



# Metro Inner-North Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Friday, 2 September 2022; 9.30am  
**Meeting Number:** MINJDAP/ 151  
**Meeting Venue:** City of Bayswater  
61 Broun Avenue, Morley

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## **Attendance**

### **DAP Members**

Mr Clayton Higham (Presiding Member)  
Ms Lindsay Baxter (A/Deputy Presiding Member)  
Mr John Syme (Third Specialist Member)

#### *Item 8.2*

Cr Josh Eveson (Local Government Member, City of Bayswater)  
Cr Filomena Piffaretti (Local Government Member, City of Bayswater)

### **Officers in attendance**

#### *Item 8.2*

Ms Gemma Basley (City of Bayswater)  
Ms Helen Smith (City of Bayswater)  
Ms Fatima Al Ghanimi (City of Bayswater)

### **Minute Secretary**

Ms Tarryn McMinn (City of Bayswater))

### **Applicants and Submitters**

#### *Item 8.2*

Ms Stacey Bruce  
Ms Rebecca Henderson (Wallace PM)  
Ms Rocel Ghanim (Brown Falconer)  
Ms Kelsie Davies (KDLA Landscape Architecture)  
Mr Vladimir Baltic (Transcore)  
Mr Tim Reynolds (Herring Storer Acoustics)  
Mr Murray Casselton (element)

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

There were 3 members of the public in attendance.

Ms Victoria Rifici from PerthNow was in attendance.

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

The Presiding Member declared the meeting open at 9:32 on 2 September 2022 and acknowledged the traditional owners and pay respect to Elders past and present of the land on which the meeting was being held.



Due to the unavailability of the Presiding Member and the unavailability of the Deputy Presiding Member, Mr Clayton Higham has been appointed as Presiding Member for this meeting in accordance with regulation 27(3A) of the *Planning and Development (Development Assessment Panel) Regulations 2011*.

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.

### **1.1 Announcements by Presiding Member**

The Presiding Member advised that the meeting is being audio recorded in accordance with Section 5.16 of the DAP Standing Orders 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**

Ms Francesca Lefante (Presiding Member)  
Ms Lee O'Donohue (Deputy Presiding Member)  
Cr Catherine Ehrhardt (Local Government Member - City of Bayswater)  
Mr Binh Luong (City of Bayswater)

## **3. Members on Leave of Absence**

DAP Member, Ms Lee O'Donohue has been granted leave of absence by the Director General for the period of 1 September 2022 to 28 September 2022 inclusive.

## **4. Noting of Minutes**

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

## **5. Declaration of Due Consideration**

The Presiding Member notes an addendum to the agenda was published to include details of a DAP request for further information and responsible authority response in relation to Item 8.2, received on 25 August 2022.

All members declared that they had duly considered the documents.

## **6. Disclosure of Interests**

Nil.



## 7. Deputations and Presentations

- 7.1 Ms Stacey Bruce addressed the DAP against the recommendation for the application at Item 8.2.
- 7.2 Ms Rebecca Henderson (Wallace PM) addressed the DAP against the recommendation for the application at Item 8.2.
- 7.3 Ms Rochel Ghanim (Brown Falconer) addressed the DAP against the recommendation for the application at Item 8.2.
- 7.4 Ms Kelsie Davies (KDLA Landscape Architecture) addressed the DAP against the recommendation for the application at Item 8.2.
- 7.5 Mr Vladimir Baltic (Transcore) addressed the DAP against the recommendation for the application at Item 8.2.
- 7.6 Mr Tim Reynolds (Herring Storer Acoustics) addressed the DAP against the recommendation for the application at Item 8.2.
- 7.7 Mr Murray Casselton (element) addressed the DAP against the recommendation for the application at Item 8.2.
- 7.8 The City of Bayswater officers addressed the DAP in relation to the application at Item 8.2.

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

### 8.1 No.6/469 (No.6/469) William Street, Perth – POSTPONED

Development Description:	Mixed Use Development
Applicant:	Doepel Marsh Architects
Owner:	GPG No 15 Pty Ltd
Responsible Authority:	City of Vincent
DAP File No:	DAP/22/02225

*Item 8.1 was postponed from being heard at this meeting as there were no City of Vincent Local Government DAP Members available to attend this meeting. This application will now be determined at the Metro Inner-North Joint Development Assessment Panel meeting at the City of Vincent offices on the 9<sup>th</sup> September at 9.30am.*



## 8.2 No 589-591 (Lot 160-161) Morley Drive, Morley

Development Description:	Proposed Childcare Centre
Applicant:	Element Advisory Pty Ltd
Owner:	Harper Investment WA Pty Ltd
Responsible Authority:	City of Bayswater
DAP File No:	DAP/22/02219

### REPORT RECOMMENDATION

**Moved by:** Cr Filomena Piffaretti

**Seconded by:** Ms Lindsay Baxter

That the Metro Inner-North JDAP resolves to:

