



Metro West Joint Development Assessment Panel Minutes

Meeting Date and Time: 3 September 2019, 11:00am
Meeting Number: MWJDAP/242
Meeting Venue: Town of Cottesloe
109 Broome Street
Cottesloe

Attendance

DAP Members

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

Officers in attendance

Mr Mat Humfrey (Town of Cottesloe)
Ms Katherine McKelvie (Department of Planning, Lands and Heritage)

Minute Secretary

Ms Janet Boyle (Town of Cottesloe)
Ms Anne-Marie Donkin (Town of Cottesloe)

Applicants and Submitters

Mr Thomas Gee
Mr Benjamin Fischer
Ms Chilla Bulbeck
Ms Sandra Boulter
Ms Samantha Thompson (Taylor Burrell Barnett)
Ms Suzanne Eyles (Curtin Heritage Living)
Mr David Cox (Curtin Heritage Living)
Mr Edward Neville (Total Project Management)
Mr Tony Papalia (Total Project Management)
Mr Scott Bradley (Grounds Kent Architects)
Mr Tom Hockley (Allerding and Associates)

Members of the Public / Media

There were 5 members of the public in attendance.

Mr David Cohen from The Post and Mr Jon Bassett from Western Suburbs Weekly was in attendance.

Ms Francesca Lefante
Presiding Member, Metro West JDAP



1. Declaration of Opening

The Presiding Member declared the meeting open at 11.00am on 3 September 2019 and acknowledged the traditional owners and paid respects 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 2017 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

The Presiding Member advised that the meeting is being audio recorded in accordance with Section 5.16 of the DAP Standing Orders 2017 which states 'A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.' The Presiding Member granted permission for the minute taker to record proceedings for the purpose of the minutes only.

2. Apologies

Mr Jarrod Ross (Deputy Presiding Member)
Mr Jason Hick (Specialist Member)

3. Members on Leave of Absence

Nil

4. Noting of Minutes

DAP members noted that signed minutes of previous meetings are available on the [DAP website](#).

5. Declaration of Due Consideration

Cr Sally Pyvis declared that she had not been provided a hard copy of the Agenda but was familiar enough with the substance or supporting information relating to the report for Item No. 8 to participate in the meeting.

The Presiding Member advised that hard copy agenda are not produced by JDAP in line with JDAP requirements, and that all documents are available on the website prior to the meeting. Any request for hardcopies to be provided by the Town is not a matter for the JDAP.

6. Disclosure of Interests

DAP Member, Mr Jarrod Ross, declared a direct pecuniary interest in item 8.1. Mr Ross is an employee of the town planning firm, Taylor Burrell Barnett (TBB), who are the applicant for this proposal.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2017, the Presiding Member determined that the member listed above, who had disclosed a direct pecuniary interest, was not permitted to participate in the discussion and voting on the item.



In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Member, Cr Sally Pyvis, declared that the Town of Cottesloe is a part owner of the land, the subject of the development application, and is in a contractual relationship being a lease of that land to the proponent, which could reasonably be perceived to affect Cr Sally Pyvis' impartiality in relation to the application at item 8.1. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr Sally Pyvis acknowledged that she is 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 her, which will be considered on its planning merits.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2017, the Presiding Member determined that the member listed above, who had disclosed an impartiality interest, was permitted to participate in the discussion and voting on the item.

PROCEDURAL MOTION

Moved by: Cr Sally Pyvis

Seconded by: Nil

To suspend Standing Orders and for panel presentations to be included in the minutes of the meeting.

The Procedural motion LAPSED for want of a seconder.

7. Deputations and Presentations

- 7.1** Mr Thomas Gee addressed the DAP against the application at Item 8.1 and responded to questions from the panel.
- 7.2** Mr Benjamin Fischer addressed the DAP against the application at Item 8.1 and responded to questions from the panel.
- 7.3** Ms Chilla Bulbeck addressed the DAP against the application at Item 8.1 and responded to questions from the panel.
- 7.4** Ms Sandra Boulter addressed the DAP against the application at Item 8.1 and responded to questions from the panel.
- 7.5** Ms Samantha Thompson (Taylor Burrell Barnett) and Mr Scott Bradley (Grounds Kent Architects) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.



