



## Metro Inner-South Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Thursday, 9 February 2023; 9.30am  
**Meeting Number:** MISJDAP/130  
**Meeting Venue:** Town of Victoria Park  
99 Shepperton Road, Victoria Park

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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 Luana Lisandro (Local Government Member, Town of Victoria Park)

### Officers in attendance

Mr Michael Clare (Town of Victoria Park)  
Ms Kelly Vilksen (Town of Victoria Park)

### Minute Secretary

Ms Janine Martin (Town of Victoria Park)

### Applicants and Submitters

Mr Dane Gaunt (Urbis)  
Mr Tim Dawkins (Urbis)  
Mr Stuart Hawley (Bluerock Projects)

### Members of the Public / Media

There was one member of the public in attendance.

Ms Victoria Rifici from Seven West Media (PerthNow) was in attendance.

## 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.30am on 9 February 2023 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 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

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**

In accordance with section 2.4.6 of the DAP Code of Conduct 2017, DAP members, Town's Officers and Applicants participated in a site visit for the application at item 8.1 prior to the DAP Meeting.

### **7. Deputations and Presentations**

**7.1** Mr Stuart Hawley (Bluerock Projects) 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 Tim Dawkins (Urbis) 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 Town of Victoria Park Officers addressed the DAP in relation to the application at Item 8.1.

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

#### **8.1 No. 12-14 Hampton Street, Burswood**

Development Description: 27 Multiple Dwellings  
Applicant: Urbis  
Owner: Ocean Developments WA Pty Ltd  
Responsible Authority: Town of Victoria Park  
DAP File No: DAP/22/02309

### **REPORT RECOMMENDATION**

**Moved by:** Nil

**Seconded by:** Nil



That the Metropolitan Inner South JDAP resolves to:

**Refuse** DAP Application reference DAP/22/02309 and accompanying plans at **Attachment 2** in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the Town of Victoria Park Town Planning Scheme No. 1 and the Metropolitan Region Scheme for the following reasons:

**Reasons:**

1. The development does not satisfy the following matters to be considered under Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:
  - (a) Clause 67(b) – The proposal is inconsistent with orderly and proper planning due to the poor level of amenity for the proposed dwellings and impacts upon the streetscape and adjoining properties.
  - (b) Clause 67(c) – The proposal does not adequately satisfy a number of design principles of State Planning Policy 7.3 Residential Design Codes Volume 2, and therefore is not considered to be an acceptable design outcome for the occupants, the streetscape and the community.
  - (c) Clause 67(g) – The proposal does not adequately satisfy development requirements of the Town of Victoria Park Local Planning Policy 42 – Vehicle Access Policy, as it does not minimise the number of crossovers, which impacts on the appearance of the streetscape.
  - (d) Clause 67(m) – The proposal is not compatible with its setting including the relationship of the development to development on adjoining land in respect to primary street setback, lot boundary setbacks, retention of trees, visual privacy, the number of crossovers and provision of on-site car parking.
  - (e) Clause 67(n) – The proposal is likely to negatively impact on the amenity of the locality, as the development is inconsistent with the existing and desired character of development within the area.
  - (f) Clause 67(p) – The proposal does not provide sufficient soft landscaping within the street setback area due to the inclusion of three crossovers, visitor car parking bays and a decked area, which results in dominating appearance of hard surfaces that will negatively impact on the appearance of the development and the streetscape.
  - (g) Clause 67(s) – The proposal does not provide for adequate vehicle access to the site as it does not minimise the number of crossovers, which impacts on the appearance of the development and the streetscape.
  - (h) Clause 67(y) – The proposal does not adequately address concerns raised in submissions received on the application from owners and occupiers of surrounding affected properties.



