



# Metro Inner-South Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Thursday, 8 July 2021; 9:00am  
**Meeting Number:** MISJDAP/60  
**Meeting Venue:** Via electronic means.

*This DAP meeting was conducted by electronic means 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.....	4
8.	Form 1 – Responsible Authority Reports – DAP Applications.....	4
	8.1 No. 176 (Lot 40) Burswood Road, Burswood.....	4
9.	Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval.....	7
	Nil.....	7
10.	State Administrative Tribunal Applications and Supreme Court Appeals.....	8
11.	General Business.....	8
12.	Meeting Closure.....	8



---

## Attendance

### DAP Members

Mr Clayton Higham (Presiding Member)  
Ms Rachel Chapman (Deputy Presiding Member)  
Mr Peter Lee (Third Specialist Member)  
Cr Ronnhda Potter (Local Government Member, Town of Victoria Park)

### Officers in attendance

Ms Laura Sabitzer (Town of Victoria Park)  
Mr Richard Gale, Design Engineer (Town of Victoria Park)  
Ms Tracy McQue, Senior Place Leader - Strategic Planning (Town of Victoria Park)

### Minute Secretary

Mr Christopher Dodson (DAP Secretariat)  
Ms Ashlee Kelly (DAP Secretariat)

### Applicants and Submitters

Mr Mark Solomons (State City - Landowner)  
Mr Grant Boshard (Donaldson Boshard Architects)  
Mr Ben Kent (Element Advisory Pty Ltd)  
Mr Andrew Howe (Element Advisory Pty Ltd)  
Ms Kate Bainbridge (Element Advisory Pty Ltd)

### Members of the Public / Media

There were 5 members of the public in attendance.

#### 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:01am on 8 July 2021 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*

Mr Clayton Higham  
Presiding Member, Metro Inner-South JDAP



## 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 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. Members were reminded to announce their name and title prior to speaking.

## 2. Apologies

Cr Vicki Potter (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 8.1, received on 7 July 2021.

All members declared that they had duly considered the documents.

## 6. Disclosure of Interests

Nil



## 7. Deputations and Presentations

- 7.1 Mr Mark Solomons (Landowner) addressed the DAP against the recommendation for the application at Item 8.1.
- 7.2 Mr Grant Boshard (Donaldson Boshard Architects) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.3 Mr Andrew Howe (Element) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.4 Mr Bent Kent (Element) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.5 The Town of Victoria Park officers addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

## 8. Form 1 – Responsible Authority Reports – DAP Applications

### 8.1 No. 176 (Lot 40) Burswood Road, Burswood

Development Description:	Proposed Office Tower
Applicant:	Element Advisory Pty Ltd
Owner:	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 Ronnhda Potter

**Seconded by:** Mr Clayton Higham

That the Metro Inner South Joint Development Assessment Panel resolves to:

**Refuse** DAP Application reference DAP/21/01936 and accompanying plans date stamped received 11 May 2021 - 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 22 storeys (96.35m) 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.

Mr Clayton Higham  
Presiding Member, Metro Inner-South JDAP



2. The proposed plot ratio of 5.39 (22,742m<sup>2</sup>) and maximum floor plate for the tower element of 1,707m<sup>2</sup> is non-compliant with the maximum plot ratio of 2.0 (8,440m<sup>2</sup>) and maximum floor plate for the tower element of 1,100m<sup>2</sup> 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, and generates additional traffic than would otherwise be the case.
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 draft 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’:
  - (i) Context and character;
  - (iii) Built form and scale;
  - (iv) Functionality and build quality;
  - (v) Sustainability;
  - (vi) Amenity;
  - (ix) Community
  - (x) Aesthetics.
6. 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 the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the *Planning and Development (Local Planning Schemes) Regulations 2015* or any other proposed planning instrument that the local government is seriously considering adopting or approving;
  - (c) any approved State planning policy;
  - (g) any local planning policy for the Scheme area;
  - (m) the compatibility of the development with its setting including the relationship of the 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 the following:



- (i) environmental impacts of the development;
- (ii) the character of the locality;
- (iii) social impacts of the development;
- (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (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;
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (y) any submissions received on the application;
- (zb) any other planning consideration the local government considers appropriate.

### **AMENDING MOTION 1**

*The following amendments were made en bloc:*

**Moved by:** Mr Clayton Higham

**Seconded by:** Ms Rachel Chapman

- (i) That reason no. 5 be deleted and the remaining reasons be renumbered accordingly.

**REASON:** The reason as stated was not in itself considered to be a reason for refusal as it did not indicate any consequential planning, amenity, and/or design impacts on the locality or on the future occupants or users of the proposed development. Furthermore, the recommended reason for refusal did not articulate in what manner or form the proposed development did not satisfy the design principles of SPP 7.0.

- (ii) That reason no. 6 (now reason no. 5) be deleted.

**REASON:** The reason as stated was not in itself considered to be a reason for refusal as it did not indicate any consequential planning, amenity, and/or design impacts on the locality or on the future occupants or users of the proposed development. Furthermore, the recommended reason for refusal did not articulate in what manner or form the proposed development was contrary to the matters listed in Clause 67.

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

### **REPORT RECOMMENDATION (AS AMENDED)**

That the Metro Inner South Joint Development Assessment Panel resolves to:

**Refuse** DAP Application reference DAP/21/01936 and accompanying plans date stamped received 11 May 2021 - 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:

**Mr Clayton Higham**  
Presiding Member, Metro Inner-South JDAP



## Reasons

1. The proposed building height of 22 storeys (96.35m) 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 5.39 (22,742m<sup>2</sup>) and maximum floor plate for the tower element of 1,707m<sup>2</sup> is non-compliant with the maximum plot ratio of 2.0 (8,440m<sup>2</sup>) and maximum floor plate for the tower element of 1,100m<sup>2</sup> 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, and generates additional traffic than would otherwise be the case.
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 draft 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.

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

REASON: The panel acknowledged that the current planning framework was dated and that the proposed development was generally a good design, however, there was general consensus that the proposal was too large in terms of plot ratio and height and that it was unlikely, even if the framework was changed, that a building of this magnitude could be supported in this location. The panel noted that while discretion could be exercised it was not considered appropriate to do so to such an extent having given due regard to the existing planning framework.

### **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/17/01320 DR184/2020	City of Melville	No. 18A (Lot 899) and No. 18B (Lot 898) Tweeddale Road Applecross	Ten (10) Multiple Dwellings	12/08/2020
DAP/20/01843 DR 273/2020	City of Melville	No.114 (Lot 883) Matheson Road, Applecross	Proposed 35 Multiple Dwellings	16/12/2020
DAP/18/01521 DR 7/2021	City of Belmont	Lot 41 (225) Great Eastern Highway, Lot 28 (90) Daly Street & Lots 29 to 41 (37) Hargreaves Street, Belmont	Third party signage	21/01/2021

## 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 10:15am.