8. Form 1 – Responsible Authority Reports – DAP Application

8.1 Property Location:	Lot 555 (1) Gibney Street, Cottesloe (known as the Wearne development)
Development Description:	Aged care facility comprising independent living units (ILUs), residential aged care accommodation (RAC) and ancillary uses
Applicant:	Ms Samantha Thompson, Taylor Burrell Barnett
Owner:	Town of Cottesloe Town of Claremont Town of Mosman Park Shire of Peppermint Grove
Responsible Authority:	Town of Cottesloe
DAP File No:	DAP/19/01623

PROCEDURAL MOTION

Moved by: Cr Sally Pyvis

Seconded by: Nil

That the consideration of DAP Application DAP/19/01623 be deferred in accordance with section 5.10.1a of the DAP Standing Orders 2017, for the following reasons:

1. The proponent has failed to and should be required to address the objectives and policy measures of State Planning Policy 2.6 – State Coastal Planning Policy (SPP 2.6).
2. The 'Wearne Development' concept articulated by the Proponent in the Development Application is inconsistent with the objectives and policy measures of SPP 2.6 because the concept does not address the principal preferential policy measure of locating new development on the portion of the development site that is least affected by coastal hazards (Policy Measure 5.6 (i)).
3. The 'Wearne Development' Development Application proponent has not undertaken and should be required to undertake a full coastal hazard risk assessment including a Geotechnical Investigation to inform management and adaptation planning to guide the proposed development (Policy Measure 5.6 (ii)), and coastal protection works implied by the concept design (Policy Measures 5.5 (i), (iii), 5.7 (i) and (iii), and 5.10 (i), (ii) and (iii)). The risk is great given the outcomes of the coastal hazard assessment undertaken by the state government in front of the McCall Centre to the south of the Wearne site that shows a lot less rock than previously understood.
4. The 'Wearne Development' Development Application proponent has not addressed the requirement for coastal protection works to be evaluated at a sediment cell level so as to take into consideration the future protection requirements of adjoining landholdings (Policy Measures 5.2 (iv), 5.7 (iii) and 5.7 (iv)(c)).



5. There is no Structure Plan for the Site as contemplated by LPS3 – which would have addressed the relevant comprehensive planning matters affecting development on this significant development site, particularly coastal hazard assessment and a Coastal Hazard Risk Management and Adaptation Planning (CHRMAP) cost benefit analysis that includes the foreshore in front of the Wearne Site. In all the circumstances it would be preferable for the JDAP Panel to require a Structure Plan before receiving a development application, noting the requirements of the Planning and Development (Local Planning Scheme) Regulations 2015 (the Regulations) Schedule 2, Part 4 Structure Plans, clause 27, which provides that:
 - (1) *A decision-maker for an application for development approval or subdivision approval in an area that is covered by a structure plan that has been approved by the Commission is to have due regard to, but is not bound by, the structure plan when deciding the application.*
 - (2) *A decision-maker for an application for development approval or subdivision approval in an area referred to in clause 15 as being an area for which a structure plan may be prepared, but for which no structure plan has been approved by the Commission, may approve the application if the decision-maker is satisfied that —*
 - (a) the proposed development or subdivision does not conflict with the principles of orderly and proper planning; and
 - (b) the proposed development or subdivision would not prejudice the overall development potential of the area.
6. Given the lack of compliance with SPP 2.6 it is not arguable that the Regulations Schedule 2, clause 27(2) condition for orderly and proper planning has been satisfied. Furthermore, the lack of compliance of the DA with SPP 2.6 is likely to prejudice overall development potential of the area.
7. The Proponent has not provided reasons for the proposed departure from the objectives and policy measures of SPP 2.6, which arguably presents a fatal flaw in the Development Application.
8. Approval of the Application risks setting an undesirable precedent with significant implications for the future efficacy of SPP 2.6, particularly in relation to the State's long-held primary and preferred policy response for avoiding new development on land affected by coastal hazards.
9. I do not understand if the DA is sufficiently detailed to ensure design of a quality that satisfies the State Planning Policy 7.0 "Design of the Built Environment" or SP 7.3 "Residential Design Codes Volume 2 – Apartments (Design WA).
10. The State Planning Policy 7.0 "Design of the Built Environment" or SP 7.3 "Residential Design Codes Volume 2 – Apartments (Design WA) is not binding on the Proponent by the terms of the DA.



