18 am

The meeting was reconvened at 11:25 am

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: To allow the panel a comfort break.

Francesca Lefante
Presiding Member, Metro Inner-North JDAP



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

9.1 110-112 (Lot 6) Marine Parade, Cottesloe

Development Description:	Amendments To Approved Mixed Use Development (Commercial & Residential)
Proposed Amendments:	Modifications to commercial tenancies, apartment layouts, car parking levels, façade materials, and previous conditions of approval
Applicant:	Element Advisory
Owner:	BWC Corp Pty Ltd
Responsible Authority:	Town of Cottesloe
DAP File No:	DAP/21/02066

REPORT RECOMMENDATION

Moved by: John Syme

Seconded by: Lee O'Donohue

That the Metro Inner North JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/21/02066 as detailed on the DAP Form 2 dated 23 March 2023 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/21/02066 and accompanying plans received 17 March 2023 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 proposed amendments to the approved mixed-use development at Lot 6, 110-112 Marine Parade, Cottesloe subject to the following conditions:

Amended Conditions

Condition 3:

A minimum 21 car bays shall be provided on-site, with a minimum 11 car bays being exclusively allocated to the ground floor commercial uses and not used for residential purposes, in perpetuity;

Or, alternatively:

Prior to the commencement of development, payment of \$232,470 shall be made to the Town of Cottesloe for Payment in Lieu of 9 car parking bays which have not been provided on site or in a shared parking arrangement. This condition has been imposed under the requirements of the Town of Cottesloe's *Payment in Lieu of Parking Plan* and Schedule 2, clause 77H of the *Planning and Development (Local Planning Schemes) Regulations 2015*.


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Condition 5:

The maximum total number of patrons permitted to be accommodated in the ground floor commercial restaurant shall not exceed 89 patrons at any one time.

Condition 6:

All commercial bins shall be located in an appropriate commercial bin store area with direct access to Warnham Road. Details to be provided prior to submission of a Building Permit, to the satisfaction of the Town.

Condition 12:

Prior to the submission of a Building Permit, a final Waste Management Plan 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.

New Conditions

Condition 14:

Prior to the submission of a Building Permit application, detailed plans, endorsed by a suitably qualified engineering consultant, shall be provided which demonstrates the proposed car parking areas, vehicle (laneway) access, universal access and bicycle bays have been designed to the specifications of the Town, in accordance with the relevant Australian Standards. If the vehicle (laneway) access is required to be widened to comply with the Australian Standards, then an easement shall be provided on the title of the subject property prior to occupation allowing all other adjoining properties that currently have a right of carriageway across the 4 Warnham Road easement, to have a reciprocal right of access across the widened laneway on Lot 6.

Condition 15:

Prior to occupation of the development, a Parking and Operational Management Plan is to be submitted to, and approved, by the Town. The approved plan shall be implemented and adhered to at all times by the owners and/or managers of the development, to the satisfaction of the Town.

Condition 16:

A Construction Management Plan shall be submitted to and approved by the Town prior to the submission of a building permit. The management plan shall include details regarding mitigation measures to address impacts associated with construction works, including but not limited to:

- the control of vibration, dust, noise, waste, sand and sediment; temporary fencing; hoardings and gantries; site access/egress; deliveries of construction materials; heavy construction machinery; parking for contractors and tradespersons; and traffic control;


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- any trees (including roots) that are to be retained on the development site, and in close proximity to the proposed works should be appropriately protected during construction works (e.g. tree protection zones).

The construction works shall be undertaken in accordance with the approved Construction Management Plan.

Condition 17:

Prior to lodgement of a Building Permit, Public Art to the minimum value of 1% of the total development cost shall be provided in accordance with the Town's *Developer Contributions for Public Art Policy*, to the satisfaction of the Town.

Condition 18:

Prior to occupation of the development, the owner shall register on the Certificate of Title(s) of the residential units, notifications, pursuant to Section 70A of the Transfer of Land Act 1893. Notice of the notifications are to be included on the diagram or plan of survey (deposited plan). The notification is to state that the lot is located within an area that may be affected by potentially heightened ambient noise levels (activity, noise, light, traffic and late hours of operation) within public and private areas than that normally associated with a typical residential area.

The notifications are to be registered at the applicant/owners expense, to the satisfaction of the Town.

