



Metro Inner-South Joint Development Assessment Panel Minutes

Meeting Date and Time: Wednesday, 16 February 2022; 10:30am
Meeting Number: MISJDAP/84
Meeting Venue: Electronic Means

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

1 Table of Contents

1.	Opening of Meeting, Welcome and Acknowledgement	2
2.	Apologies	3
3.	Members on Leave of Absence	3
4.	Noting of Minutes.....	3
5.	Declaration of Due Consideration	3
6.	Disclosure of Interests	3
7.	Deputations and Presentations	3
8.	Form 1 – Responsible Authority Reports – DAP Applications.....	4
	Nil	4
9.	Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval	4
	9.1 53 (Lot 450) Canning Highway, Victoria Park	4
10.	State Administrative Tribunal Applications and Supreme Court Appeals	6
11.	General Business	6
12.	Meeting Closure.....	6



Attendance

DAP Members

Mr Clayton Higham (Presiding Member)
Mr Gene Koltasz (A/Deputy Presiding Member)
Ms Leigh Penney (A/Third Specialist Member)
Cr Luana Lisandro (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)
Mr Sturt McDonald (Town of Victoria Park)
Mr Christian Quiambao
Mr Michal Lowenhoff

Minute Secretary

Mr Christopher Dodson (DAP Secretariat)

Applicants and Submitters

Mr Bernard Hoey
Ms Yvonne Hoey
Ms Marina Kleyweg (KCTT)
Mr Kevin Chu (Total Project Management)
Mr Alan White (element)
Ms Kate Bainbridge (element)

Members of the Public / Media

There were 3 members of the public in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 10:35am on 16 February 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.

This meeting was convened via electronic means (Zoom). Members were reminded to announce their name and title prior to speaking.

2. Apologies

Ms Rachel Chapman (Deputy Presiding Member)
Mr Peter Lee (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 9.1, received on 15 February 2022.

All members declared that they had duly considered the documents.

6. Disclosure of Interests

Nil.

7. Deputations and Presentations

7.1 Mr Bernard Hoey addressed the DAP against the recommendation for the application at Item 9.1.

7.2 Ms Yvonne Hoey addressed the DAP against the recommendation for the application at Item 9.1.

7.3 Mr Alan White (MJA Studio) addressed the DAP in support of the recommendation for the application at Item 9.1 and responded to questions from the panel.



7.4 Ms Kate Bainbridge (MJA Studio) addressed the DAP in support of the recommendation for the application at Item 9.1 and responded to questions from the panel.

7.5 The Town of Victoria Park addressed the DAP in relation to the application at Item 9.1 and responded to questions from the panel.

8. Form 1 – Responsible Authority Reports – DAP Applications

Nil.

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

9.1 53 (Lot 450) Canning Highway, Victoria Park

Development Description:	Multi-Level Residential Apartments
Proposed Amendments:	Change-of-Use (ground floor communal area to Restaurant/Café) and modifications to car parking, bin, store, bike bays, upper level balustrades and landscape plan
Applicant:	element
Owner:	Kingsfort VP Pty Ltd
Responsible Authority:	Town of Victoria Park
DAP File No:	DAP/19/01613

REPORT RECOMMENDATION

Moved by: Cr Vicki Potter

Seconded by: Mr Gene Koltasz

The following administrative change was made to amend New Condition No.2 to read as follows:

The applicant is to submit, and have approved by the Town, details of signage to the universal access bay reflecting the requirements of condition 1. Prior to occupation or use of the restaurant/café tenancy the approved signage must be implemented, and thereafter maintained to the satisfaction of the Town (~~see related advice note~~).

REASON: The panel was advised that there was no advice note.

That the Metro Inner South JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/19/01613 as detailed on the DAP Form 2 dated 12 October 2021 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;



2. **Approve** DAP Application reference DAP/19/01613 as detailed on the DAP Form 2 date accepted 12/10/2021 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*, the Metropolitan Region Scheme and the provisions the Town of Victoria Park Town Planning Scheme No.1, for the proposed minor amendment to the approved 23 Multiple Dwellings at 53 (Lot 450) Canning Highway, Victoria Park, subject to the following conditions:

Amended Conditions

- a. Condition 5 of JDAP's approval dated 15 August 2019 being amended to read as follows:

Prior to the occupation or strata-titling of the building(s), whichever occurs first, arrangements being made to the satisfaction of the Town to address waste management and pedestrian traffic (ensuring pathway options remain unobstructed) by the following means:

- i. A contribution of \$16,625.57 being paid to the Town for the cost of constructing a footpath along the northern edge of McCallum Lane; and
- ii. The Waste Management Plan dated 31/01/2022 being implemented to the satisfaction of the Town. The development is to thereafter operate in accordance with the Waste Management Plan dated 31/01/2022 unless otherwise approved by the Town in writing.

- b. Condition 23 of JDAP's approval dated 15 August 2019 being amended to read as follows:

A minimum of four (4) car parking bays to be provided on site for the exclusive use of visitors. These bays shall be marked for the exclusive use of visitors prior to the first occupation or commencement of the development.

All other conditions and requirements detailed on the previous approval dated 15 August 2019 shall remain unless altered by this application.

New Conditions

1. The approved universal access bay is to be available for use by patrons/users of the restaurant/café during hours of operation of this use, with the bay being available for use by residential visitors and/or delivery vehicles at all other times,
2. The applicant is to submit, and have approved by the Town, details of signage to the universal access bay reflecting the requirements of condition 1. Prior to occupation or use of the restaurant/café tenancy the approved signage must be implemented, and thereafter maintained to the satisfaction of the Town.
3. A minimum of twelve (12) bicycle bays to be provided on site for the exclusive use of residents. These bays shall be installed/provided to the satisfaction of the Town prior to the occupation or strata-titling of the building(s), whichever occurs first.



The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The panel noted the concerns of the local residents in relation to parking however it was felt that this proposal would not unduly add these concerns and that the proposal was of benefit to the locality in that it would activate that street corner and provide a service to the local community and park users.

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 DR 168/2021	Town of Victoria Park	No. 176 (Lot 40) Burswood Road, Burswood	Proposed Office 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 11:49am.