11. Clarification about which plans were submitted on 6 June 2019 and which plans were submitted 24 July 2019 should clearly articulated in an DA approval. The Plan A194 Plan- Rev E in the Officer recommended approval preface to the conditions is not included in the DA submitted to JDAP but there is a Plan A194 Landscape Plan No Rev included in the DA, which is not referenced in the RAR. Furthermore, I cannot find which version of the DA plans which each of the attached consultant reports were based.
12. In respect of the officer assessment of the DA against the LPP, which includes the Masterplan, my understanding is that the LPP is a policy that is not binding on JDAP and so the references in the RAR to compliance with building heights and setbacks is something I do not understand because as I understand it, there is no maximum permissible heights of landfill, retaining walls or buildings; no minimum setbacks. Furthermore, the RAR at page 27 refers to a Conservation Plan where there is no Conservation Plan included in the DA.
13. The Conservation Management Plan is not included in the DA but there is a condition requiring the Plan subject to third party agreements, which is ambulatory and unlawful.
14. The paucity of effective strongly worded comprehensive conditions. The absence of a number of conditions necessary to high quality implementation of this DA in the public interest assumes a level of trust that is not prudent development approval governance.
15. Officers and Councillors who have worked closely with the Town's Lessee on the LPP and as the Lessee Proponent of the DA plans and prepared and noted the RAR respectively, in my view may have a conflict of interest, necessitating a peer review DA assessment. I am not comfortable considering or assessing the DA in the absence of an independent expert peer review by an independent statutory and strategic planner with expertise in coastal and aged care development that answers my concerns, especially in the absence of WAPC formal involvement by way of a Structure Plan and the failure to satisfy the conditions imposed by the Regulations.
16. Metro-West JDAP should seek independent legal advice from an expert probity lawyer about how to protect the public interest in the quality of the building before approving this DA in terms of any conditions that should and could be applied to the DA in respect of issuing a building licence by the Town.
17. The TOC Officer who wrote the RAR is not present at the JDAP meeting.

The Procedural Motion to defer LAPSED for want of a seconder.



ALTERNATE MOTION

Moved by: Cr Sally Pyvis

Seconded by: Nil

That the consideration of DAP Application DAP/19/01623 be refused for the following reasons:

- Non compliance with the objectives and policy measures of State Planning Policy 2.6 – State Coastal Planning Policy (SPP 2.6).
- There is no Structure Plan for the Site as contemplated by LPS3

The Alternate Motion LASED for want of a seconder

REPORT RECOMMENDATION

Moved by: Nil

Seconded by: Nil

That the Metro West JDAP resolves to:

Approve DAP Application reference DAP/19/01623 and accompanying plans A100-revC, L101-revA, A101-1-revC, A105-revE, A108-revA, A109-revC, A110-revT, A111-revT, A112-revT, A113-revT, A114-revR, A115-revR, A116-revR, A117-revH, A119-1-revC, A119-2-revA, A119-3-revA, A120-revE, A121-revF, A130-revE, A131-revD, A132-revD, A194-Material Palette and Landscape Plan-revE received 6 June and 24 July 2019, 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, and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme subject to the following conditions:

1. Details to be provided of connections of new to existing fabric prior to lodgement of a building permit application, to the satisfaction of the Heritage Council.
2. Documentary evidence to support the proposed landscape plan is to be provided prior to lodgement of a building permit application, to the satisfaction of the Heritage Council.
3. An interpretation strategy is to be provided to include interpretation in the public areas as well as in the residential complex, to the satisfaction of the Heritage Council.
4. The owner is to enter a Heritage Agreement with the Heritage Council to ensure the identified conservation works to the heritage buildings are complete prior to occupation of the site.
5. All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
6. The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town.



7. All water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site, where climatic and soil conditions allow for the effective retention of stormwater on-site.
8. All air-conditioning and other plant or equipment being designed, positioned and screened so as to be visually concealed and treated as may be necessary so as to ensure that sound levels emitted shall not exceed those specified in the Environment Protection (Noise) Regulations 1997.
9. A separate application for construction of new crossovers meeting the Town's specifications and Australian Standards shall be submitted for approval by the Town.
10. The Building Permit plans and supporting documentation shall be formulated to the satisfaction of the Town, and include:
 - a) The design and functionality of access ramps, service areas and bin stores.
 - b) A Demolition and Construction Management Plan that shall address (amongst other things): traffic management and safety for the streets, site worker parking including off-site parking, protection of street trees and street verges.
 - c) A schedule of materials and finishes;
 - d) Environmental Health requirements for the proposed uses, including café/restaurant and medical centre.
 - e) A minimum 46 car bays being provided in the basement staff carpark for the Residential Aged Care building (RAC).
11. The lessee 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, trees, and reinstatement of the verge and kerb, construction of any new crossovers and any upgrading of verge pavements or landscaping. All such works shall be to the specification and satisfaction of the Town.
12. All landscaping shall be completed in accordance with a landscape plan to be approved by the Heritage Council and the Town.

