



Metro West Joint Development Assessment Panel Minutes

Meeting Date and Time: 12 March 2020; 9:00am
Meeting Number: MWJDAP/260
Meeting Venue: Town of Claremont Council Chambers
308 Stirling Highway, Claremont

Attendance

DAP Members

Ms Francesca Lefante (Presiding Member)
Mr Jarrod Ross (Deputy Presiding Member)
Mr John Syme (A/Specialist Member)
Cr Paul Kelly (Local Government Member, Town of Claremont)
Cr Kate Main (Local Government Member, Town of Claremont)

Officers in attendance

Mr David Vinicombe (Town of Claremont)
Ms Lisa Previti (Town of Claremont)
Mr Marty Symmons (Town of Claremont)
Mr Josh Wilson (Town of Claremont)
Mr Ernest Samec (Department of Planning, Lands and Heritage)

Minute Secretary

Ms Debbie Hill (Town of Claremont)

Applicants and Submitters

Mr David Read (element)
Mr Mark Keene (Optimus)
Mr Patrick Johnston
Ms Judith Lennard
Mr David Hartree (Hartree & Associates)
Mr Bill Golding (Hartree & Associates)

Members of the Public / Media

There were 18 members of the public in attendance.

Mr David Cohen from The Post was in attendance.

1. Declaration of Opening

The Presiding Member declared the meeting open at 9:03am on 12 March 2020 and acknowledged the traditional owners and pay 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 2017 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

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.

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.

2. Apologies

Mr Jason Hick (Specialist Member)
Cr Bruce Haynes (Local Government Member, Town of Claremont)

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

Nil

7. Deputations and Presentations

7.1 Mr Patrick Johnston addressed the DAP against the application at Item 8.1.

7.2 Ms Judith Lennard addressed the DAP in support of the application at Item 8.1.

7.3 Mr Mark Keene (Optimus) addressed the DAP in support of the application at Item 8.1.

7.4 Mr David Read (element) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.

7.5 Mr David Hartree (Hartree & Associates) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.



- 7.6 The Town of Claremont officers addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

PROCEDURAL MOTION

Moved by: Ms Francesca Lefante

Seconded by: Mr Jarrod Ross

That the Metro West JDAP receive legal advice from representatives of the Department of Planning, Lands and Heritage, and that such advice is received behind closed doors, in accordance with section 5.10.2g of the DAP Standing Orders 2017.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

The meeting was closed to the public at 10:28am.

The meeting was re-opened to the public at 10:57am.

8. Form 1 – Responsible Authority Reports – DAP Application

8.1 Property Location:	Lot 102 (256) Stirling Highway, Claremont
Development Description:	Eight storey mixed use development
Applicant:	Element / Optimus Private Equity
Owner:	Zena Nominees Pty Ltd
Responsible Authority:	Town of Claremont
DAP File No:	DAP/19/01633

REPORT RECOMMENDATION

Moved by: Cr Paul Kelly

Seconded by: Cr Kate Main

That the Metro West JDAP resolves to:

1. **Refuse** DAP Application reference DAP/19/01633 and accompanying plans Attachment 3 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 Part V of the Town of Claremont Local Planning Scheme No. 3, and pursuant to clause 24(1) and 26 of the Metropolitan Region Scheme for the following reasons:

Reasons

1. The proposed building height of eight storeys exceeds the permitted height limit of six storeys for a site not identified as a 'Designated Landmark Site' under the Town of Claremont's Stirling Highway Local Development Plan 2016.
2. The proposed building height does not allow adequate solar access to the residential properties to the south (Residential Design Codes Volume 2 – Apartments Element Objective O2.2.4).
3. The proposed residential plot ratio of 3.4 substantially exceeds the intended plot ratio of 1.3 under the Residential Design Codes based on an intended residential density code of R100 for the entire site. This will result development with a bulk and scale that exceeds the planned character of Stirling Highway under the Town of Claremont's Stirling Highway Local Development Plan 2016 (Residential Design Codes Volume 2 Element Objective O2.5.1).



4. The proposed vehicle access does not comply with Town of Claremont Local Planning Scheme No. 3 Clause 44 Stirling Highway Vehicular Access.
5. The height and location of the development does not comply with the Residential Design Codes Volume 2 – Apartments Element Objective O3.2.2 and does not comply with the building envelope requirement prescribed in the Stirling Highway Local Development Plan relative to Element Objective O3.2.2 above and clause 40(9) of Local Planning Scheme No. 3. The result of the non-compliance with the building envelope and overshadowing requirements is that the proposed development will create a significant overshadowing impact on the properties to the south (6 John Street) relative to their open space and habitable room windows that connect to these spaces

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

For: Mr John Syme
Cr Paul Kelly
Cr Kate Main

Against: Ms Francesca Lefante
Mr Jarrod Ross

REASON: In accordance with details contained in the Responsible Authority Report.

9. Form 2 – Responsible Authority Reports – Amending or cancelling DAP development approval

Nil

10. Appeals to the State Administrative Tribunal

The Presiding Member noted the following State Administrative Tribunal Applications -

Current SAT Applications		
LG Name	Property Location	Application Description
Town of Cambridge	Lot 2 (130) and Lot 3 (132) Brookdale Street, Floreat	Child Care Centre
Town of Claremont	Lots 18 (164) and 19 (162) Alfred Road, Swanbourne	Proposed Childcare Centre

11. General Business / Meeting Close

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2017 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.

There being no further business, the Presiding Member declared the meeting closed at 11:26am.