



Metro Inner-South Joint Development Assessment Panel Minutes

Meeting Date and Time: Tuesday, 11 May 2021; 9:30am
Meeting Number: MISJDAP/53
Meeting Venue: Via electronic means

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

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Attendance

DAP Members

Mr Clayton Higham (Presiding Member)
Ms Lee O'Donohue (A/Deputy Presiding Member)
Mr John Syme (A/Third Specialist Member)
Cr Vicki Potter (Local Government Member, Town of Victoria Park)
Cr Ronhhda Potter (Local Government Member, Tow of Victoria Park)

Officers in attendance

Mr Sturt McDonald (Town of Victoria Park)
Mr Robert Cruikshank (Town of Victoria Park)
Mr Frank Squadrito (Town of Victoria Park)
Ms Amie Groom (Town of Victoria Park)

Minute Secretary

Mr Christopher Dodson (DAP Secretariat)
Ms Zoe Hendry (DAP Secretariat)

Applicants and Submitters

Mr Jarrod Palmer
Ms Danielle Palmer
Mr Ed Turner
Mr Nick Groen
Mr Chris Maher (Town of Victoria Park – Design Review Panel)
Mr Terry George
Mr Nick Randell
Mr Graham Hardie (Miliax)
Mr Trent Hardie
Mr Andrew Baranowski (Plan E)
Mr Scott Lambie (Cardno)
Mr Sean Fairfoul (Rowe Group)
Mr Greg Rowe (Rowe Group)

Members of the Public / Media

There were 2 members of the public in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:33am on 11 May 2021 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*.

Mr Clayton Higham
Presiding Member, Metro Inner-South JDAP



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.

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)
Mr Peter Lee (Third 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

The Presiding Member noted that an addendum to the agenda was published to include details of a DAP direction for further information and responsible authority response in relation to Item 8.1, received on 5 May 2021.

All members declared that they had duly considered the documents.

6. Disclosure of Interests

Nil



7. Deputations and Presentations

- 7.1 Mr Jarrod Palmer addressed the DAP in support of the recommendation for the application at Item 8.1.
- 7.2 Ms Danielle Palmer addressed the DAP in support of the recommendation for the application at Item 8.1.
- 7.3 Mr Ed Turner addressed the DAP in support of the recommendation for the application at Item 8.1.
- 7.4 Mr Nick Groen addressed the DAP in support of the recommendation for the application at Item 8.1.
- 7.5 Mr Chris Maher (Town of Victoria Park) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.6 Mr Graham Hardie (Miliax) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.7 Mr Trent Hardie addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.8 Mr Andrew Baranowski (Plan E) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.9 Mr Scott Lambie (Cardno) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.10 Mr Sean Fairfoul (Rowe Group) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.11 Mr Greg Rowe (Rowe Group) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.12 The Town of Victoria Park addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.



8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 218- 220 Great Eastern Highway (Lots 36 & 37, 38, 39, 40, 41, 42, 67, 68, 69, 70 & 200), Lathlain

Development Description: Office, Restaurant/Café, Liquor Store - , Shop And Consulting Room Land Uses With Additions And Alterations To An Existing Hotel
Applicant: Mr Sean Fairfoul, Rowe Group
Owner: Miliax Pty Ltd
Responsible Authority: Town of Victoria Park
DAP File No: DAP/20/01805

REPORT RECOMMENDATION

Moved by: Cr Vicki Potter

Seconded by: Cr Ronhhda Potter

The reference in the preamble to the date the accompanying plans were received was administratively amended to read 2021.

That the Metro Inner-South JDAP resolves to:

Refuse DAP Application reference DAP/20/01805 and accompanying plans received 17/03/2021 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 Victoria Park Planning Scheme No. 1, and pursuant to clause 24(1) and 30 of the Metropolitan Region Scheme for the following reasons:

Reasons

1. The proposed plot ratio of 1.37 (15,690m²) is non-compliant with the maximum plot ratio of 0.5 (5700m²) prescribed by the Development Standards within Town Planning Scheme No.1 - Precinct Plan P7 Lathlain Precinct. The additional plot ratio floor area in this instance results in a building bulk and scale that is inconsistent with the expected built form outcomes for the area under the current planning framework, and in addition generates additional traffic and parking to the site than would otherwise be the case.
2. The proposed building height is inconsistent with the Statement of Intent contained within Town Planning Scheme No.1 - Precinct Plan P7 Lathlain Precinct that “*New development shall be of a scale and style to complement existing buildings within the precinct*” and the building height anticipated under Local Planning Policy 27 ‘Building Height Controls’. The building height combined with the bulk, scale and form of the building, results in a building that is not consistent with its setting.
3. Having regard to Council’s Local Planning Policy 33 ‘Guide to Concessions on Planning Requirements for Mixed-Use, Multi Dwellings and Non-Residential Developments’ and the comments of the Town’s Design Review Panel, the development does not demonstrate a level of design excellence to warrant support of the significant building height and plot ratio variations proposed.



