



Metro Inner-South Joint Development Assessment Panel Minutes

Meeting Date and Time: Wednesday, 2 March 2022; 9.30am
Meeting Number: MISJDAP/88
Meeting Venue: Electronic Means

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

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Attendance

DAP Members

Mr Clayton Higham (Presiding Member)
Ms Rachel Chapman (Deputy Presiding Member)
Mr Peter Lee (Third Specialist Member)
Cr Phil Marks (Local Government Member, City of Belmont)
Cr Jenny Davis (Local Government Member, City of Belmont)

Officers in attendance

Item 8.1

Mr Brandon Pang (City of Belmont)

Item 8.2

Mr Hayden Krsanac (City of Belmont)
Mr Alex Bott (City of Belmont)

Minute Secretary

Mr Christopher Dodson (DAP Secretariat)

Applicants and Submitters

Item 8.1

Mr Martti Warpenius (Reverberate Consulting)
Mr Nik Hidding (Peter Webb Associates)

Item 8.2

Mr Petar Mrdja (Urbanista Town Planning)

Members of the Public / Media

There were 8 members of the public in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:31am on 2 March 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.

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

2. Apologies

Cr Robert Rossi (City of Belmont)

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

In accordance with section 2.4.6 of the DAP Code of Conduct 2017, DAP members participated in a site visit for the application at item 8.2 prior to the DAP Meeting.

7. Deputations and Presentations

7.1 Mr Nik Hidding (Peter Webb & Associates) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

7.2 Mr Martti Warpenius (Reverberate Consulting) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

7.3 The City of Belmont Officers address the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

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



7.4 Mr Petar Mrdja (Urbanista Town Planning) addressed the DAP against the recommendation for the application at Item 8.2 and responded to questions from the panel.

7.5 The City of Belmont Officers address the DAP in relation to the application at Item 8.2 and responded to questions from the panel.

The presentations at Items 7.4 - 7.5 were heard prior to the application at Item 8.2.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 277 - 283 (Lots 661, 660, 659 And 658) Hardey Road, Cloverdale

Development Description: Proposed Childcare Premises
Applicant: Peter Webb & Associates
Owner: Kathleen Tin Tin Whisson
Responsible Authority: City of Belmont
DAP File No: DAP/21/02065

REPORT RECOMMENDATION

Moved by: Cr Phil Marks

Seconded by: Cr Jenny Davis

- 1. Approve** DAP Application reference DAP/21/02065 and accompanying plans dated 15 February 2022 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 Belmont Local Planning Scheme No. 15, subject to the following:

Conditions

1. Development/land use shall be in accordance with the attached approved plan(s) dated 15 February 2022 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the Metro Inner-South Joint *Development Assessment Panel or City of Belmont*.
2. No more than 104 children and 17 staff shall be permitted for the Child Care Premises.
3. The operating times for the Child Care Premises shall be limited to the hours of 7:00am to 7:00pm Monday to Friday, unless otherwise approved in writing by the City.
4. This decision constitutes development 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.



