



Metro Inner-North Joint Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 21 December 2023; 9:30am
Meeting Number: MINJDAP/209
Meeting Venue: City of Subiaco
Level 2, 388 Hay Street, Subiaco

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Please note, as the Presiding Member was unavailable at the time of signing, these minutes have been signed by the Deputy Presiding Member in line with Regulation 44(5)(b) of the Planning and Development (Development Assessment Panels) Regulations 2011.

Lee O'Donohue
Deputy Presiding Member, Metro Inner-North JDAP



Attendance

DAP Members

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

Item 8.1

Cr Suzanne Migdale (Local Government Member, City of Stirling)
Cr Elizabeth Re (Local Government Member, City of Stirling)

Item 8.2

Cr Rick Powell (Local Government Member, City of Subiaco)
Cr Garry Kosovich (Local Government Member, City of Subiaco)

Officers in attendance

Item 8.1

Karina Bowater (City of Stirling)
Dean Williams (City of Stirling)

Item 8.2

Alexander Petrovski (City of Subiaco)
Anthony Denholm (City of Subiaco)
Aoise Noone (City of Subiaco)

Minute Secretary

Taj Pelham (City of Subiaco)

Applicants and Submitters

Item 8.1

Daniella Mrdja (Urbanista Town Planning)

Item 8.2

Cara McIntyre (Sanur Pty Ltd)
Malcolm Mackay (Mackay Urbandesign)
Laura Gray (Heritage Intelligence (WA))
Donald Macmillan (BG&E)
Julius Skinner (Thomson Geer)
Jackie Greenshields
Dr Margaret Nowak
Penny O'Connor (Arc Insights)
Mayor David McMullen (City of Subiaco)
Tim Beckett (McLeods Lawyers)
Madeline Madvad (McLeods Lawyers)
Philip Griffiths (Griffiths Architects)

Lee O'Donohue
Deputy Presiding Member, Metro Inner-North JDAP



Members of the Public / Media

There were 17 members of the public in attendance.

The following members from the media were in attendance:

- Lloyd Gorman from The Post
- Claire Tyrrell from Business News WA
- Sarah Makse from PerthNow

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:42am on 21 December 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*.

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 in accordance with Section 5.16 of the DAP Standing Orders 2020 which states 'A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.', the meeting would not be recorded.

Cr Suzanne Migdale and Cr Elizabeth Re (Local Government Member, City of Stirling) joined the panel at 9:43am.

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](#).

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5. Declaration of Due Consideration

The Presiding Member noted that an addendum to the agenda was published to include details of a DAP direction for further information and responsible authority response in relation to Item 8.2, received on 20 December 2023.

All members declared that they had duly considered the documents.

6. Disclosure of Interests

DAP Member, Cr Elizabeth Re, declared an impartiality interest in item 8.1. Cr Elizabeth Re is known to members of the community in attendance today.

DAP Member, Cr Suzanne Migdale, declared an impartiality interest in item 8.1. Cr Suzanne Migdale is known to members of the Urbanista Town Planning in attendance today.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member determined that the members listed above, who have disclosed an impartiality interest, are 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 Members, Cr Rick Powell and Cr Garry Kosovich, declared that they had participated in a prior Council meeting in relation to the application at item 8.2. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr Powell and Cr Kosovich acknowledged that they are not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

In accordance with section 2.4.6 of the DAP Code of Conduct 2017, DAP members participated in a site visit for the application at item 8.2 prior to the DAP Meeting.

7. Deputations and Presentations

7.1 Daniella Mrdja (Urbanista Town Planning) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

7.2 The City of Stirling addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

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

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Deputy Presiding Member, Metro Inner-North JDAP