Advice Notes:

1. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.
2. The owner/applicant is responsible for applying to the Town for a Building Permit and obtaining approval prior to undertaking the development.
3. The owner/applicant is requested to have consideration of the use of materials for legibility and wayfinding.



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

PROCEDURAL MOTION

Moved by: Ms Francesca Lefante

Seconded by: Mr Clayton Higham

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

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: To allow an alternate motion to be presented on the screen.

The meeting was adjourned at 12:38pm.

The meeting was reconvened at 12.43pm.

ALTERNATE MOTION

Moved by: John Syme

Seconded by: Clayton Higham

That the Metro West JDAP resolves to:

Approve DAP Application reference DAP/19/01623 and accompanying plans A100-revC, L101-revA, A101-1-revC, A105-revE, A108-revA, A109-revC, A110-revT, A111-revT, A112-revT, A113-revT, A114-revR, A115-revR, A116-revR, A117-revH, A119-1-revC, A119-2-revA, A119-3-revA, A120-revE, A121-revF, A130-revE, A131-revD, A132-revD, A194-Material Palette and Landscape Plan-revE received 6 June and 24 July 2019, 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, and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme subject to the following conditions:

1. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2-year period, the approval shall lapse and be of no further effect.
2. Prior to the commencement of development, the applicant is to submit the drawings to the Heritage Council outlining:
 - a) The details to be provided of connections of new to existing fabric; and
 - b) An interpretation strategy to include interpretation in the public areas and within the residential complex;

to the satisfaction of the Town of Cottesloe upon advice from the Heritage Council.

3. The owner is to enter a Heritage Agreement with the Heritage Council to ensure the identified conservation works to the heritage buildings are complete by the conclusion of the overall development.



4. Prior to the issuing of a building permit, a geotechnical report prepared by a qualified consultant shall be submitted to and approved by the Town. This report is to demonstrate if on-site retention of stormwater is possible, or if connection to the Town's drainage system is required.
5. Thereafter, all stormwater produced on the subject land shall be retained on site or connected to the Town's drainage system at the expense of the applicant, to the satisfaction of the Town of Cottesloe.
6. A Waste and Service Management Plan prepared to the satisfaction of the Town of Cottesloe shall be submitted and approved by the Town prior to the commencement of the approved works. Waste management and service delivery areas for the development shall thereafter comply with the approved Waste and Service Management Plan.
7. A Construction Management Plan that details how the construction of the development will be managed to minimise the impact on the surrounding area shall be lodged with and approved by the Town of Cottesloe prior to the commencement of the approved works. The Construction Management Plan is required to address the following concerns that relate to any works to take place on the site:
 - Public safety, amenity and site security;
 - Contact details of essential site personnel;
 - Construction operating hours;
 - Noise control and vibration management;
 - Air, sand and dust management;
 - Stormwater and sediment control;
 - Soil excavation method;
 - Waste management and materials re-use;
 - Traffic and access management;
 - Parking arrangements for contractors and subcontractors;
 - Consultation plan with nearby properties; and
 - Compliance with AS4970-2009 relating to the protection of trees on the development site.
8. Prior to the commencement of development, a detailed schedule of external finishes (including materials, colour schemes and details) shall be submitted to the satisfaction of the Town of Cottesloe.
9. In addition to the general finishes for the development, this should address the treatment of the glass and windows facing the foreshore. The development shall be finished in accordance with the approved schedule prior to the use or occupation of the development.