5. Lots 658 – 661 Hardey Road shall be amalgamated and a new Certificate of Title obtained for the amalgamated lot prior to lodgement of an application for building permit. Alternatively, the owner/applicant may enter into a legal agreement with the City at their own cost to defer the timeframe of amalgamation.
6. All existing buildings and structures on Lots 658 - 661 Hardey Road, including soakwells, leach drains, septic tanks, underground storage tanks, stormwater drainage systems and waste water disposal systems, shall be removed and the land levelled.
7. A detailed schedule of external materials, finishes and colours to be used in the construction of the development shall be submitted to the City prior to lodgement of an application for a building permit to the satisfaction of the City.
8. Prior to lodgement of a building permit application, to the satisfaction of the City, an amended landscaping and irrigation plan for the subject development site and street verge is to be prepared and submitted to the City for approval that incorporates the following:
 - i. a minimum 1.5 metres wide landscape strip between internally fenced play areas and the north-eastern and south-eastern boundary fences.
 - ii. suitable tree and shrub species that can be accommodated in the car park tree wells and the car park setback area to Hardey Road.
 - iii. suitable trees species and verge materials for the Hardey Road and Pratt Street verges.
9. Prior to occupation or use of the development, landscaping, plants, verge treatment and/or irrigation are to be installed and thereafter maintained in accordance with the approved landscaping and irrigation plan to the satisfaction of the City.
10. The existing trees indicated on the approved landscaping plan shall be retained, unless otherwise approved by the City.
11. Prior to the commencement of site works the applicant shall submit a construction and traffic management that accords with the requirements of AS 1742 Pt 3 to the City. The plan shall thereafter be implemented to the satisfaction of the City.
12. Prior to occupation or use of the development, two signposts shall be installed near the Hardey Road crossover and maintained to the satisfaction of the City. The signposts shall indicate:
 - Exit Only; and
 - No Right Turn.



13. Prior to occupation or use of the development, vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, drained, line marked and kerbed in accordance with:
 - (a) The approved plan (a minimum of 30 parking bays);
 - (b) Schedule 11 of City of Belmont Local Planning Scheme No. 15; and
 - (c) Council's engineering requirements and design guidelines.The areas must be sealed in bitumen or concrete in accordance with the City of Belmont specifications, unless otherwise approved by the City.
14. All access ways, parking areas and hard stand areas shall be maintained in accordance with the City's engineering requirements and design guidelines.
15. A minimum of 17 staff car parking bays for the Child Care Premises are to be provided, line marked and maintained to the satisfaction of the City.
16. Prior to occupation or use of the development, a Car Parking Management Strategy for the Child Care Premises with respect to on-site car parking provision shall be prepared and submitted to the satisfaction of the City. The Management Strategy shall include details regarding the number of drop off and pick up bays and staff bays for the development. The Strategy shall also outline measures to implement the promotion and management of non-car based travel modes, which encourages the use of bicycles and public transport. Once approved, the Strategy shall be implemented at all times to the satisfaction of the City.
17. The Car Parking Management Strategy shall be reviewed within the first three months of operation. The landowner/operator shall update the Car Parking Management Strategy to address any issues arising from the review to the satisfaction of the City.
18. Prior to the occupation of the development a minimum of 6 bicycle bays, 6 ventilated equipment lockers and 1 unisex shower shall be installed and thereafter maintained for the course of the development to the specifications outlined within AS2890.3:2015, to the satisfaction of the City.
19. Prior to occupation or use of the development, the redundant crossovers to Lots 658 - 661 Hardey Road, as shown on the approved plans, shall be removed and the verge and kerb reinstated in accordance with the City's Technical Specifications, to the satisfaction of the City.
20. Prior to occupation or use of the development, the owner/applicant shall, after having obtained written approval from the City (Infrastructure Services Clearance Application), construct a vehicle crossover in accordance with the approved plans and the City's engineering specifications to the satisfaction of the City.
21. The owner/applicant shall submit a detailed stormwater plan for approval of the City prior to application for a building permit, showing the proposed drainage system to the standards of the City of Belmont's engineering requirements and design guidelines.



22. All stormwater from roofed and paved areas shall be collected and disposed of on-site in accordance with the City of Belmont's engineering requirements and design guidelines.
23. The bin storage area must be paved with an impervious material and must not drain to a stormwater drainage system or to the environment.
24. Prior to occupation or use of the development, the owner/applicant shall install the required fencing to comply with the requirements of the Environmental Acoustic Assessment dated 11 February 2022, as marked in 'RED' and 'BLUE' on the approved plans, to the satisfaction of the City.
25. All fencing visible from the street shall be constructed in:
 - (a) brick and visually permeable timber; or
 - (b) brick and visually permeable wrought iron; or
 - (c) other materials which match the development and are acceptable to the City.
26. No services, such as air conditioners, fire boosters, meter service boards or water heaters shall be visible from the street.
27. Prior to occupation of the development, a Waste Management Plan shall be submitted to the City for approval. The Waste Management Plan shall accommodate trucks to access and egress the site in forward gear without impacting on car parking spaces within the property. The Waste Management Plan shall be implemented at all times, unless otherwise approved by the City, to the satisfaction of the City.