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- 7.3 Jackie Greenshields addressed the DAP presenting in support of the recommendation for the application at Item 8.2.
- 7.4 Dr Margaret Nowak addressed the DAP presenting in support of the recommendation for the application at Item 8.2.
- 7.5 Penny O'Connor (Arc Insights) addressed the DAP presenting in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.
- 7.6 Mayor David McMullen (City of Subiaco) addressed the DAP presenting in support of the recommendation for the application at Item 8.2.
- 7.7 Malcolm Mackay (Mackay Urbandesign) addressed the DAP against the recommendation for the application at Item 8.2 and responded to questions from the panel.
- 7.8 Laura Gray (Heritage Intelligence (WA)) addressed the DAP against the recommendation for the application at Item 8.2 and responded to questions from the panel.
- 7.9 Donald Macmillan (BG&E) addressed the DAP against the recommendation for the application at Item 8.2 and responded to questions from the panel.
- 7.10 Julius Skinner (Thomson Geer) addressed the DAP against the recommendation for the application at Item 8.2 and responded to questions from the panel.
- 7.11 Tim Beckett & Madeline Madvad (McLeods Lawyers representing the City of Subiaco) addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.
- 7.12 Philip Griffiths (Griffiths Architects) addressed the DAP in relation to the application at Item 8.2 and responded to questions from the panel.
- 7.13 The City of Subiaco addressed the DAP in relation to the application at Item 8.2 and responded to questions from the panel.
- 7.14 The panel noted a written submission from Stephanie Stroud in support of the recommendation for the application at Item 8.2.

The presentations at Items 7.3 - 7.14 were heard prior to the application at Item 8.2.

Lee O'Donohue
Deputy Presiding Member, Metro Inner-North JDAP



8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot No. 21 (92) Princess Road, Balga

Development Description: Child Care Premises
 Applicant: Urbanista Town Planning
 Owner: West Living Pty Ltd
 Responsible Authority: City of Stirling
 DAP File No: DAP/23/02526

REPORT RECOMMENDATION

Moved by: Cr Suzanne Migdale

Seconded by: John Syme

That the Metro Inner-North JDAP resolves to:

Approve DAP Application reference DAP/23/02526 and accompanying plans 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 City of Stirling Local Planning Scheme No.3, for the proposed Child Care Premises at Lot 21, House Number 92 Princess Road, Balga, subject to the following conditions:

Conditions

1. 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.
2. This decision constitutes planning approval only and is valid for a period of four (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.
3. The development is to comply in all respects with the attached approved plans, as dated, marked and stamped, together with any requirements and annotations detailed thereon. The plans approved as part of this application form part of the development approval issued and are listed below:

Drawing Title	Date	Sheet Number	Drawn By
Site Survey	15 November 2023	1000	Meyer Shircore Architects
Site Plan	15 November 2023	A - 1001	Meyer Shircore Architects
Floor Plan	15 November 2023	2000	Meyer Shircore Architects
Roof Plan	15 November 2023	4000	Meyer Shircore Architects
Elevations	15 November 2023	3000	Meyer Shircore Architects
Fencing Elevations	15 November 2023	3001	Meyer Shircore Architects
Section	15 November 2023	3002	Meyer Shircore Architects
(Untitled Perspectives)	15 November 2023	5000	Meyer Shircore Architects

Lee O'Donohue
Deputy Presiding Member, Metro Inner-North JDAP



A handwritten signature in blue ink, appearing to read "Lee O'Donohue".

Lee O'Donohue
Deputy Presiding Member, Metro Inner-North JDAP



Landscaping

4. Prior to the submission of a Building Permit, an amended Landscaping Plan shall be submitted to, and approved by the City of Stirling which includes the modification of the planting triangles within the car parking area to remove the paving, as to achieve a minimum dimension of 1.5m by 1.5m of planting area, free of encroachments.
5. Prior to the occupation of the development, all landscaped areas are to be planted, reticulated and mulched in accordance with the approved plans and maintained in accordance with the City of Stirling's Local Planning Policy 6.6 – Landscaping, to the satisfaction of the City of Stirling.
6. Any existing trees on-site identified for retention must be retained and protected for the life of the tree by the landowner in accordance with Clause 5.13.3 a) of Local Planning Scheme No. 3. Specifically, the Jarrah Tree is to be retained.
7. Prior to the occupation of the development, five (5) Advanced Trees must be planted on-site in the area indicated on the development plans and be maintained thereafter.

Lighting

8. Prior to the submission of a Building Permit, a lighting plan shall be submitted to the City of Stirling with the provision of lighting to all public spaces, awning areas, parking areas, service areas, footpaths, ground floor entry and exit points, to the satisfaction of the City of Stirling.
9. External lighting shall be positioned so as not to adversely affect the amenity of the locality in accordance with Australian Standard AS/NZS 4282:2019, to the satisfaction of the City of Stirling.