New Advice Notes

Advice Note 8:

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.

Advice Note 9:

The owner/applicant shall ensure that they have all necessary approvals to allow the proposed use of the ROW (laneway) adjoining the eastern boundary of the lot for vehicle access.

All other conditions and requirements detailed on the previous approval dated 21 December 2021 shall remain unless altered by this application.

Francesca Lefante
Presiding Member, Metro Inner-North JDAP



AMENDING MOTION 1

Moved by: John Syme

Seconded by: Lee O'Donohue

That Condition No.3 be amended to read as follows;

*A minimum of ~~24~~ **23** car bays shall be provided on-site, with a minimum ~~11~~ **4** car bays being exclusively allocated to the ground floor commercial uses and not used for residential purposes, in perpetuity;*

Or, alternatively:

*Prior to the commencement of development, payment of ~~\$232,470~~ **\$51,660** shall be made to the Town of Cottesloe for Payment in Lieu of ~~9~~ **up to 2** car parking bays which have not been provided on site or in a shared parking arrangement. This condition has been imposed under the requirements of the Town of Cottesloe's Payment in Lieu of Parking Plan and Schedule 2, clause 77H of the Planning and Development (Local Planning Schemes) Regulations 2015.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Increase in the on-site parking provision relative to commercial parking allocation was warranted in the context of the modifications sought and reflected the need and nexus associated with the Form 2 application change to commercial floorspace and oversupply of residential parking.

AMENDING MOTION 2

Moved by: John Syme

Seconded by: Lee O'Donohue

That Condition No. 17 be deleted, and the remaining conditions be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY

REASON: The policy position is a recent document that did not form part of the approval for the initial application, accordingly the policy need and nexus was applied only to the scale and extent of amendment forming part of this Form 2 application.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro Inner North JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/21/02066 as detailed on the DAP Form 2 dated 23 March 2023 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;

Francesca Lefante
Presiding Member, Metro Inner-North JDAP



2. **Approve** DAP Application reference DAP/21/02066 and accompanying plans received 17 March 2023 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 proposed amendments to the approved mixed-use development at Lot 6, 110-112 Marine Parade, Cottesloe subject to the following conditions:

Amended Conditions

Condition 3:

A minimum 23 car bays shall be provided on-site, with a minimum 4 car bays being exclusively allocated to the ground floor commercial uses and not used for residential purposes, in perpetuity;

Or, alternatively:

Prior to the commencement of development, payment of \$51,660 shall be made to the Town of Cottesloe for Payment in Lieu of up to 2 car parking bays which have not been provided on site or in a shared parking arrangement. This condition has been imposed under the requirements of the Town of Cottesloe's *Payment in Lieu of Parking Plan* and Schedule 2, clause 77H of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Condition 5:

The maximum total number of patrons permitted to be accommodated in the ground floor commercial restaurant shall not exceed 89 patrons at any one time.

Condition 6:

All commercial bins shall be located in an appropriate commercial bin store area with direct access to Warnham Road. Details to be provided prior to submission of a Building Permit, to the satisfaction of the Town.

Condition 12:

Prior to the submission of a Building Permit, a final Waste Management Plan 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.



New Conditions

Condition 14:

Prior to the submission of a Building Permit application, detailed plans, endorsed by a suitably qualified engineering consultant, shall be provided which demonstrates the proposed car parking areas, vehicle (laneway) access, universal access and bicycle bays have been designed to the specifications of the Town, in accordance with the relevant Australian Standards. If the vehicle (laneway) access is required to be widened to comply with the Australian Standards, then an easement shall be provided on the title of the subject property prior to occupation allowing all other adjoining properties that currently have a right of carriageway across the 4 Warnham Road easement, to have a reciprocal right of access across the widened laneway on Lot 6.

Condition 15:

Prior to occupation of the development, a Parking and Operational Management Plan is to be submitted to, and approved, by the Town. The approved plan shall be implemented and adhered to at all times by the owners and/or managers of the development, to the satisfaction of the Town.