Advice Notes

1. The applicant is advised that should the owners wish to defer the timeframe for the construction of the accessway within the easement in gross and provide temporary access until the adjacent properties provide an easement in gross, then the owner can enter into a legal agreement with City to this effect. The legal agreement must be prepared by the City's solicitors (at the owner's full cost), finalised and signed, and then registered as an absolute caveat on the property's certificate of title prior to application for a building permit.

Please note that a legal agreement must be requested by the owner, in writing, and all costs associated with the preparation of a legal agreement and lodgement of a caveat must be borne by the owner. Generally legal agreements take 3 to 4 weeks to be prepared and therefore any such request should be lodged promptly.

2. This development approval is not a demolition permit. A demolition permit must be obtained from the City's Safer Communities – Building Surveying prior to commencement of any demolition works. Please liaise with the City's Safer Communities – Building Surveying for further information.



3. The modified Landscaping and Irrigation Plan shall be a minimum size of A3 and is to contain a north point and a scale. The plan must show by numerical code, the botanical name of each plant species, proposed pot size, quantity and must also include the proposed treatments of:
 - a. all areas of the property visible from the street; and
 - b. the street verge.

It is recommended that the landscaping plan is prepared by a professional horticulturalist or landscape architect.

4. In relation to the installation of landscaping, the plants are to be nurtured until they reach their typical mature dimensions, and shall thereafter be maintained at those mature dimensions unless Council approves otherwise in writing.
5. The City's Engineering Requirements and Design Guidelines contains detailed specifications which must be adhered to in the preparation of plans submitted for approval in respect of such matters as drainage, paving, parking, accessways, crossovers, land fill and retaining.

In the event that access ways, parking areas and hard stand is not satisfactorily maintained, the City may require by notice, in writing, that the area be brought up to a satisfactory standard within a specified period of time and the notice shall be complied with within that period. Without limitation, the notice may require that lines marking car bays be re-painted, pot holes be repaired, damaged kerbs be replaced and degraded access or parking areas be resurfaced generally in accordance with the City's Engineering Requirements and Design Guidelines.

6. Neither a development approval nor a building permit constitutes an approval to construct a crossover to a property. Prior to commencement of any site works, separate approval must be obtained from the City's Infrastructure Services Department to construct a crossover to the property (i.e. from the road to connect with the property's internal driveway). This approval shall be sought by way of an application for Infrastructure Services Clearance. Failure to obtain approval from the City's Infrastructure Services for the crossover may result in time delays or refusal of a vehicle crossover subsidy. Please note Infrastructure Services Clearance Applications are determined within 30 working days from date of lodgment provided further information is not required.
7. *Visually permeable' has the definition given to it in the Residential Design Codes. The City's expectation is that any walls and fences must allow for adequate views between the building and the street to promote passive surveillance.*
8. Signage is not approved as part of this application. A separate application for development approval and building permit is required prior to display of any advertisements and signage.
9. The applicant is advised that no food preparation is approved to be undertaken on-site. Registration in accordance with the *Food Act 2008* must be obtained prior to the commencement of food preparation. Please liaise with the City's Environmental Health Department to ascertain the requirements.



