



Metro Inner-South Joint Development Assessment Panel Minutes

Meeting Date and Time: Friday, 1 July 2022; 9.30am
Meeting Number: MISJDAP/103
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 John Syme (A/Third Specialist Member)
Cr Vicki Potter (Local Government Member, Town of Victoria Park)
Cr Claire Anderson (Local Government Member, Town of Victoria Park)

Officers in attendance

Mr Robert Cruickshank (Town of Victoria Park)
Mr Malcolm Mackay (Design Review Panel)

Minute Secretary

Ms Ashlee Kelly (DAP Secretariat)
Ms Zoe Hendry (DAP Secretariat)

Applicants and Submitters

Ms Renee Young (element)
Mr Grant Boshard (Donaldson Boshard Architects)
Mr Julius Skinner (Thomson Geer Lawyers)

Members of the Public / Media

Ms Victoria Rifici from PerthNow and Ms Nadia Budihardjo from Business News was in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.31am on 1 July 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

Mr Peter Lee (Third Specialist Member)
Cr Luana Lisandro (Local Government Member, Town of Victoria Park)

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 10.1, received on 30 June 2022.

All members declared that they had duly considered the documents.

6. Disclosure of Interests

DAP Member, Mr John Syme, declared an Impartiality Interest in item 10.1. This property is on the edge of the Causeway Precinct in the Town of Victoria Park. For some time around 2005 and 2006, Mr Syme was a member of a Design Review Panel established by the Town of Victoria Park to review changes to the planning framework of the Causeway Precinct as it was being developed by Town of Victoria Park officers. It was an advisory, not a decision-making body and was not responsible for the final plan. Nevertheless, it had some influence on the form of the final planning framework for the Causeway Precinct. That was a long time ago and judgements and advice made then might not be the same as ones made today. Mr Syme can confirm that if he will consider the matter on its merits, independent of previous involvement.

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 permitted to participate in the discussion and voting on the item.

In accordance with section 2.4.10 of the DAP Code of Conduct 2017, DAP Member, Mr Clayton Higham, declared that he participated in a State Administrative Tribunal process in relation to the application at item 10.1. However, under section 2.1.3 of the DAP Code of Conduct 2017, Mr Higham acknowledged that he is not bound by any confidential discussions that occurred as part of the mediation process and undertakes to exercise independent judgment in relation to any DAP applications before him, which will be considered on its planning merits.



7. Deputations and Presentations

- 7.1 Mr Grant Boshard (Donaldson Boshard Architects) addressed the DAP against the recommendation for the application at Item 10.1 and responded to questions from the panel.
- 7.2 Mr Julius Skinner (Thomson Greer Lawyers) addressed the DAP against the recommendation for the application at Item 10.1 responded to questions from the panel.
- 7.3 Ms Renee Young (element) addressed the DAP against the recommendation for the application at Item 10.1 responded to questions from the panel.
- 7.4 The Town of Victoria Park Officers addressed the DAP in relation to the application at Item 10.1 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

Nil

10. State Administrative Tribunal Applications and Supreme Court Appeals

10.1 No. 176 (Lot 40) Burswood Road, Burswood

Development Description:	Proposed Office Tower
Summary of Modifications:	<ol style="list-style-type: none">a. Building height reduced from 22 storeys (96.35m) to 18 storeys (77.6m)b. Maximum tower width reduced from 55m to 49mc. Plot ratio reduced from 5.39 (or 22,742m²) to 3.98 (16,800m²)d. Podium height reduced from 5 storeys to 3 storeyse. Technical reporting provided to support the inclusion of a purpose-built child care premises (catering for up to 110 children) on Level 4f. 309 car bays on-site (including 25 dedicated for child care) – reduced from 443 car bays
	Sustainability commitment to minimum 5 star Green Star rating
Applicant:	Element Advisory Pty Ltd
Owner:	Esarebee Pty Ltd, Mr J V Solomons & Mrs D J Solomons & State City Investments Pty Ltd & others
Responsible Authority:	Town of Victoria Park
DAP File No:	DAP/21/01936



REPORT RECOMMENDATION

Moved by: Cr Vicki Potter

Seconded by: Cr Claire Anderson

That the Metro Inner South Joint Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 168 of 2021, resolves to:

Reconsider its decision dated 8 July 2021 and **refuse** DAP Application reference DAP/21/01936 and amended plans date stamped received 25 May 2022 – refer to **Attachment 1** - in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the provisions of the Town of Victoria Park Town 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 building height of 18 storeys (77.6m) is inconsistent with the maximum building height of 12 storeys (45m) prescribed by Local Planning Policy 22 – Development Standards for the Causeway Precinct. The building height combined with the bulk, scale and form of the building, results in a building that is not consistent with its setting.
2. The proposed plot ratio of 3.98 (16,800m²) and maximum floor plate for the tower element of 1,300m² is non-compliant with the maximum plot ratio of 2.0 (8,440m²) and maximum floor plate for the tower element of 1,100m² prescribed by Local Planning Policy 22 – Development Standards for the Causeway Precinct. The additional plot ratio floor area and floor plate 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.
3. Having regard to the Council's Local Planning Policy 33 'Guide to Concessions on Planning Requirements for Mixed Use, Multi Dwelling and Non-Residential Developments' and recommendation from the Town's Design Review Panel, the development does not demonstrate superior design outcomes to warrant the extent of concessions being sought.
4. The Town's Local Planning Strategy identifies actions to investigate whether the precinct should remain classed as an activity centre and review of the current precinct plan and associated development standards. 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, is considered to be premature and not orderly and proper, and will prejudice the future planning to be undertaken by the Town.
5. The development not satisfying the following design principles of State Planning Policy 7.0 'Design of the Built Environment':
 - (1) Context and character - the building is not consistent with its setting given the combined effect of the building height, scale and form.



- (3) Built form and scale – the revised proposal is not consistent with existing built form or the future character of the local area, as outlined in the current planning framework applicable to the site.
- (6) Amenity – as the revised development’s height, bulk and scale is not consistent with the relevant planning framework and is considered to result in negative impact, in particular relating to overshadowing impact on the amenity of the surrounding area.
- (8) Safety – due to limited passive surveillance opportunities from the podium to the adjoining streets.
- (9) Community – whilst the revised proposal includes more details and commitment regarding the proposed community benefits of a childcare centre and conference facility, the community benefits proposed are not considered commensurate to the extent of variations sought, nor align with those community benefits identified for the locality under the Town’s Social Infrastructure Strategy.
- (10) Aesthetics - the Town’s Design Review Panel found that the proposal is a good, technically competent design but needs to be an outstanding design to justify the variations that are being sought.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The panel was of the view that Local Planning Policy 22 is based on sound planning principles and had been reasonably consistently applied, noting the exercise of some discretion in other development proposals within the precinct. The panel were strongly of the view that the intent and development standards of Local Planning Policy 22 are a relevant planning consideration and therefore the policy ought to be given weight. Having come to that position the panel was of the view that while the proposed development is a good design it was not considered to be outstanding, in accordance with LPP33, and worthy of the extensive discretion sought. This view was supported by the Town’s Design Review Panel.

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/21/02116 DR 90/2022	City of South Perth	No. 3 & 3a (Lot 5) Davilak Street and Units 1-3, No. 135 (Lot 67) Robert Street, Como	Proposed Mixed Development in a 15 Storey Building	30/05/2022



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 10.45am.