10. A Parking Management Plan shall be submitted to the Town of Cottesloe for its approval prior to the commencement of the approved works. The plan shall identify:
 - the approved number of on-site parking bays, bicycle spaces and motorcycle bays; and
 - Identify the staff parking location for staff; and
 - Identify a minimum of 46 car bays to be provided in the basement staff carpark for the exclusive use of the Residential Aged Care Building.
11. The approved Parking Management Plan shall be implemented, and the development carried out in accordance with the approved Parking Management Plan and approved plans to the satisfaction of the Town of Cottesloe.
12. A detailed landscape and reticulation plan shall be prepared by the applicant to the satisfaction of the Town of Cottesloe prior to commencement of landscaping works, and thereafter implemented by the applicant to the satisfaction of the Town of Cottesloe upon advice from the Heritage Council.
13. All works shown in the plans as identified in the condition above, shall be maintained thereafter to the satisfaction of the Town at the expense of the owners/occupiers.
14. Unless otherwise first agreed in writing by the Town of Cottesloe, any trees or plants which, within a period of five years from first planting, are removed, die or, as assessed by the Town as being seriously damaged, shall be replaced within the next available planting season with others of the same species, size and number as originally approved.
15. Verge trees shall be retained and protected from damage including unauthorised pruning to the satisfaction of the Town. Prior to any pruning of verge trees, an arborist report shall be prepared by the landowner and submitted to the Town.
16. A revised acoustic report shall be lodged with and approved by the Town of Cottesloe, prior to the commencement of development and thereafter implemented by the applicant to the satisfaction of the Town of Cottesloe. The revised acoustic report shall include the following:
 - All air-conditioning and other plant and equipment being designed, positioned so as to ensure compliance with the Environment Protection (Noise) Regulations 1997
 - Consideration of the impact of noise generated by the Cinema, Restaurant/café, Laundries, Hairdresser and Exhibition Centre
 - Consideration of the impact of noise generated during waste collection times.
17. All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and be screened from view from the street and surrounding properties to the satisfaction of the Town of Cottesloe.



18. Prior to commencement of development, a signage strategy that provides for an integrated and coordinated approach to the design and provision of external signage on the development, including but not limited to details of size, location, content and illumination, being prepared, and approved by the Town, and thereafter maintained. Any subsequent signage not included in the signage strategy once approved, is to be subject to a separate application(s) for approval by the Town.
19. Prior to the commencement of development, a schedule of materials and colours for the boundary walls shall be submitted to and approved by the Town and thereafter implemented in accordance with the approval.

Advice Notes:

1. All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 – Construction Sites.
2. The applicant 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, trees and reinstatement of the verge and kerb, construction of any new crossovers and any upgrading of verge pavements or landscaping. All such works shall be to the specification and satisfaction of the Town of Cottesloe.
3. With respect to waste, the applicant/landowner is advised that waste and refuse generated on the site by the development shall be collected by a private contractor at the expense of the applicant/landowner in accordance with the Waste Management Plan. Should the private waste collection cease and the Town be required to collect the waste generated on-site, the applicant/landowner is to liaise with the Town in respect to the Town's requirements and specifications. Any alterations made in order to meet the Town's specifications will require an amendment to this approval.
4. A separate application for construction of new crossovers meeting the Town's specifications and Australian Standards shall be submitted for approval by the Town.
5. The Landscape Plan should indicate the location and type of reticulation to be installed; and the location and type of paving to be installed. The Plan should also include a plant schedule nominating species, planting distances, numbers, planting sizes, together with the anticipated height of each plant at maturity.
6. The Waste Management Plan shall be amended to include specifications of the methods, facilities and management measures to be put in place for the storage, collection and disposal/collection of waste and rubbish generated by the development including medical and laundry waste.
7. Food handling, preparation and storage areas to be designed and constructed in accordance with the Food Act 2008, Food Regulations 2009 and the Australian and New Zealand Food Authority (ANZFA) Food Safety Standards.



8. All public access areas (dining areas, etc) are to comply with the provisions of the Health (Miscellaneous Provisions) Act 1911, related regulations and guidelines and in particular Part VI – Public Buildings.
9. The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5 metres) shall be maintained for all users at all times during construction works. Permits are required for placement of any materials within the road reserve.
10. An Infrastructure Protection Bond for the sum to be agreed with the Town of Cottesloe together with a non-refundable inspection fee to be agreed with the Town of Cottesloe shall be lodged with the Town by the applicant, prior to the commencement of works, and will be held until the respective stage of building/development works have been completed and any disturbance of, or damage to the Town's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the Town. An application for the refund of the bond shall be made in writing. The bond is non-transferable.
11. All pedestrian access and vehicle driveway/crossover levels shall match into existing verge, footpath and right of way levels to the satisfaction of the Town.
12. The Town accepts no liability for the relocation of any public utility and/or any other services that may be required as a consequence of this development. The applicant shall ensure that the location of all services is identified prior to submitting an application for a building permit. The cost of relocating any services shall be borne by the applicant. The applicant is advised to liaise with the Water Corporation and Western Power in regard to servicing and infrastructure requirements for the development.