AMENDING MOTION

The following amendments were made en bloc:

Moved by: Ms Rachel Chapman

Seconded by: Cr Phil Marks

(i) That Condition No.5 be amended to read as follows:

*Lots 658 – 661 Hardey Road shall be amalgamated and a new Certificate of Title obtained for the amalgamated lot prior to **occupation**. ~~lodgement of an application for building permit~~. Alternatively, the owner/applicant may enter into a legal agreement with the City at their own cost to defer the timeframe of amalgamation.*

REASON: To ensure that a Building Permit isn't unnecessarily delayed, whilst still ensuring amalgamation occurs prior to the buildings being occupied.

(ii) That Condition No.16 be amended to read as follows:

*Prior to occupation or use of the development, a Car Parking Management Strategy **and Operational Plan** for the Child Care Premises with respect to on-site car parking provision **and operations** shall be prepared and submitted to the satisfaction of the City. The Management Strategy **and Operational Plan** shall include details regarding the number of drop off and pick up bays and staff bays for the development, **operating hours (including when children can arrive and be picked up)** and shall also outline measures to implement the promotion and management of non-car based travel modes, which encourages the use of bicycles and public transport. Once approved, **it shall be implemented at all times to the satisfaction of the City.***

REASON: To expand the Car Parking Management Strategy to also include an Operational Plan to manage the daily operations of the Child care centre and, in particular, address operating hours including the times when children are allowed to be dropped off. The panel wanted to ensure that the 7am – 7pm operating hours provided some flexibility for staff and parents to arrive and leave after these hours whilst still respecting the operating hours and ensuring neighbours were not impacted by noise from children.

(iii) That Condition No.17 be amended to read as follows:

*The Car Parking Management Strategy **and Operational Plan** shall be reviewed within the first three months of operation. The landowner/operator shall update the Car Parking Management Strategy **and Operational Plan** to address any issues arising from the review to the satisfaction of the City.*

REASON: To also provide for the Operational plan to be reviewed and updated, if required after 3 months of operations.



- (iv) That Advice Note No.1 be deleted and the remaining advice notes be renumbered accordingly.

REASON: The condition was unnecessary as there is no accessway or easement included in the application. It was recommended by City Officers in error.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REPORT RECOMMENDATION (AS AMENDED)

1. **Approve** DAP Application reference DAP/21/02065 and accompanying plans dated 15 February 2022 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 Belmont Local Planning Scheme No. 15, subject to the following:

Conditions

1. Development/land use shall be in accordance with the attached approved plan(s) dated 15 February 2022 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the Metro Inner-South Joint *Development Assessment Panel or City of Belmont*.
2. No more than 104 children and 17 staff shall be permitted for the Child Care Premises.
3. The operating times for the Child Care Premises shall be limited to the hours of 7:00am to 7:00pm Monday to Friday, unless otherwise approved in writing by the City.
4. This decision constitutes development 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.
5. Lots 658 – 661 Hardey Road shall be amalgamated and a new Certificate of Title obtained for the amalgamated lot prior to occupation. Alternatively, the owner/applicant may enter into a legal agreement with the City at their own cost to defer the timeframe of amalgamation.
6. All existing buildings and structures on Lots 658 - 661 Hardey Road, including soakwells, leach drains, septic tanks, underground storage tanks, stormwater drainage systems and waste water disposal systems, shall be removed and the land levelled.
7. A detailed schedule of external materials, finishes and colours to be used in the construction of the development shall be submitted to the City prior to lodgement of an application for a building permit to the satisfaction of the City.