Operation

10. The operational details outlined in the Environmental Acoustic Assessment prepared by Herring Storer Acoustics received 13 October 2023 which forms part of this approval, shall be implemented for the life of the development, to the satisfaction of the City of Stirling, specifically:
 - a. The Child Care Premises shall be limited to a maximum number of 104 children and 22 staff on-site at any one time.
 - b. The Child Care Premises shall not operate outside of the hours of 6:30am and 6:30pm, Monday to Friday.
 - c. The Child Care Premises shall not operate on Saturdays, Sundays or public holidays.

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11. The operational measures identified in the conclusion of the Environmental Acoustic Assessment prepared by Herring Storer Acoustics received 13 October 2023, which forms part of this approval, shall be implemented for the life of the development, to the satisfaction of the City of Stirling, specifically:
 - a. The external play areas shall not be made available for use prior to 7:00am during operation of the Child Care Premises.
12. All construction recommendations provided in the Environmental Acoustic Assessment prepared by Herring Storer Acoustics received 13 October 2023, are to be implemented.
13. The Applicant is to provide written confirmation that all recommendations in the Environmental Acoustic Assessment prepared by Herring Storer Acoustics received 13 October 2023, have been incorporated into the building design at time of lodgement of the Building Permit application.

Parking and Access

14. Prior to occupation of the development, an amended Parking Management Plan which details operational requirements of the development relating to parking onsite, and includes staff numbers at pick-up and drop-off time, is to be prepared to the satisfaction of the City of Stirling.
15. The crossover shall be designed and constructed in accordance with the City of Stirling Local Planning Policy 6.7 – Parking and Access, to the satisfaction of the City of Stirling. Crossovers are to be installed prior to occupation of the development.
16. All parking bays, manoeuvring and circulation areas are to comply with Australian Standards AS/NZS2890.1:2004 Amendment 1 and AS2890.2:2018. The number of ACROD car parking bays and their design and layout are to comply with Australian Standards AS/NZS2890.6:2022 (Off-street Parking for People with Disabilities) and the Building Code of Australia (Volume 1 section D3.5).
17. Pedestrian pathways providing wheelchair accessibility connecting all entries to buildings with the public footpath and car parking areas, to comply with Australian Standards AS/NZS1428.1-2009 (Design for access and mobility – General requirements for access – New building work).
18. Prior to the occupation of the development, the redundant crossovers shall be removed and the kerbing and road reserve reinstated at the landowner's expense in accordance with the City of Stirling Local Planning Policy 6.7 – Parking and Access.
19. Prior to the occupation of the development, a minimum of two (2) bicycle parking bays shall be provided on-site. The design and construction of the bicycle bays shall be in accordance with Australian Standards AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking, to the satisfaction of the City of Stirling.



General

20. The Drying Court is to be provided with sufficient screening so as to not detrimentally impact the amenity of the site, to the satisfaction of the City of Stirling.
21. A Site Management Plan shall be submitted to the City of Stirling and approved prior to commencement of works. The Site Management Plan shall include specific details on the management of aspects including, but is not limited to, dust, noise, vibration, waste management, storage of materials, traffic, parking, on-site and street tree protection areas and site safety/security. The Site Management Plan is to be complied with for the duration of the construction of the development, to the satisfaction of the City of Stirling.
22. The colours, materials and finishes of the development shall be in accordance with the details and annotations as indicated on the approved plans which forms part of this approval, to the satisfaction of the City of Stirling.
23. Air-conditioning units, ducts and other services shall be screened from view and are to be located away from the streets, to the satisfaction of the City of Stirling.
24. No walls, letterboxes, fences or other structures above 0.75 metres in height to be constructed within 1.5 metres of where:
 - a. vehicular access points adjoin the site, or
 - b. driveway meets a public street, or
 - c. two streets intersect, or
 - d. driveway meets a right of way,unless further approval from the City of Stirling is obtained.
25. The development is to comply with the Waste Management Plan prepared by Instant Waste Management, dated 16 June 2023, unless otherwise approved by the City of Stirling.
26. Stormwater from all roofed and paved areas shall be collected and contained on-site. Stormwater must not affect or be allowed to flow onto or into any other property or road reserve.
27. The development is required to be connected to sewer.
28. All signage is to be in strict accordance with the City of Stirling Local Planning Policy 6.1 – Advertising Signs, unless further approval is obtained.
29. The open-style front fencing shall be visually permeable as defined in State Planning Policy 7.3 – Residential Design Codes Volume 1, to the satisfaction of the City of Stirling.