AMENDING MOTION 1

Moved by: Mr Clayton Higham

Seconded by: Mr John Syme

That Condition No. 3 be deleted, and remaining conditions be renumbered accordingly.

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

For: Ms Francesca Lefante
Mr Clayton Higham
Mr John Syme
Mayor Philip Angers

Against: Cr Sally Pyvis

REASON: There is an obligation on Curtin Heritage Living under the existing lease which composes the conservation of Wearne House and the conservation management plan which is currently in place, therefore the condition is both unnecessary and invalid because it makes reference to a third party.



AMENDING MOTION 2

Moved by: Cr Sally Pyvis

Seconded by: Nil

That an additional condition be added to read as follows:

Single use plastics including without limit balloons, plastic bottles, plastic bags that have a thickness of 35 microns or less, plastic takeaway containers and lids, plastic lined coffee cups/lids, plastic straws, plastic lolly sticks, plastic cutlery and single plastic wrapped lollies shall not be used by the Proponent (and any parties under their control or supervision) in the demolition and construction and building defects period except where otherwise approved by the Town, where such items are required for medical purposes.

The Amending Motion was put and LOST (1/4)

For: Cr Sally Pyvis

Against: Ms Francesca Lefante
Mr Clayton Higham
Mr John Syme
Mayor Philip Angers

REASON: This is a sensitive marine environment in close proximity to the ocean. There is a huge problem with micro plastics in the marine environment which both raises some of those issues.

AMENDING MOTION 3

Moved by: Cr Sally Pyvis

Seconded by: Mayor Philip Angers

That Advice Note No. 9 be added to read as follows:

Fish Habitat Protection Area (FHPA)

The full length of the Cottesloe Reef is protected by a Fish Habitat Protection Area (FHPA), the only one in the Perth Metropolitan Area. The principal aim of the Cottesloe Reef FHPA is to preserve valuable fish and marine environments for the future use and enjoyment of all people. Plastic and balloon litter pose a significant risk to this very special marine environment.

[NOTE: last sentence of this advice note was removed with the consent of the mover and seconder].

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

For: Cr Sally Pyvis
Mayor Philip Angers

Against: Ms Francesca Lefante
Mr Clayton Higham
Mr John Syme



REASON: During the recent beach access path construction process there was a major issue with micro plastics entering the marine environment due to construction on the site.

AMENDING MOTION 4

Moved by: Mr Clayton Higham

Seconded by: Mr John Syme

That Condition No. 7 (now No.6) dot point 8 be amended to read as follows:

- *Waste management and materials re-use, including the control of the use of single-use plastics;*

The Alternate Motion was put and CARRIED UNANIMOUSLY

AMENDING MOTION 5

Moved by: Cr Sally Pyvis

Seconded by: Mayor Philip Angers

That Condition No. 7 (now No.6) dot point 2 to be amended to read as follows:

- *Contact details of essential site personnel and a complaints management process;*

The Amending Motion was put and CARRIED UNANIMOUSLY

REASON: To provide a contact point for the management of complaints regarding litter at during the construction phase.

ALTERNATE MOTION (AS AMENDED)

That the Metro West JDAP resolves to:

Approve DAP Application reference DAP/19/01623 and accompanying plans A100-revC, L101-revA, A101-1-revC, A105-revE, A108-revA, A109-revC, A110-revT, A111-revT, A112-revT, A113-revT, A114-revR, A115-revR, A116-revR, A117-revH, A119-1-revC, A119-2-revA, A119-3-revA, A120-revE, A121-revF, A130-revE, A131-revD, A132-revD, A194-Material Palette and Landscape Plan-rev E received 6 June and 24 July 2019, 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, and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme subject to the following conditions:

1. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2-year period, the approval shall lapse and be of no further effect.