8. Prior to lodgement of a building permit application, to the satisfaction of the City, an amended landscaping and irrigation plan for the subject development site and street verge is to be prepared and submitted to the City for approval that incorporates the following:
 - i. a minimum 1.5 metres wide landscape strip between internally fenced play areas and the north-eastern and south-eastern boundary fences.
 - ii. suitable tree and shrub species that can be accommodated in the car park tree wells and the car park setback area to Hardey Road.
 - iii. suitable trees species and verge materials for the Hardey Road and Pratt Street verges.
9. Prior to occupation or use of the development, landscaping, plants, verge treatment and/or irrigation are to be installed and thereafter maintained in accordance with the approved landscaping and irrigation plan to the satisfaction of the City.
10. The existing trees indicated on the approved landscaping plan shall be retained, unless otherwise approved by the City.
11. Prior to the commencement of site works the applicant shall submit a construction and traffic management that accords with the requirements of AS 1742 Pt 3 to the City. The plan shall thereafter be implemented to the satisfaction of the City.
12. Prior to occupation or use of the development, two signposts shall be installed near the Hardey Road crossover and maintained to the satisfaction of the City. The signposts shall indicate:
 - Exit Only; and
 - No Right Turn.
13. Prior to occupation or use of the development, vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, drained, line marked and kerbed in accordance with:
 - (a) The approved plan (a minimum of 30 parking bays);
 - (b) Schedule 11 of City of Belmont Local Planning Scheme No. 15; and
 - (c) Council's engineering requirements and design guidelines.

The areas must be sealed in bitumen or concrete in accordance with the City of Belmont specifications, unless otherwise approved by the City.
14. All access ways, parking areas and hard stand areas shall be maintained in accordance with the City's engineering requirements and design guidelines.
15. A minimum of 17 staff car parking bays for the Child Care Premises are to be provided, line marked and maintained to the satisfaction of the City.



16. Prior to occupation or use of the development, a Car Parking Management Strategy and Operational Plan for the Child Care Premises with respect to on-site car parking provision and operations shall be prepared and submitted to the satisfaction of the City. The Management Strategy and Operational Plan shall include details regarding the number of drop off and pick up bays and staff bays for the development, operating hours (including when children can arrive and be picked up) and shall also outline measures to implement the promotion and management of non-car based travel modes, which encourages the use of bicycles and public transport. Once approved, it shall be implemented at all times to the satisfaction of the City.
17. The Car Parking Management Strategy and Operational Plan shall be reviewed within the first three months of operation. The landowner/operator shall update the Car Parking Management Strategy and Operational Plan to address any issues arising from the review to the satisfaction of the City.
18. Prior to the occupation of the development a minimum of 6 bicycle bays, 6 ventilated equipment lockers and 1 unisex shower shall be installed and thereafter maintained for the course of the development to the specifications outlined within AS2890.3:2015, to the satisfaction of the City.
19. Prior to occupation or use of the development, the redundant crossovers to Lots 658 - 661 Hardey Road, as shown on the approved plans, shall be removed and the verge and kerb reinstated in accordance with the City's Technical Specifications, to the satisfaction of the City.
20. Prior to occupation or use of the development, the owner/applicant shall, after having obtained written approval from the City (Infrastructure Services Clearance Application), construct a vehicle crossover in accordance with the approved plans and the City's engineering specifications to the satisfaction of the City.
21. The owner/applicant shall submit a detailed stormwater plan for approval of the City prior to application for a building permit, showing the proposed drainage system to the standards of the City of Belmont's engineering requirements and design guidelines.
22. All stormwater from roofed and paved areas shall be collected and disposed of on-site in accordance with the City of Belmont's engineering requirements and design guidelines.
23. The bin storage area must be paved with an impervious material and must not drain to a stormwater drainage system or to the environment.
24. Prior to occupation or use of the development, the owner/applicant shall install the required fencing to comply with the requirements of the Environmental Acoustic Assessment dated 11 February 2022, as marked in 'RED' and 'BLUE' on the approved plans, to the satisfaction of the City.



25. All fencing visible from the street shall be constructed in:
 - (a) brick and visually permeable timber; or
 - (b) brick and visually permeable wrought iron; or
 - (c) other materials which match the development and are acceptable to the City.
26. No services, such as air conditioners, fire boosters, meter service boards or water heaters shall be visible from the street.
27. Prior to occupation of the development, a Waste Management Plan shall be submitted to the City for approval. The Waste Management Plan shall accommodate trucks to access and egress the site in forward gear without impacting on car parking spaces within the property. The Waste Management Plan shall be implemented at all times, unless otherwise approved by the City, to the satisfaction of the City.