Public Art

30. Prior to the submission of an Occupancy Permit application:
 - a. A public art proposal for the subject development to the value of 1.0% of the construction value in accordance with City of Stirling Local Planning Policy 6.12 - Public Art on Private Land must be submitted to, and approved by, the City of Stirling. (refer to Advice Note)
 - b. The approved public art proposal shall be completed and installed by the developer and maintained thereafter by the owners of the development, in accordance with City of Stirling Local Planning Policy 6.12 - Public Art on Private Land, to the satisfaction of the City of Stirling.

Advice Notes

1. If an applicant is aggrieved by this determination, there is a right of appeal under Part 14 of the Planning and Development Act 2005. An appeal must be lodged within 28 days of the determination with the State Administrative Tribunal.
2. This is a Development Approval under the City of Stirling Local Planning Scheme and related policies. It is not a Building Permit or an approval to commence or carry out development under any other law. It is the responsibility of the Applicant to obtain any other necessary approvals, consents and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
3. This approval is not an authority to ignore any constraint to development on the land, which may exist through statute, regulation, contract or on title, such as an easement or restrictive covenant. It is the responsibility of the Applicant and not the City of Stirling to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the City of Stirling's attention.
4. The Applicant is responsible for ensuring that all lot boundaries as shown on the approved plans are correct.
5. Development is to comply in all respects with the attached approved plans which have been stamped accordingly.
6. Noisy Construction Work outside the period 7:00am to 7:00pm Monday to Saturday and at any time on Sundays and Public Holidays is not permitted unless a Noise Management Plan for the construction site has been approved in writing by the City of Stirling.
7. In reference to the Advanced Trees, an Advanced Tree is defined in Local Planning Policy 6.11 Trees and Development as: a tree which requires planting in at least a 100 litre container or greater size and which is at least 2 metres in height and at least 2 years of age.

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8. The proposed crossover configuration is subject to the approval of the City of Stirling's Verge Control Business Unit. A "Crossover Installation Application" is required to be submitted and approved prior to the commencement of the crossover installation.
9. Collection and disposal of waste shall be managed in accordance with the City of Stirling Waste Management Local Law 2010, to the satisfaction of the City of Stirling.
10. In relation to the Public Art condition requirement, please refer to the City of Stirling Developer's Guide to Public Art, the City of Stirling Public Art Masterplan and City of Stirling Local Planning Policy 6.12 - Public Art on Private Land. Based upon the estimated cost of development identified on the development application forms, the 1.0% public art contribution will equate to \$21,000.
11. The Building Surveyor is to assess the proposed building occupancy is appropriate and to ensure compliance with the applicable edition of the National Construction Code Building Code of Australia Volume One. This is not a planning consideration and will be required to be addressed at Building Permit stage. The Building Surveyor is able to justify their calculations.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The majority of panel believe the development to be a well-considered, fair and good design. The developments' location is deemed appropriate adjacent to a neighbourhood centre. The use of a New South Wales (NSW) traffic management plan is appropriate for standard operation. The highly conditioned report demonstrates good traffic management in relation to fast pickup and drop off of the development site.

PROCEDURAL MOTION

Moved by: Francesca Lefante

Seconded by: Cr Elizabeth Re

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

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: For panel members to have a break and for Local Government Members, City of Stirling to leave and Local Government Members, City of Subiaco to join the panel.

The meeting was adjourned at 10:04am.

The meeting was reconvened at 10:10am.

Cr Suzanne Migdale & Cr Elizabeth Re (Local Government Member, City of Stirling) left the panel at 10:05am.

Cr Rick Powell & Cr Garry Kosovich (Local Government Member, City of Subiaco) joined the panel at 10:05am.