2. Prior to the commencement of development, the applicant is to submit the drawings to the Heritage Council outlining:
 - a) The details to be provided of connections of new to existing fabric; and
 - b) An interpretation strategy to include interpretation in the public areas and within the residential complex;to the satisfaction of the Town of Cottesloe upon advice from the Heritage Council.
3. Prior to the issuing of a building permit, a geotechnical report prepared by a qualified consultant shall be submitted to and approved by the Town. This report is to demonstrate if on-site retention of stormwater is possible, or if connection to the Town's drainage system is required.
4. Thereafter, all stormwater produced on the subject land shall be retained on site or connected to the Town's drainage system at the expense of the applicant, to the satisfaction of the Town of Cottesloe.
5. A Waste and Service Management Plan prepared to the satisfaction of the Town of Cottesloe shall be submitted and approved by the Town prior to the commencement of the approved works. Waste management and service delivery areas for the development shall thereafter comply with the approved Waste and Service Management Plan.
6. A Construction Management Plan that details how the construction of the development will be managed to minimise the impact on the surrounding area shall be lodged with and approved by the Town of Cottesloe prior to the commencement of the approved works. The Construction Management Plan is required to address the following concerns that relate to any works to take place on the site:
 - Public safety, amenity and site security;
 - Contact details of essential site personnel and a complaints management process;
 - Construction operating hours;
 - Noise control and vibration management;
 - Air, sand and dust management;
 - Stormwater and sediment control;
 - Soil excavation method;
 - Waste management and materials re-use, including the control of the use of single-use plastics;
 - Traffic and access management;
 - Parking arrangements for contractors and subcontractors;
 - Consultation plan with nearby properties; and
 - Compliance with AS4970-2009 relating to the protection of trees on the development site.
7. Prior to the commencement of development, a detailed schedule of external finishes (including materials, colour schemes and details) shall be submitted to the satisfaction of the Town of Cottesloe.



8. In addition to the general finishes for the development, this should address the treatment of the glass and windows facing the foreshore. The development shall be finished in accordance with the approved schedule prior to the use or occupation of the development.
9. A Parking Management Plan shall be submitted to the Town of Cottesloe for its approval prior to the commencement of the approved works. The plan shall identify:
 - the approved number of on-site parking bays, bicycle spaces and motorcycle bays; and
 - Identify the staff parking location for staff; and
 - Identify a minimum of 46 car bays to be provided in the basement staff carpark for the exclusive use of the Residential Aged Care Building.
10. The approved Parking Management Plan shall be implemented, and the development carried out in accordance with the approved Parking Management Plan and approved plans to the satisfaction of the Town of Cottesloe.
11. A detailed landscape and reticulation plan shall be prepared by the applicant to the satisfaction of the Town of Cottesloe prior to commencement of landscaping works, and thereafter implemented by the applicant to the satisfaction of the Town of Cottesloe upon advice from the Heritage Council.
12. All works shown in the plans as identified in the condition above, shall be maintained thereafter to the satisfaction of the Town at the expense of the owners/occupiers.
13. Unless otherwise first agreed in writing by the Town of Cottesloe, any trees or plants which, within a period of five years from first planting, are removed, die or, as assessed by the Town as being seriously damaged, shall be replaced within the next available planting season with others of the same species, size and number as originally approved.
14. Verge trees shall be retained and protected from damage including unauthorised pruning to the satisfaction of the Town. Prior to any pruning of verge trees, an arborist report shall be prepared by the landowner and submitted to the Town.
15. A revised acoustic report shall be lodged with and approved by the Town of Cottesloe, prior to the commencement of development and thereafter implemented by the applicant to the satisfaction of the Town of Cottesloe. The revised acoustic report shall include the following:
 - All air-conditioning and other plant and equipment being designed, positioned so as to ensure compliance with the Environment Protection (Noise) Regulations 1997
 - Consideration of the impact of noise generated by the Cinema, Restaurant/café, Laundries, Hairdresser and Exhibition Centre
 - Consideration of the impact of noise generated during waste collection times.



16. All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and be screened from view from the street and surrounding properties to the satisfaction of the Town of Cottesloe.
17. Prior to commencement of development, a signage strategy that provides for an integrated and coordinated approach to the design and provision of external signage on the development, including but not limited to details of size, location, content and illumination, being prepared, and approved by the Town, and thereafter maintained. Any subsequent signage not included in the signage strategy once approved, is to be subject to a separate application(s) for approval by the Town.
18. Prior to the commencement of development, a schedule of materials and colours for the boundary walls shall be submitted to and approved by the Town and thereafter implemented in accordance with the approval.