4. The proposed development conflicts with Precinct Plan P7 'Lathlain' in relation to the statement that *"Existing commercial areas along Great Eastern Highway will be strictly controlled to ensure no adverse impact on adjacent residential uses."*
5. The Town's draft Local Planning Strategy identifies the subject sites as suitable for more intensive development, albeit following further investigation and engagement. Approval of the development with such significant variations to the existing planning framework in advance of this further investigation work being undertaken by the Town specific to the subject site, is considered to be premature and not orderly and proper.
6. As a result of the building height, scale, form and parking impacts, the proposed development conflicts with Local Planning Policy 3 'Non-Residential Uses in or Adjacent to Residential Areas' with respect to the following objectives:
 - a. *"To ensure non-residential uses are compatible with the residential character, scale and amenity of surrounding residential properties"*
 - b. *"to ensure that the appearance and design of non-residential development is compatible with surrounding residential properties and the streetscape in terms of building size and scale"*
7. The proposed Development does not satisfy performance criteria outlined in Local Planning Policy 20 – Design Guidelines for Development with Buildings Above 3 Storeys with regard to the following design elements:
 - Site planning
 - Streetscape
 - Building appearance and neighbourhood character
 - Communal open space
 - Resource efficiency
 - Safety and security
8. The proposal does not satisfy the provisions, aims or objectives of Local Planning Policy 29 – Public Art Private Developer Contributions (LPP29) in that the applicant does not intend to provide public art at a rate of 1% of the estimated value of the building work and instead proposes to provide public art as determined appropriate by the landowner. This does not satisfy an objective of LPP29 for a clear and consistent approach to public art provision to be established and may not enhance the amenity of the development and the area as intended by the Policy.



9. The development not satisfying the following design principles of State Planning Policy 7.0 'Design of the Built Environment':
- (i) Context and character;
 - (ii) Landscape quality;
 - (iii) Built form and scale;
 - (iv) Functionality and build quality;
 - (v) Sustainability;
 - (vi) Amenity;
 - (vii) Legibility;
 - (viii) Safety;
 - (ix) Community
 - (x) Aesthetics.
10. Approval of the proposed development being contrary to Schedule 2, Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations, 2015* with particular reference to the following matters that are required to be considered:
- (b) the requirements of orderly and proper planning;
 - (g) any local planning policy for the Scheme area;
 - (m) the compatibility of the development with its setting including the relationship of the proposed development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
 - (n) the amenity of the locality including: environmental impacts of the development; the character of the locality; and social impacts of the development;
 - (s) the adequacy of:
 - (i) the proposed means of access to and egress from the site; and
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;
 - (y) any submissions received on the application;
 - (zb) any other planning consideration the local government considers appropriate

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The panel was of the view that while there may be opportunities to support a development of much greater intensity than the current planning framework would permit the current proposal did not meet the intent of the Scheme and LPP33, and would not be considered to be orderly and proper planning if it was supported. The bulk and scale of the development in relation to the adjoining low scale residential area, its potential impact on the locality in terms of traffic, the design of the internal plaza areas and the interface between the public and trafficable areas, and the limited meaningful or useful soft landscaping were some of the contributing factors to the panel's determination. The panel supported the advice of the DRP in that the proposed development fell short in a number of design areas and concluded that the scheme was not sufficiently resolved.



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/17/01320 DR184/2020 | City of Melville | No. 18A (Lot 899) and No. 18B (Lot 898) Tweeddale Road Applecross | Ten (10) Multiple Dwellings | 12/08/2020 |
| DAP/20/01843 DR 273/2020 | City of Melville | No.114 (Lot 883) Matheson Road, Applecross | Proposed 35 Multiple Dwellings | 16/12/2020 |
| DAP/18/01521 DR 7/2021 | City of Belmont | Lot 41 (225) Great Eastern Highway, Lot 28 (90) Daly Street & Lots 29 to 41 (37) Hargreaves Street, Belmont | Third party signage | 21/01/2021 |

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 11:44am.