Advice Notes

1. This development approval is not a demolition permit. A demolition permit must be obtained from the City's Safer Communities – Building Surveying prior to commencement of any demolition works. Please liaise with the City's Safer Communities – Building Surveying for further information.
2. The modified Landscaping and Irrigation Plan shall be a minimum size of A3 and is to contain a north point and a scale. The plan must show by numerical code, the botanical name of each plant species, proposed pot size, quantity and must also include the proposed treatments of:
 - a. all areas of the property visible from the street; and
 - b. the street verge.

It is recommended that the landscaping plan is prepared by a professional horticulturalist or landscape architect.

3. In relation to the installation of landscaping, the plants are to be nurtured until they reach their typical mature dimensions, and shall thereafter be maintained at those mature dimensions unless Council approves otherwise in writing.
4. The City's Engineering Requirements and Design Guidelines contains detailed specifications which must be adhered to in the preparation of plans submitted for approval in respect of such matters as drainage, paving, parking, accessways, crossovers, land fill and retaining.

In the event that access ways, parking areas and hard stand is not satisfactorily maintained, the City may require by notice, in writing, that the area be brought up to a satisfactory standard within a specified period of time and the notice shall be complied with within that period. Without limitation, the notice may require that lines marking car bays be re-painted, pot holes be repaired, damaged kerbs be replaced and degraded access or parking areas be resurfaced generally in accordance with the City's Engineering Requirements and Design Guidelines.



5. Neither a development approval nor a building permit constitutes an approval to construct a crossover to a property. Prior to commencement of any site works, separate approval must be obtained from the City's Infrastructure Services Department to construct a crossover to the property (i.e. from the road to connect with the property's internal driveway). This approval shall be sought by way of an application for Infrastructure Services Clearance. Failure to obtain approval from the City's Infrastructure Services for the crossover may result in time delays or refusal of a vehicle crossover subsidy. Please note Infrastructure Services Clearance Applications are determined within 30 working days from date of lodgment provided further information is not required.
6. *Visually permeable' has the definition given to it in the Residential Design Codes. The City's expectation is that any walls and fences must allow for adequate views between the building and the street to promote passive surveillance.*
7. Signage is not approved as part of this application. A separate application for development approval and building permit is required prior to display of any advertisements and signage.
8. The applicant is advised that no food preparation is approved to be undertaken on-site. Registration in accordance with the *Food Act 2008* must be obtained prior to the commencement of food preparation. Please liaise with the City's Environmental Health Department to ascertain the requirements.

The Report Recommendation (as amended) was put and CARRIED UNANIMOUSLY.

REASON: The site was considered suitable for a child care centre, noting it is located entirely within a residential area, but situated on a local distributor road and in proximity to schools. Amenity impacts on the residential area where given due consideration and the panel were satisfied the siting of the building, use of landscaping, location of parking and play areas and use of noise walls suitably ameliorated any potential impacts on neighbours.



8.2 6 (Lot 173) Tighe Street; 324 (Lot 190) Kew Street; And 475 (Lot 8568) & 477 (Lot 188) Abernethy Road, Cloverdale

Development Description: 15 Two Storey Grouped Dwellings
Applicant: Urbanista Town Planning
Owner: The Bee's Homes WA Pty Ltd
Responsible Authority: City of Belmont
DAP File No: DAP/21/02090

REPORT RECOMMENDATION

Moved by: Cr Phil Marks

Seconded by: Ms Rachel Chapman

That the Metro Inner-South JDAP resolves to:

1. **Refuse** DAP Application reference DAP/21/02090 and accompanying plans received 21 January 2022 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the City of Belmont Planning Scheme No. 15, for the following reasons:

Reasons

1. The proposal is contrary to clause 67(2)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and clause 4.7.6(a) of Local Planning Scheme No. 15, in particular:
 - a. Solid external fencing is proposed that limits views from dwellings to the public streets, inconsistent with subclause (f).
 - b. Dwellings located on the front portions of the site are not oriented and designed to address all public streets, inconsistent with subclause (g).