Advice Notes:

1. All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 – Construction Sites.
2. The applicant 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, trees and reinstatement of the verge and kerb, construction of any new crossovers and any upgrading of verge pavements or landscaping. All such works shall be to the specification and satisfaction of the Town of Cottesloe.
3. With respect to waste, the applicant/landowner is advised that waste and refuse generated on the site by the development shall be collected by a private contractor at the expense of the applicant/landowner in accordance with the Waste Management Plan. Should the private waste collection cease and the Town be required to collect the waste generated on-site, the applicant/landowner is to liaise with the Town in respect to the Town's requirements and specifications. Any alterations made in order to meet the Town's specifications will require an amendment to this approval.
4. A separate application for construction of new crossovers meeting the Town's specifications and Australian Standards shall be submitted for approval by the Town.
5. The Landscape Plan should indicate the location and type of reticulation to be installed; and the location and type of paving to be installed. The Plan should also include a plant schedule nominating species, planting distances, numbers, planting sizes, together with the anticipated height of each plant at maturity.
6. The Waste Management Plan shall be amended to include specifications of the methods, facilities and management measures to be put in place for the storage, collection and disposal/collection of waste and rubbish generated by the development including medical and laundry waste.



7. Food handling, preparation and storage areas to be designed and constructed in accordance with the Food Act 2008, Food Regulations 2009 and the Australian and New Zealand Food Authority (ANZFA) Food Safety Standards.
8. All public access areas (dining areas, etc) are to comply with the provisions of the Health (Miscellaneous Provisions) Act 1911, related regulations and guidelines and in particular Part VI – Public Buildings.
9. The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5 metres) shall be maintained for all users at all times during construction works. Permits are required for placement of any materials within the road reserve.
10. An Infrastructure Protection Bond for the sum to be agreed with the Town of Cottesloe together with a non-refundable inspection fee to be agreed with the Town of Cottesloe shall be lodged with the Town by the applicant, prior to the commencement of works, and will be held until the respective stage of building/development works have been completed and any disturbance of, or damage to the Town's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the Town. An application for the refund of the bond shall be made in writing. The bond is non-transferable.
11. All pedestrian access and vehicle driveway/crossover levels shall match into existing verge, footpath and right of way levels to the satisfaction of the Town.
12. The Town accepts no liability for the relocation of any public utility and/or any other services that may be required as a consequence of this development. The applicant shall ensure that the location of all services is identified prior to submitting an application for a building permit. The cost of relocating any services shall be borne by the applicant. The applicant is advised to liaise with the Water Corporation and Western Power in regard to servicing and infrastructure requirements for the development.

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

For: Ms Francesca Lefante
Mr Clayton Higham
Mr John Syme
Mayor Philip Angers

Against: Cr Sally Pyvis

REASON: The JDAP were of the view that the proposal is a very good development. It is a large site and one that has the potential to balance a number of areas of concern. In terms of the overall development and the principles of orderly and proper planning and the overall development in the area, it is considered to be a good development which works well on its site and meets the obligations of the scheme provisions as well as being consistent with the local area.



9. Form 2 – Responsible Authority Reports – Amending or cancelling DAP development approval

Nil

10. Appeals to the State Administrative Tribunal

The Presiding Member noted the following State Administrative Tribunal Applications –

Current Applications		
LG Name	Property Location	Application Description
City of Vincent	Lot 4 (13) Blake Street, North Perth	Eight multiple dwellings and conversion of existing house to two multiple dwellings
Town of Cambridge	Lot 2 (130) and Lot 3 (132) Brookdale Street, Floreat	Child Care Centre
Town of Cambridge	Lot 181 (61-69) Cambridge Street, West Leederville	Redevelopment of Abbotsford Private Hospital
Town of Claremont	Lots 18 (164) and 19 (162) Alfred Road, Swanbourne	Proposed Childcare Centre
Town of Claremont	Lot 508 (3) Shenton Road, Claremont	Eight Storey Mixed Use Development

11. General Business / Meeting Close

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2017 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.

There being no further business, the Presiding Member declared the meeting closed at 1.31pm.