Condition 16:

A Construction Management Plan shall be submitted to and approved by the Town prior to the submission of a building permit. The management plan shall include details regarding mitigation measures to address impacts associated with construction works, including but not limited to:

- the control of vibration, dust, noise, waste, sand and sediment; temporary fencing; hoardings and gantries; site access/egress; deliveries of construction materials; heavy construction machinery; parking for contractors and tradespersons; and traffic control;
- any trees (including roots) that are to be retained on the development site, and in close proximity to the proposed works should be appropriately protected during construction works (e.g. tree protection zones).

The construction works shall be undertaken in accordance with the approved Construction Management Plan.

Condition 17:

Prior to occupation of the development, the owner shall register on the Certificate of Title(s) of the residential units, notifications, pursuant to Section 70A of the Transfer of Land Act 1893. Notice of the notifications are to be included on the diagram or plan of survey (deposited plan). The notification is to state that the lot is located within an area that may be affected by potentially heightened ambient noise levels (activity, noise, light, traffic and late hours of operation) within public and private areas than that normally associated with a typical residential area.

Francesca Lefante
Presiding Member, Metro Inner-North JDAP



The notifications are to be registered at the applicant/owners expense, to the satisfaction of the Town.

New Advice Notes

Advice Note 8:

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.

Advice Note 9:

The owner/applicant shall ensure that they have all necessary approvals to allow the proposed use of the ROW (laneway) adjoining the eastern boundary of the lot for vehicle access.

All other conditions and requirements detailed on the previous approval dated 21 December 2021 shall remain unless altered by this application.

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

REASON: Panel members were satisfied that the proposed changes would not substantially change the development and was appropriate for consideration in accordance with regulation 17(1)(c) of the DAP Regs. Consideration was given to the proposed modifications, in the context of the approval, planning framework, submission received, and presentations. In considering the merits of the changes the JDAP explored the extent of modifications in the context of the site and surrounding area, including changes to the planning framework and the extent applicable to the proposal. Significant discussion occurred relating to the on-site parking provision, change to commercial floorspace and oversupply of residential parking. The need and nexus to increase the commercial parking allocation was warranted in the context of the modifications sought. The Panel supported the proposal amendment, inclusive of condition changes to reflect Form 2 modifications, for the reasons outlined above and as set out in the RAR.


Francesca Lefante
Presiding Member, Metro Inner-North JDAP



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/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/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
DAP/22/02219 DR154/2022	City of Bayswater	589-591 (Lot 160-161) Morley Drive, Morley	Proposed Childcare Centre	14/09/2022
DAP/22/02191 DR192/2022	City of Vincent	No. 391 (Lot: 20) Lord Street, Mount Lawley	Proposed Mixed Use Development	31/10/2022
DAP/22/02229 DR172/2022	Town of Cambridge	413 (Lot 11) Vincent Street West, West Leederville	Two-Storey Childcare Centre	04/10/2022
DAP/22/02276 DR194/2022	Town of Cottesloe	19 Napoleon Street (Lot 20) Cottesloe (Also Known As 19 & 21 Napoleon Street)	Four-Storey Office Building with Rooftop Terrace, and Change of Use of Existing Ground Floor Buildings To 'Restaurant and Small Bar)	04/11/2022
DAP/22/02218 DR216/2022	City of Subiaco	No. 414 (Lot 27) Rokeby Road, Subiaco	Demolition Of Existing Building and Construction of a Six Storey Mixed Use Development (Ten Multiple Dwellings and Three Office Tenancies)	07/12/2022


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Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/22/02366 DR74/2023	City of Stirling	House Numbers 432, 438 And 440 (Lots 23, 15 And 351) Scarborough Beach Road and House Number 57 (Lot 31) Howe Street, Osborne Park	Additions - Motor Vehicle, Boat or Caravan Sales and Motor Vehicle Repair to existing Automotive Sales	22/05/2023
DAP/22/02364 DR75/2023	City of Bayswater	504A & 504-508 (Lot 30,4) Guildford Road, Bayswater	Proposed service station, fast food outlet and showroom development	23/05/2023
DAP/22/02248	City of Vincent	No. 129 (Lot: 62; D/P: 956) Loftus Street, Leederville	Proposed Child Care Premises	24/05/2023
DAP/22/02317 DR81/2023	City of Vincent	41-43 and 45 Angove Street, North Perth	Proposed Service Station	31/05/2023

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 1:01 pm.


Francesca Lefante
Presiding Member, Metro Inner-North JDAP