**Refuse** DAP Application reference DAP/22/02219 and Revised Development Plans dated 1 July 2022 (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 City of Bayswater Town Planning Scheme No. 24, for the following reasons:

1. The proposal does not satisfy the objectives and provisions of the City of Bayswater Town Planning Scheme, as:
  - i. The proposal is not consistent with Clause 1.6 (i) (Scheme Objectives) of the City's Town Planning Scheme 24 which is to protect coordinated development proposals from ad hoc and inconsistent development proposals.
  - ii. The proposal does not comply with Table 2 of the City of Bayswater Town Planning Scheme 24 relating to car parking, setbacks, and plot ratio.
2. The proposal does not satisfy the objectives and requirements of the City of Bayswater Non-Residential Uses in Residential Zones Policy as:
  - i. The proposal is not located appropriately as it is located in isolation within an established residential area and is not located adjacent to an established commercial, industrial or mixed-use zone.
  - ii. The proposed use is inconsistent with the residential character of the street by virtue of its isolated location within an established residential area.
  - iii. The proposal does not provide vehicle access from Morley Drive and instead proposes vehicle access off a local access road which is not supported under the policy.
  - iv. The proposal will result in a large car parking area that will be highly visible from the street which will detract from the Ludlands Street and Morley Drive streetscapes and their respective residential character and amenity.



3. The proposal does not satisfy the objectives and requirements of the City's Trees on Private Land and Street Verges Policy as:
  - i. The applicant has not demonstrated that the removal of the southern-most street verge tree on Ludlands Street is warranted as there is an alternative viable option to provide vehicle access for development on this site without necessitating the removal of a mature street verge tree.
  - ii. The proposal will result in the loss of existing tree canopy coverage and shade.
  
4. The proposal does not satisfy the objectives of State Planning Policy 7.0 – Design of the Built Environment as:
  - i. The design does not respond to or enhance the characteristics of the local area which is predominantly single houses.
  - ii. The setbacks and resulting building mass is not appropriate to the residential setting and the intended medium density character of the local area
  
5. The proposal does not satisfy the matters to be considered under clause 67 (a, b, g, j, m, n, s, and y), of Schedule 2, Part 9 of the Planning and Development (Local Planning Schemes) Regulations 2015, as
  - i. The proposal is inconsistent with the aims and provisions of the Scheme.
  - ii. The proposal results in an undue impact on the amenity of the adjacent residential development.
  - iii. The proposal is inconsistent with the orderly and proper planning of the locality.
  - iv. The proposal is inconsistent with City of Bayswater Local Planning Policies (Non-Residential Uses in Residential Zones and the Trees on Private Land and Street Verges Policy).
  - v. The proposal is incompatible with its setting within the residential zone including the relationship of the development to development on adjoining land.
  - vi. The proposal introduces a commercial land use within a residential area in an ad hoc manner.
  - vii. The proposal has not made adequate provision for car parking within the site.
  - viii. The proposal takes vehicle access from a local access road rather than a primary regional road.
  - ix. The proposal will have an undue impact upon the amenity of the streetscapes of Ludlands Street and Morley Drive.
  - x. The loss of the street verge tree will contribute to the urban heat island effect and tree canopy reduction.
  - xi. The proposal does not ameliorate nor mitigate concerns raised by submissions received by the surrounding land owners and occupiers



**The Report Recommendation was put and CARRIED (3/2).**

For: Cr Filomena Piffaretti  
Ms Lindsay Baxter  
Cr Josh Eveson

Against: Mr Clayton Higham  
Mr John Syme

**REASON:** While the proposed development is considered to be well designed the majority of the panel felt that it would not be consistent with the planning framework in terms of the objectives of the planning scheme and related policies. The majority of the panel felt that this non-residential development within the residential zone in that particular location would diminish the amenity of the locality and the surrounding communities. As a consequence the JDAP resolved to refuse the proposal consistent with the recommendation and reasons outlined in the RAR.

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

Nil.

**10. State Administrative Tribunal Applications and Supreme Court Appeals**

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/19/01651 DR160/2020	City of Nedlands	Lot 1 (80) Stirling Highway, Lots 21-23 (2, 4 & 6) Florence Road and Lots 33 & 33 (9&7) Stanley Street, Nedlands	Shopping Centre	21/07/2020
DAP/21/02136 DR60/2022	City of Nedlands	No. 43 Esplanade, Nedlands	Proposed Mixed Use Development - One consulting room and three multiple dwellings	01/04/2022
DAP/18/01491 DR61/2022	City of Vincent	No. 636-640 Newcastle Street, Leederville	Mixed Use Development comprising of 32 Multiple Dwellings, 10 Offices, One Restaurant/Café and One Shop	04/04/2022



## **11. General Business**

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 10.51am.

A handwritten signature in black ink, appearing to read 'Clayton Higham'.