



Metro Inner-South Joint Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 17 December 2020; 9:30am
Meeting Number: MISJDAP/27
Meeting Venue: Town of Victoria Park
99 Shepperton Road, Victoria Park

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Attendance

DAP Members

Mr Clayton Higham (Presiding Member)
Ms Kym Petani (A/Deputy Presiding Member)
Mr Jason Hick (A/Third Specialist Member)
Cr Vicki Potter (Local Government Member, Town of Victoria Park)
Cr Ronhhda Potter (Local Government Member, Town of Victoria Park)

Officers in attendance

Mr Sturt McDonald (Town of Victoria Park)
Mr Robert Cruickshank (Town of Victoria Park)

Minute Secretary

Ms Christy Neems (Town of Victoria Park)
Ms Janine Martin (Town of Victoria Park)

Applicants and Submitters

Mr Sean Fairfoul (Rowe Group)

Members of the Public / Media

There were 10 members of the public in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:33am on 17 December 2020 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 panel members may refer to technical devices, such as phones and laptops, throughout the meeting to assist them in considering the information before them.

The Presiding Member advised that the meeting is being audio recorded 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 Presiding Member granted permission for the minute taker to record proceedings for the purpose of the minutes only.



2. Apologies

Ms Rachel Chapman (Deputy Presiding Member)
Mr Peter Lee (Third 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

All members declared that they had duly considered the documents.

6. Disclosure of Interests

DAP Member, Ms Kym Petani, declared an Impartiality Interest in item 8.1. Ms Petani is an employee and shareholder of GHD. GHD has been engaged by the Town of Victoria Park to undertake the following; supervise the Belmont Bridge construction; prepare 100% design concepts for the Shepperton Road and Miller Street intersection and the detailed engineering design for the Garland Street reconstruction.

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.

7. Deputations and Presentations

- 7.1 Ms Danielle Palmer addressed the DAP in support of the recommendation for the application at Item 8.1.
- 7.2 Mr Tony Blackwell addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to the questions from the panel.
- 7.3 Mr Sean Fairfoul addressed the DAP presenting against the application at Item 8.1 and responded to the questions from the panel.



8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 218- 220 Great Eastern Highway (Lots 36 & 37, 38, 39, 40, 41, 42, 67, 68, 69, 70 & 200), Lathlain

Development Description: Office Restaurant/Café, Liquor Store – Large, Recreation – Private, Shop and Consulting Room Land Uses with Additions and Alterations to an Existing Hotel

Applicant: Mr Sean Fairfoul, Rowe Group

Owner: Miliax Pty Ltd

Responsible Authority: Town of Victoria Park

DAP File No: DAP/20/01805

REPORT RECOMMENDATION

Moved by: Nil

Seconded by: Nil

That the Metro Inner South JDAP resolves to:

Refuse DAP Application reference DAP/20/01805 and accompanying plans received 27/11/2020 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 Town of Victoria Park 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 plot ratio of 1.4 (15,963m²) is non-compliant with the maximum plot ratio of 0.5 (5700m²) prescribed by the Development Standards within Town Planning Scheme No.1 - Precinct Plan P7 Lathlain Precinct. The additional plot ratio floor 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, and in addition generates additional traffic and parking to the site than would otherwise be the case.
2. The proposed building height is inconsistent with the Statement of Intent contained within Town Planning Scheme No.1 - Precinct Plan P7 Lathlain Precinct that *“New development shall be of a scale and style to complement existing buildings within the precinct”* and the building height anticipated under Local Planning Policy 27 ‘Building Height Controls’. The building height combined with the bulk, scale and form of the building, results in a building that is not consistent with its setting.
3. Having regard to Council’s Local Planning Policy 33 ‘Guide to Concessions on Planning Requirements for Mixed-Use, Multi Dwellings and Non-Residential Developments’ and the comments of the Town’s Design Review Panel, the development does not demonstrate a level of design excellence to warrant support of the significant building height and plot ratio variations proposed.
4. The proposed development conflicts with Precinct Plan P7 ‘Lathlain’ in relation to the statement that *“Existing commercial areas along Great Eastern Highway will be strictly controlled to ensure no adverse impact on adjacent residential uses.”*



