



Metro Central Joint Development Assessment Panel Minutes

Meeting Date and Time: 6 April 2020; 1.00pm
Meeting Number: MCJDAP/395
Meeting Venue: via electronic means

This DAP meeting was conducted by electronic means open to the public rather than requiring attendance in person.

Attendance

DAP Members

Ms Megan Adair (Presiding Member)
Mr Vernon Butterly (A/Deputy Presiding Member)
Mr John Syme (A/Specialist Member)

Item 8.1

Cr Ronhhda Potter (Local Government Member, Town of Victoria Park)
Cr Vicki Potter (Local Government Member, Town of Victoria Park)

Item 8.2

Cr Phil Marks (Local Government Member, City of Belmont)
Cr Robert Rossi (Local Government Member, City of Belmont)

Officers in attendance

Item 8.1

Mr Robert Cruikshank (Town of Victoria Park)
Ms Amie Groom (Town of Victoria Park)

Item 8.2

Mr Wilmot Loh (City of Belmont)
Ms Andra Biondi (City of Belmont)

Minute Secretary

Ms Ashlee Kelly (DAP Secretariat)

Applicants and Submitters

Item 8.1

Mr Tim Dawkins (Urbis)
Ms Cassie Barrow (Urbis)
Mr Aaron Lohman (element)

Item 8.2

Mr Eric Soh (Resolve Group)



Members of the Public / Media

There were 2 members of the public in attendance.

1. Declaration of Opening

The Presiding Member declared the meeting open at 1.04pm on 6 April 2020 and acknowledged the traditional owners and pay 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 2017 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

The Presiding Member advised that 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 meeting would not be recorded.

In response to the COVID-19 situation, this meeting was convened via electronic means. Members were reminded to announce their name and title prior to speaking.

2. Apologies

Ms Rachel Chapman (Deputy Presiding 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

All members declared that they had duly considered the documents.

6. Disclosure of Interests

DAP Member, Ms Rachel Chapman, declared an Impartiality Interest in item 8.2. Ms Chapman is a director and shareholder of Taylor Burrell Barnett who have current contracts with the City of Belmont to provide planning and design services relating to the DA 6 Structure Plan, Golden Gateway Precinct Structure Plan and Great Eastern Highway Corridor Strategy. The subject land is within the study area of the Great Eastern Highway Corridor Strategy.

In accordance with section 4.6.1 and 4.6.2 of the DAP Standing Orders 2017, the Presiding Member determined that the member listed above, who had disclosed an impartiality interest, was not permitted to participate in discussion and voting on the items.



7. Deputations and Presentations

- 7.1 Mr Aaron Lohman (element) addressed the DAP against the application at Item 8.1 and responded to questions from the panel.
- 7.2 Ms Cassie Barrow (Urbis) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.
- 7.3 The Town of Victoria Park officers addressed the DAP in relation to Item 8.1 and responded to questions from the panel.

The presentations at Item 7.1 – 7.3 was heard prior to the application at Item 8.1

- 7.4 The City of Belmont officers responded to questions from the panel in relation to Item 8.2.

The presentations at Item 7.4 was heard prior to the application at Item 8.2.

8. Form 1 – Responsible Authority Reports – DAP Application

- 8.1 Property Location: 605 Albany Highway, Victoria Park
Development Description: Proposed Alterations and Additions to Existing Hotel
Applicant: Australian Venue Company C/- Urbis Pty Ltd
Owner: Bareena Property Pty Ltd
Responsible Authority: Town of Victoria Park
DAP File No: DAP/20/01737

REPORT RECOMMENDATION

Moved by: Mr John Syme

Seconded by: Cr Vicki Potter

With the agreement of the mover and seconder the following amendments were made to the report recommendation;

- (i) To add a new Condition No. 25 to read as follows:

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 four (4) year period, the approval shall lapse and be of no further effect.

REASON: Given the current uncertain environment and the unprecedented circumstances which will change the way that services and businesses will be operating for at least the next 6 months, it is unreasonable to expect that the conditions required to be cleared prior to substantial commencement would be able to be acted upon in a timely and efficient manner. It is therefore necessary to provide a longer period for approval.



