



## **Metro Inner-South Joint Development Assessment Panel Minutes**

**Meeting Date and Time:** Friday, 16 December 2022; 10.30am  
**Meeting Number:** MISJDAP/123  
**Meeting Venue:** Town of Victoria Park  
99 Shepperton Road, Victoria Park

### **1 Table of Contents**

<b>1. Opening of Meeting, Welcome and Acknowledgement.....</b>	<b>2</b>
<b>2. Apologies.....</b>	<b>2</b>
<b>3. Members on Leave of Absence.....</b>	<b>3</b>
<b>4. Noting of Minutes.....</b>	<b>3</b>
<b>5. Declaration of Due Consideration.....</b>	<b>3</b>
<b>6. Disclosure of Interests.....</b>	<b>3</b>
<b>7. Deputations and Presentations.....</b>	<b>3</b>
<b>8. Form 1 – Responsible Authority Reports – DAP Applications.....</b>	<b>4</b>
8.1 No.384 (Lot 3) Berwick Street, East Victoria Park.....	4
<b>9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval.....</b>	<b>5</b>
Nil.....	5
<b>10. State Administrative Tribunal Applications and Supreme Court Appeals .....</b>	<b>6</b>
<b>11. General Business.....</b>	<b>6</b>
<b>12. Meeting Closure .....</b>	<b>6</b>



## Attendance

### DAP Members

Mr Clayton Higham (Presiding Member)  
Ms Paul Kotsoglo (Acting Deputy Presiding Member)  
Mr Jason Hick (Third Specialist Member)  
Cr Claire Anderson (Local Government Member, Town of Victoria Park)  
Cr Vicki Potter (Local Government Member, Town of Victoria Park)

### Officers in attendance

Mr Robert Cruickshank (Town of Victoria Park)

### Minute Secretary

Mr Robert Cruickshank (Town of Victoria Park)

### Applicants and Submitters

Ms Belle Smithies (Rowe Group)  
Mr Stephen Pelosi (Hamlen)  
Mr Robert Olivieri (Edit Architecture)  
Mr Damien Pericles (Realm Studios)

### Members of the Public / Media

Nil

## 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 10.33am on 16 December 2022 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 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.

## 2. Apologies

Mr Peter Lee (Specialist Member)  
Ms Rachel Chapman (Deputy Presiding Member)  
Cr Luana Lisandro (Local Government 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 8.1. Ms Chapman is the director and shareholder of Taylor Burrell Barnett. The architectural plans accompanying the application refer to Hamlen. Hamlen is a current client of Taylor Burrell Barnett.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member determined that the member listed above, who had disclosed an Impartiality Interest, was not permitted to participate in the discussion and voting on the item.

### **7. Deputations and Presentations**

- 7.1** Mr Stephen Pelosi (Hamlen) addressed the DAP against the recommendation for the application at Item 8.1.
- 7.2** Mr Robert Olivieri (Edit Architecture) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.3** Mr Damien Pericles (Realm Studios) addressed the DAP against the recommendation for the application at Item 8.1.
- 7.4** Ms Belle Smithies (Rowe Group) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.5** The Town of Victoria Park Officers 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 No.384 (Lot 3) Berwick Street, East Victoria Park

Development Description: Proposed 13 Grouped Dwellings  
Applicant: Rowe Group  
Owner: Berwick EVP Pty Ltd  
Responsible Authority: Town of Victoria Park  
DAP File No: DAP/22/02290

#### REPORT RECOMMENDATION

**Moved by:** Cr Vicki Potter

**Seconded by:** Cr Claire Anderson

That the Metro Inner-South JDAP resolves to:

**Refuse** DAP Application reference DAP/22/02290 and accompanying plans dated 25 November 2022 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the Metropolitan Region Scheme, and the provisions of the Town of Victoria Park Town Planning Scheme No. 1, for the following reasons:

#### Reasons:

1. The development does not satisfy the following matters to be considered under Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:
  - (a) Clause 67(b) – the proposal is considered to be inconsistent with orderly and proper planning given the poor level of amenity for the proposed dwellings
  - (b) Clause 67(c) – the proposal does not adequately satisfy a number of design principles of State Planning Policy 7.3 Residential Design Codes Volume 1 and therefore delivers a poor level of amenity for the occupants.
2. Having regard to State Planning Policy 7.0 Design of the Built Environment, the development does not adequately satisfy the following design principles:
  - (a) Principle 4 Functionality and Build Quality, given the poor relationship between dwellings and streets and the design failing to demonstrate an integration of services into the development.
  - (b) Principle 5 Sustainability, the design inherently compromises many of the dwellings with regards to cross ventilation, solar access, privacy etc.
  - (c) Principle 6 Amenity, as a high level of amenity is not provided for residents in relation to solar access, ventilation, landscaping or communal open space.
  - (d) Principle 7 Legibility, as entries to a number of individual buildings are not clearly identifiable.
  - (e) Principle 8 Safety, as the level of passive surveillance provided throughout the development is considered to be inadequate for dwellings 1 – 3 as observation of the communal street to the rear is not readily available from any major openings of the dwellings



- (f) Principle 9 Community, as the design, particularly the lack of quality communal open space, does not encourage social interaction.
3. The primary outdoor living areas for the Grouped Dwellings do not satisfy the deemed-to-comply or Design Principles of Clause 5.3.1 of the Residential Design Codes Volume 1, and result in outdoor living areas of insufficient size and dimension to be functional and usable for residents.
4. The solar access for the Grouped Dwellings does not satisfy the deemed-to-comply or Design Principles of Clause 5.4.2 of the Residential Design Codes Volume 1 or Local Planning Policy 36 'Climate Control Energy Efficiency (LPP 36)'. The development proposes extensive overshadowing of neighbouring primary outdoor living areas, denying solar access for the primary outdoor living area of dwellings.

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

For: Mr Clayton Higham  
Cr Vicki Potter  
Cr Claire Anderson

Against: Mr Paul Kotsoglo  
Mr Jason Hick

**REASON:** The majority of the panel members expressed concern over the south-east facing outdoor living areas of units 4-13. The dimensions and area were considered sub-optimal, particularly given the proximity, location and height of the existing and proposed retaining walls. The panel was advised by the applicant that the retaining wall heights varied, but at the maximum point would be 2.9m high, plus a 1.8m high fence on top. The panel acknowledged that, for some of the units, the fence may be set back 400mm giving some relief to the occupants of the space below, however, the overall amenity impact on the future occupants was considered to be so overwhelming that the application could not be supported. It was also acknowledged that while considerable discretion, including to the outdoor living areas, was exercised in the approval of stage 1, the impact of the retaining wall resulted in an entirely different set of circumstances to be considered. While the units have an additional small outdoor living area on the north-west frontage this was not considered sufficient to offset the amenity issues of the primary outdoor living area to the rear. It was also noted that the cross-flow ventilation issue could be dealt with through further design adjustments.

**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/21/01936 5.2020.709.1	Town of Victoria Park	No. 176 (Lot 40) Burswood Road, Burswood	Proposed Officer Tower	09/08/2021

## 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 11.24am.