2. The development does not satisfy the following Element Objectives of State Planning Policy 7.3 Residential Design Codes Volume 2:
  - (a) Element Objective O 2.3.1 - The development proposes a primary street setback of 0.3 metres in lieu of the minimum street setback of 2 metres required under Table 2.1, which results in a primary street setback that does not reinforce and/or complement the existing or desired character of the streetscape.
  - (b) Element Objective O 2.4.1 - The Town is not satisfied that the proposal has adequately demonstrated that the proposed setbacks to the northern boundary provide adequate separation to the neighbouring property.
  - (c) Element Objective O 3.3.1 - The Town is not satisfied that the proposal has adequately demonstrated that the development protects the viability of trees on the property adjoining the northern boundary.
  - (d) Element Objective O 3.5.1 - The Town considers the plans do not adequately demonstrate that the proposed screening of balconies will provide sufficient visual privacy on adjoining properties.
  - (e) Element Objective O 3.8.1 - The Town is not satisfied that the proposed vehicle access from three separate crossovers is designed and located to provide safe access and egress for vehicles and to avoid conflict with pedestrians, cyclists and other vehicles or is an acceptable planning outcome.
  - (f) Element Objective O 3.8.2 - The Town considers that the proposed number of crossovers providing vehicle access to Hampton Street is excessive and unnecessary, which will result in significant detrimental visual impacts on appearance of the streetscape.
  - (g) Element Objective O3.9.1 – The proposed provision of four visitor car parking bays in lieu of five bays does not provide for adequate on-site car parking for the development.
  
3. The development does not satisfy the following design principles of State Planning Policy 7.0 Design of the Built Environment:
  - (a) Principle 2 Landscape Quality - the Town is not satisfied that the proposal demonstrates that trees on the neighbouring property will be protected.
  - (b) Principle 3 Built Form and Scale - the Town considers that the siting of the six additional dwellings in the northern part of the site, the reduced side setbacks, proximity to the trees to the north, and other aspects of the design which lack generosity, cumulatively indicate an overdevelopment of the site.
  - (c) Principle 6 Amenity Strategy – Views - The proposed development is considered to be an overdevelopment of the site which impacts on the built form design and results in amenity impacts on adjoining properties, the appearance of the streetscape and surrounding area.



4. The proposal is inconsistent with the intent and objectives of the Town's Local Planning Policy 42 'Vehicle Access for Residential Development' as the three proposed crossovers are considered to be excessive and unnecessary to provide adequate vehicle access to the development.

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

### **PROCEDURAL MOTION**

**Moved by:** Mr John Syme

**Seconded by:** Ms Rachel Chapman

That the consideration of DAP Application DAP/22/02309 be deferred until no later than 9 June 2023, in accordance with section 5.10.1a of the DAP Standing Orders 2020, for the following reasons:

- To provide adequate storage for all units
- To provide more detail on the treatment of the trees and the way they will be treated in two scenarios. 1. Where access to the adjoining property for the purpose of pruning and other remedial work on the trees will be available to the proponent and 2. Where direct access is not available to the proponent.
- Some more detail on the levels, particularly the levels of the upper-level carpark and its relationship to the existing building and circulation around the existing building and the treatment of level changes to adjoining properties, particularly to the north and east.
- More detail on how the overlooking issues to the north will be addressed.
- Reconsideration of the ground floor of the town house units to give due consideration for better storage to the units and access to the rear courtyard from a habitable room.

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

**REASON:** The panel considered that while the proposed development had merit there were a number of issues such as storage, the relationship of the new units along the boundary to the trees and northern neighbour, and the rear car park levels that warranted further consideration.

### **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 DR168/2021	Town of Victoria Park	No. 176 (Lot 40) Burswood Road, Burswood	Proposed Officer Tower	09/08/2021
DAP/22/02244 DR121/2022	City of Fremantle	Nos. 34-38 (Lots 1823, 1209, 1212 and 1217) Amherst Street and Nos. 2-4 (Lots 1223 and 1222) Stack Street, Fremantle	56 Grouped Dwellings	30/11/2022
DAP/22/02290 DR234/2022	Town of Victoria Park	No.384 (Lot 3) Berwick Street, East Victoria Park	Proposed 13 Grouped Dwellings	23/12/2022

## 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 10.18am.