Approve DAP Application reference DAP/20/01737 and accompanying plans (**Attachment 2**) 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 Clause 29 of the Town of Victoria Park Town Planning Scheme No. 1, and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme subject to the following conditions:

Conditions

1. Prior to lodging an application for a building permit, the architectural design, colours and materials of the rendered masonry wall to the external games room being modified so as to better complement the existing building, to the satisfaction of the Town.
2. Windows fronting State Street to be shut during the night period (i.e. after 2200 hours and before 0700 hours Monday – Saturday and before 0900 hours on Sundays and Public Holidays).
3. The external games room shall not be occupied by any patrons after 2200 hours and before 0900 hours Monday to Sunday and Public Holidays.
4. The polycarbonate sheeting to the extension of the existing hotel to be replaced with “double sheeting” (i.e. two layers of polycarbonate sheeting with a minimum 30mm air gap between the sheets). This shall be detailed in the plans and specifications submitted for the building permit and implemented thereafter to the satisfaction of the Town.
5. The function room is to have solid roofing, with a sound barrier ceiling – with the performance of the sound barrier sheeting to be determined during the design development phase and be dictated by the type of function that is to be hosted in this space. This shall be detailed in the plans and specifications submitted for the building permit and implemented thereafter to the satisfaction of the Town.
6. Prior to lodging an application for a building permit, an updated Acoustic Report shall be submitted to the Town which includes the Mixed Use Development approved at Nos. 593-595 Albany Highway. Any recommended measures of the updated Acoustic Report shall be implemented prior to occupancy, or use of the development.
7. Certification from an acoustic consultant shall be provided to the Town that the measures identified in the Acoustic Reports have been undertaken to the Town’s satisfaction and that compliance with the *Environmental Health (Noise) Regulations 1997* is achieved, prior to occupancy or use of the development.



8. Prior to the occupation of the development, the operator is to submit and have approved by the Town, a Management Plan which addresses the following matters:
 - a) Hours of operation;
 - b) Security on the site;
 - c) Lighting in and around the site;
 - d) Security of patrons leaving the venue;
 - e) Sale of alcohol;
 - e) Methods of patron control (including training and surveillance);
 - f) Complaints procedure;
 - g) Assistance in departure from the venue (i.e. direct availability telephone link to a taxi service);
 - h) Noise, including the management measures to be implemented to ensure compliance with conditions 2 and 3; and
 - i) Patron numbers.
9. Any music in the beer garden area is to be ambient only.
10. The development, once commenced, is to be carried out in accordance with the approved plans, date stamped approved at all times, unless otherwise authorised by the Town.
11. Prior to lodging an application for a building permit, details of the finished floor levels of the beer garden to be submitted to and approved by the Town.
12. Prior to lodging an application for a building permit, all plant equipment, air conditioning units, hot water systems, water storage tanks, service metres, bin storage areas and clothes drying facilities must be located to minimise any visual and noise impact on the occupants of nearby properties and screened from view from the street. Design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the Town.
13. Prior to lodging an application for a building permit, a plan shall be submitted detailing the location of all external lighting, to the satisfaction of the Town. The lighting plan and subsequent lighting installed must demonstrate that any light spill to adjoining properties is minimised to acceptable levels and is in compliance with AS4282:1997. Lighting in accordance with the approved plan is to be installed prior to occupation or strata titling of the building(s), whichever occurs first.
14. Prior to the occupation or use of the development, all car parking spaces to be clearly line marked in accordance with AS2890.1 and thereafter maintained to the satisfaction of the Town.
15. The four car parking spaces marked in red on the approved plan do not form part of this application.
16. Prior to lodging an application for a building permit, a landscaping plan detailing size, location and type of planting to be provided to the satisfaction of the Town.
17. Prior to the occupation of the development, all landscaping is to be completed and thereafter maintained to the satisfaction of the Town.



18. All windows and doors to street frontages are to be provided with clear glazing, and are not to be subsequently obscured by alternative window treatments, signage or internal shelves, to the satisfaction of the Town.
19. Prior to lodging an application for a building permit, the applicant must submit and have approved by the Town, and thereafter implement to the satisfaction of the Town, a Construction Management Plan addressing the following matters:
 - a) How materials and equipment will be delivered and removed from the site;
 - b) How materials and equipment will be stored on the site;
 - c) Parking arrangements for contractors;
 - d) Construction waste disposal strategy and location of waste disposal bins;
 - e) Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;
 - f) How risks of wind and/or water borne erosion and sedimentation will be minimised during and after the works; and
 - g) Other matters likely to impact on the surrounding properties.
19. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
20. A Waste Management Plan must be submitted to and approved by the Town prior to lodging an application for a building permit. The plan must include the following details to the satisfaction and specification of the Town:
 - a) The location of bin storage areas and bin collection areas;
 - b) The number, volume and type of bins, and the type of waste to be placed in the bins;
 - c) Details of the future ongoing management of the bins and the bin storage areas;
 - d) Frequency of bin collections.