5. The proposed uses of 'Recreation – Private', 'Restaurant/Café' and 'Shop' are 'X' (prohibited) land uses on Lot 68. While Lot 68 currently has valid non-conforming use rights, it is considered that having regard to clause 18 of TPS 1, the proposed new land uses and development on Lot 68 are not less detrimental to the amenity of the locality than the existing use, nor closer to the intended use of land in a Residential zone.
6. The development proposes a significant shortfall to the minimum number of parking bays required under the Town's Local Planning Policy 23 'Parking'. Insufficient information has been provided to demonstrate that the proposed development satisfies the aims or objectives of Local Planning Policy 23 'Parking', or that the amenity impact resulting from a shortage of car parking will be minimised.
7. The Town's draft Local Planning Strategy identifies the subject sites as suitable for more intensive development, albeit following further investigation and engagement. 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 specific to the subject site, is considered to be premature and not orderly and proper.
8. As a result of the building height, scale, form and parking impacts, the proposed development conflicts with Local Planning Policy 3 'Non-Residential Uses in or Adjacent to Residential Areas' with respect to the following objectives:
 - a. *"To ensure non-residential uses are compatible with the residential character, scale and amenity of surrounding residential properties"*
 - b. *"to ensure that the appearance and design of non-residential development is compatible with surrounding residential properties and the streetscape in terms of building size and scale"*
9. The proposed Development does not satisfy performance criteria outlined in Local Planning Policy 20 – Design Guidelines for Development with Buildings Above 3 Storeys with regard to the following design elements:
 - Site planning
 - Streetscape
 - Building appearance and neighbourhood character
 - Communal open space
 - Resource efficiency
 - Safety and security
10. The proposal does not satisfy the provisions, aims or objectives of Local Planning Policy 29 – Public Art Private Developer Contributions (LPP29) in that the applicant does not intend to provide public art at a rate of 1% of the estimated value of the building work and instead proposes to provide public art as determined appropriate by the landowner. This does not satisfy an objective of LPP29 for a clear and consistent approach to public art provision to be established and may not enhance the amenity of the development and the area as intended by the Policy.



11. The development not satisfying the following design principles of State Planning Policy 7.0 'Design of the Built Environment':
 - (i) Context and character;
 - (ii) Landscape quality;
 - (iii) Built form and scale;
 - (iv) Functionality and build quality;
 - (v) Sustainability;
 - (vi) Amenity;
 - (vii) Legibility;
 - (viii) Safety;
 - (ix) Community
 - (x) Aesthetics.

12. Approval of the proposed development being contrary to Schedule 2, Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations, 2015* with particular reference to the following matters that are required to be considered:
 - (b) the requirements of orderly and proper planning;
 - (g) any local planning policy for the Scheme area;
 - (m) the compatibility of the development with its setting including the relationship of the proposed development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
 - (n) the amenity of the locality including environmental impacts of the development; the character of the locality; and social impacts of the development;
 - (s) the adequacy of:
 - (i) the proposed means of access to and egress from the site; and
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;
 - (y) any submissions received on the application;
 - (zb) any other planning consideration the local government considers appropriate

The Report Recommendation LAPSED for want of a mover and a seconder.

PROCEDURAL MOTION

Moved by: Cr Ronhda Potter

Seconded by: Cr Vicki Potter

That the consideration of DAP Application DAP/20/08105 be deferred until no later than the 25 March 2021, in accordance with section 5.10.1a of the DAP Standing Orders 2020, for the following reasons:

1. To allow the applicant the opportunity to address the concerns raised in the RAR, including modifications to the plans as outlined in the applicant's suggested conditions of approval.



The Procedural Motion was put and CARRIED (4/1).

For: Mr Clayton Higham
Mr Jason Hick
Cr Vicki Potter
Cr Ronnhda Potter

Against: Ms Kym Petani

REASON: As part of their presentation the applicant requested a deferral to allow them an opportunity to address matters raised in the RAR, to provide additional parking and to resolve service/infrastructure related design matters raised by the DRP. The panel also felt that this would be an opportunity for the applicant to address any potential non-conforming rights issues on part of the land the subject of the application.

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

Nil

10. State Administrative Tribunal Applications and Supreme Court Appeals

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/17/01320 DR 184/2020	City of Melville	No. 18A (Lot 899) and No. 18B (Lot 898) Tweeddale Road Applecross	Ten (10) Multiple Dwellings	12/08/2020

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 10:15am.