Lee O'Donohue
Deputy Presiding Member, Metro Inner-North JDAP



8.2 No. 424-428 (Lot 2) & No. 440 (Lots 4, 5 & 6) Hay Street, Subiaco

Development Description: Demolition Of Existing Commercial Buildings And Construction Of Single And Two Storey Commercial Building
Applicant: Sanur Pty Ltd
Owner: Sanur Pty Ltd and Wintermist Pty Ltd
Responsible Authority: City of Subiaco
DAP File No: DAP/23/02559

REPORT RECOMMENDATION

Moved by: Cr Garry Kosovich

Seconded by: Cr Rick Powell

That the Metro Inner North Development Assessment Panel resolves to:

1. **Refuse** DAP Application reference DAP/23/02559 and accompanying plans dated 21 November 2023 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015, Metropolitan Region Scheme*, and the provisions of the *City of Subiaco Local Planning Scheme No. 5*, for the following reasons:

Reasons

1. The buildings contribute positively to the cultural heritage significance and heritage character of the Rokeby Road and Hay Street Heritage Area, and to the 'sense of place' that is defined by its cultural heritage significance and traditional streetscape character.
2. The City is not satisfied that the buildings have limited or no cultural heritage significance and is not satisfied that the buildings do not make a significant contribution to the broader cultural heritage significance and character of the locality in which they are located, and therefore Item 1(2) of Table 5 at Clause 32 of the City of Subiaco Local Planning Scheme No. 5 precludes granting demolition approval.
3. The proposal is inconsistent with objective 1(a) of the City of Subiaco Local Planning Policy 3.6 – Development Guidelines for the Rokeby Road & Hay Street Heritage Area "To enable on-going development of the Policy Area as a vibrant part of the town centre, while retaining, and where possible reinforcing, the 'sense of place' that is defined by its cultural heritage significance and traditional streetscape character."
4. The proposal is inconsistent with objective 1(b) of the City of Subiaco Local Planning Policy 3.6 – Development Guidelines for the Rokeby Road & Hay Street Heritage Area "To conserve the significant fabric of those places which have been identified as making a considerable or some/moderate contribution to the Policy Area's cultural heritage significance and traditional streetscape character".

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Deputy Presiding Member, Metro Inner-North JDAP



5. The proposal is inconsistent with objective 1(c) of the City of Subiaco Local Planning Policy 3.6 – Development Guidelines for the Rokeby Road & Hay Street Heritage Area “To ensure that new building developments, and alterations and additions to existing buildings, are designed in a manner that is in harmony with, and maintains the integrity of, the Policy Area’s cultural heritage significance and traditional streetscape character”.
6. The proposal is inconsistent with objective 1(d) of the City of Subiaco Local Planning Policy 3.6 – Development Guidelines for the Rokeby Road & Hay Street Heritage Area “To encourage opportunities for public appreciation of the cultural heritage values of the Rokeby Road & Hay Street Heritage Area.”
7. The application does not demonstrate that approval for demolition is justified, having regard to the considerations relating to demolition in clause 9.0 of the City of Subiaco Local Planning Policy 3.6 – Development Guidelines for the Rokeby Road & Hay Street Heritage Area.
8. The proposal is inconsistent with the objective of State Planning Policy 3.5 – Historic Heritage Conservation ‘To conserve places and areas of historic heritage significance’.
9. Having regard to the development control principles concerning demolition of a place within a heritage area set out in State Planning Policy 3.5 – Historic Heritage Conservation, the applicant has not provided clear justification for approving demolition in this case.
10. The proposal is inconsistent with the development requirement prescribed by sub-clause 7.1.2(a) of the City of Subiaco Activity Centre Plan that “Heritage fabric to be retained and conserved as identified by “Assessment of the Rokeby Road and Hay Street Heritage Area” report (Griffiths Architects, 2013) and Local Planning Policy 3.6 ‘Development guidelines for the Rokeby Road and Hay Street Heritage Area’.”
11. The proposal is inconsistent with the Aims of the City of Subiaco Local Planning Scheme No. 5 set out in Clause 9, in that the demolition and new construction of the buildings would:
 - i. detract from the sense of place unique to Subiaco (contrary to Aim (a)); and
 - ii. be inconsistent with wider regional planning objectives to ensure attractive character and heritage values within suburbs are retained and minimise changes to the existing urban fabric, where appropriate (contrary to Aim (d)); and
 - iii. not promote and safeguard the special character and cultural heritage of the City (contrary to Aim (g)).
 - iv. not reduce the demand for parking or promote alternative modes of transportation (contrary to Aims (k), (m) and (n)).