The proposal is therefore not eligible to be developed above the R20 density.

2. The proposal is contrary to clause 67(2)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and clause 4.7.6(b) of Local Planning Scheme No. 15 which requires a high level of compliance with Local Planning Policy No. 3, in particular:
 - a. The development does not achieve a high standard of development through individual identity, imaginative layout and variation in building design.
 - b. Floor plans of dwellings have not been designed so that rooms least sensitive to vehicular noise are sited closest to Abernethy Road.
 - c. Design measures have not been incorporated to the development to maximum built-in safety of the locality through informal surveillance of the street.

The proposal is therefore not eligible to be developed above the R20 density.



3. The proposal is contrary to clause 67(2)(g) of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the proposal is inconsistent with the objectives of Local Planning Policy 3 – Abernethy Road (Gabriel Street to Dempsey Street) as the proposed development does not:
 - a. Achieve the highest standard of residential development for properties adjacent to Abernethy Road within the Policy Area;
 - b. Provide for housing choice and variety in neighbourhoods with a community identity and high levels of amenity;
 - c. Maximise the built-in safety of the City; and
 - d. Achieve a unified and attractive streetscape within the Policy Area.

4. The proposal is contrary to clause 67(2)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the proposal does not satisfy all provisions of State Planning Policy 7.3 Residential Design Codes Volume 1, in particular:
 - a. Design Element 5.1.2 Street setbacks as the dwellings are not set back from the internal communal street boundaries an appropriate distance to provide adequate privacy for dwellings and accommodate sufficient landscaping.
 - b. Design Element 5.2.3 Street surveillance as the development does not provide for adequate surveillance between dwellings and the public streets, and does not minimise opportunities for concealment and entrapment.
 - c. Design Element 5.3.2 Landscaping as the development does not make adequate provision for landscaping of open space to contribute to the streetscape.
 - d. Design Elements 5.3.5 Vehicular access and 5.3.6 Pedestrian access as the development does not make adequate provision for vehicle access and pedestrian access as the internal driveway and pedestrian path do not meet the minimum width requirements and does not provide legible and safe access.
 - e. Design Element 5.4.1 Visual privacy as the dwellings have not been designed for minimum direct overlooking of active habitable spaces and outdoor living areas of adjacent proposed dwellings.

Cr Jenny Davis (Local Government Member, City of Belmont) left the panel at 10:51am due to technical difficulties.



The Report Recommendation was put and LOST (3/1).

For: Cr Phil Marks

Against: Mr Clayton Higham
Ms Rachel Chapman
Mr Peter Lee

REASON: The panel members noted a foreshadowed deferral during the debate and some members also considered that not all the reasons for refusal would necessarily be applicable and the other reasons sufficient at this stage to warrant a refusal without providing the applicant an opportunity to revise the design.

PROCEDURAL MOTION

Moved by: Ms Rachel Chapman **Seconded by:** Cr Phil Marks

That the consideration of DAP Application DAP/21/02090 be deferred until no later than 27 April 2022, in accordance with section 5.10.1a of the DAP Standing Orders 2020, to provide the applicant up to 8 weeks to address the Design Review Panel’s comments and feedback and achieve a high quality development in this dual coded area, including a further assessment by the DRP.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: The panel appreciated the site’s constraints and attempts by the applicant to respond to the challenges of the site and the requirements of the Scheme and Policy but could not support the proposal as presented, nor did the panel believe that refusal for all of the reasons presented in the RAR was appropriate. The deferral would provide the applicant with an opportunity to better address the Design Review Panel’s feedback and strive to achieve a high-quality development in this location.

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 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 11:02am.

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