The Waste Management Plan must be implemented at all times to the satisfaction of the Town.
21. At all times provision must be made onsite for the storage and collection of garbage and other solid waste. A waste storage and collection area must be graded, drained and screened from public view, and the garbage collected regularly, to the satisfaction of the Town.
22. All areas of outdoor bin storage must be screened from public view. Design plans for the location, materials and construction of proposed screening are to be included on the building permit plans and implemented to the satisfaction of the Town thereafter.
23. The movement of delivery vehicles and activities outside buildings are to be limited to the hours of 7.00am to 7.00pm Monday to Fridays and 8.00am to 5:00pm Saturdays.
24. Prior to lodging an application for a building permit, stormwater disposal plans, details and calculations must be submitted for approval by the Town and thereafter implemented, constructed and maintained to the satisfaction of the Town.



25. 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 four (4) year period, the approval shall lapse and be of no further effect.

Advice Notes

1. Any amendments or modifications to the approved drawings forming part of this development approval may require the submission of an application for amendment to development approval and reassessment of the proposal.
2. Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Town Planning Scheme or the Metropolitan Region Scheme and the applicant may apply for a review of the determination of Council by the State Administrative Tribunal within 28 days of the date of this decision.
3. All stormwater drainage for commercial/industrial and multi residential developments (5 or more units) shall be designed and signed by a practicing Hydraulic Consultant. An overland flow path is to be included in the design to ensure diversion of stormwater from the developments during storm events.
4. This approval does not include the approval of any signage. Any signage for the development to be the subject of a separate approval.
5. The applicant/owner should refer to the Requirements of Other Council Business Units (see Attachment 10), which are relevant to the submission of a building permit and/or the carrying out of the development for which this approval is granted. This development approval does not remove the need to obtain licences, permits or other forms of approval that may be required under other legislation or requirements of Council.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: In accordance with details contained in the Responsible Authority Report.

Cr Ronnhda Potter and Cr Vicki Potter left the panel at 1.37pm.

Cr Phil Marks and Cr Robert Rossi joined the panel at 1.37pm

8.2 Property Location:	Lots 790 and 791 (292) Great Eastern Highway, Ascot
Development Description:	Mixed Use Development comprising 68 Multiple Dwellings, Convenience Store and Restaurant
Applicant:	Resolve Group Pty Ltd
Owner:	Ausquest Land Pty Ltd
Responsible Authority:	City of Belmont
DAP File No:	DAP/17/01325



REPORT RECOMMENDATION

Moved by: Cr Phil Marks

Seconded by: Mr Vernon Butterly

That the Metro Central JDAP resolves to:

Refuse DAP Application reference DAP/17/01325 and accompanying plans dated 22 January 2020 for the development of 68 'Multiple Dwellings', 'Convenience Store' and a 'Restaurant' at Lot 790 & 791 (292) Great Eastern Highway, Ascot in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, the Metropolitan Region Scheme and the provisions of the City of Belmont Local Planning Scheme No. 15 for the following reasons:

1. The side boundary and rear boundary setbacks of the development adversely impact on the character of the locality and amenity of the neighbouring properties, contrary to the requirements of Part 2.4 of State Planning Policy 7.3 Volume 2, and Clause 67 (m) and (n) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. The development does not make adequate provision for building depth, building separation, solar and daylight access, and natural ventilation, contrary to the requirements of Parts 2.6, 2.7, 4.1, and 4.2 of State Planning Policy 7.3 Volume 2.
3. The development does not satisfy the Element Objectives under Part 3.5 (Visual privacy) of State Planning Policy 7.3 Volume 2.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: In accordance with details contained in the Responsible Authority Report.

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 SAT Applications		
LG Name	Property Location	Application Description
City of Melville	Nos. 10, 12 & 14 (Lots 311, 800 & 801) Forbes Road and Nos. 40A, 40B & 40C (Lots 802, 803 & 804) Kishorn Road, Applecross	20 Storey Mixed-Use Development comprising 97 Multiple Dwellings, 15 Short Stay Accommodation Units and 5 Non-Residential tenancies (Office, Restaurant, Shop and 2 Co-Working Spaces)
City of South Perth	Lots 2-20 (72-74) Mill Point Road, South Perth	36 Level (118.2m) Mixed Use Development
City of Belmont	Lot 20 (10) Hendra Street, Cloverdale	14 Multiple Dwellings

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 2.06pm.