12. The demolition of buildings which contribute to the special character of their location, and new unauthentic construction would be inconsistent with the objective (c) of the Centre zone “To encourage buildings of high-quality design that respond to and enhance the special character within their location of the Town Centre of Subiaco, contributing to a sense of place and a recognition of local history and built form.”, set out in Clause 16, Table 2 of the City of Subiaco Local Planning Scheme No. 5.
13. The oversupply of car parking is inconsistent with the objective (d) of the Centre zone “To create a vibrant, sustainable town centre, with a broad range of activities, well serviced by public transport.”, set out in Clause 16, Table 2 of the City of Subiaco Local Planning Scheme No. 5.
14. The proposal does not satisfy Clause 34 of the City of Subiaco Local Planning Scheme No. 5 as the proposed development is not appropriate for approval in considering Clause 67 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, Subiaco Activity Centre Plan, Seddon Street Local Development Plan, Local Planning Policy 3.6 – Development Guidelines for the Rokeby Road & Hay Street Heritage Area, and State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments. The proposed development is considered to have an adverse amenity impact on the locality as the demolition and new construction does not respond to the existing or desired character of the area.
15. Having regard to State Planning Policy 7.0 Design of the Built Environment, the proposed development does not adequately satisfy the following design principles:
 - i. Principle 1 *Context and Character*, as the demolition will result in the permanent loss of significant heritage fabric and the new construction does not genuinely interpret the heritage of the area, obscuring the understanding of the places; and
 - ii. Principle 9 *Community*, as the loss of contributory heritage buildings is considered to be a poor community outcome and the replication of the buildings results in faux heritage.
 - iii. Principle 10 *Aesthetics*, as the proposed façade mimics the existing buildings in a non-authentic manner which will have a detrimental impact on the values of the Rokeby Road and Hay Street Heritage Area.
16. Having regard to State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments, the proposed development does not adequately achieve the following Element Objectives:
 - i. Element 3.3 Tree Canopy and Deep Soil Areas
 - ii. Element 3.6 Public Domain Interface
 - iii. Element 3.9 Car and Bicycle Parking
 - iv. Element 4.10 Façade Design; and
 - v. Element 4.12 Landscape Design.
17. The buildings on the subject site are currently the subject of proceedings before the State Administrative Tribunal. Accordingly, those proceedings are likely to result in findings which are directly related to the future of the site. A premature decision on this application could greatly interfere with those proceedings, which have been progressing for over a year.



PROCEDURAL MOTION

Moved by: Francesca Lefante

Seconded by: John Syme

That the meeting be adjourned for an unspecified period to allow members to have a break and allow the minute taker to record the reasons for deferral raised during debate.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: to allow members to have a break and allow the minute taker to record the reasons for deferral raised during debate.

The meeting was adjourned at 1:25pm

The meeting was reconvened at 1:40pm

PROCEDURAL MOTION

Moved by: Francesca Lefante

Seconded by: John Syme

That the consideration of DAP Application DAP/23/02559 be deferred for up to 120 days (until 19 April 2024), in accordance with section 5.10.1a of the DAP Standing Orders 2020, for the following reasons:

In addition to the information in the Responsible Authority Report, further information is provided with regard to:

- Heritage Significance of the Rokeby Road and Hay Street Heritage Area as detailed in the relevant local planning policy;
- Analysis of how the key elements of the subject buildings have been considered in respect of the local planning policy 3.6; and
- Seeking legal advice to assist in balancing the weighting of considerations being afforded to the structure of the buildings and their ability to be used in the long term.

The Procedural Motion was put and CARRIED (3/2).

For: Francesca Lefante
Lee O'Donohue
John Syme

Against: Cr Garry Kosovich
Cr Rick Powell

REASON: The panel determined that consideration of the application is difficult given the complexities of the application. At this time there is not sufficient information on a range of matters for an informed decision to be made. Further advice around the heritage value of the site, and the subject buildings, is required. In particular, what is the significance of the proposal given the gaps in the heritage value of the immediate streetscape and what weight should be attributed to the planning framework.

Lee O'Donohue
Deputy Presiding Member, Metro Inner-North JDAP



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

Nil.

10. State Administrative Tribunal Applications and Supreme Court Appeals

The Presiding Member noted the following SAT Applications -

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/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/22/02229 DR172/2022	Town of Cambridge	413 (Lot 11) Vincent Street West, Leederville	Two-Storey Childcare Centre	04/10/2022
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

Lee O'Donohue
Deputy Presiding Member, Metro Inner-North JDAP



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 1:49pm.

A handwritten signature in blue ink, appearing to read 'Lee O'Donohue'.