



## Minutes of the Metro South-West Joint Development Assessment Panel

**Meeting Date and Time:** Wednesday, 12 March 2014; 1:30pm  
**Meeting Number:** MSWJDAP/39  
**Meeting Venue:** City of Rockingham

### Attendance

#### DAP Members

Mr David Gray (Presiding Member)  
Mr Ian Birch (Deputy Presiding Member)  
Mr Robert Nicholson (Specialist Member)  
Cr Andrew Sullivan (Local Government Member, City of Fremantle) until 2.54pm  
Cr Jon Strachan (Local Government Member, City of Fremantle) until 2.54pm  
Cr Joy Stewart (Local Government Member, City of Rockingham) from 2.55pm  
Cr Richard Smith (Local Government Member, City of Rockingham) from 2.55pm

#### Officers in attendance

Mr Craig Shepherd (Development Assessment Panels)  
Mr Aaron Augustson (City of Fremantle)  
Mr Paul Garbett (City of Fremantle)  
Ms Natalie Martin Goode (City of Fremantle)  
Ms Donna Shaw (City of Rockingham)  
Mr Mike Ross (City of Rockingham)

#### Local Government Minute Secretary

Ms Melinda Wellburn (City of Rockingham)

#### Applicants and Submitters

Mr M McNeil (CLE Town Planning & Design)  
Mr Cameron Leckey (CLE Town Planning & Design)  
Mr Matthew McNeilly (Sirona Capital)  
Mr Stuart Verco (Summit Projects)

#### Members of the Public

Nil

#### 1. Declaration of Opening



The Presiding Member, Mr David Gray declared the meeting open at 1:30pm on 12 March 2014 and acknowledged the past and present traditional owners and custodians of the land on which the meeting was being held.

**2. Apologies**

Nil

**3. Members on Leave of absence**

Nil

**4. Noting of minutes**

Minutes of the Metro South-West JDAP meeting no.36 held on 18 February 2014 were noted by DAP members.

Minutes of the Metro South-West JDAP meeting no.37 held on 4 March 2014 and meeting no.38 held on the 7 March 2014 were not available for noting at the time of meeting.

**5. Disclosure of interests**

Nil

**6. Declaration of Due Consideration**

All members declared that they had duly considered the documents.

**7. Deputations and presentations**

**7.1** Mr Paul Garbett (City of Fremantle) addressed the DAP for the application at Item 8.1.

**7.2** Mr Cameron Leckey (CLE) and Mr Matthew McNeilly (Sirona Capital) addressed the DAP for the application at Item 8.1.

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

**8.1** Property Location: No. 8-10 (Lots 374 & 375) Henderson Street, Fremantle  
Application Details: Demolition of Existing Building and Development of a Five Storey Office & Retail Development  
Applicant: CLE – Town Planning & Design  
Owner: City of Fremantle  
Responsible authority: City of Fremantle  
Report date: 5 March 2013  
DoP File No: DP/13/00983



## REPORT RECOMMENDATION / PRIMARY MOTION

**Moved by:** Cr Jon Strachan

**Seconded by:** Cr Andrew Sullivan

That the Metro South-West JDAP:

**Approve** DAP application reference DP/13/00983 and accompanying plans dated 11 December 2013, in accordance with the City of Fremantle Local Planning Scheme No. 4 and the Metropolitan Region Scheme, subject the following conditions:

### Conditions:

1. This approval relates only to the development as indicated on the approved plans dated 11 December 2013. It does not relate to any other development on this lot and must substantially commence within 4 years from the date of the decision letter. If the subject development is not substantially commenced within a 4 year period, the approval shall lapse and be of no further effect.
2. Prior to the issue of a Building Permit, plans hereby approved being modified and the supporting details being to the satisfaction of the Chief Executive Officer - City of Fremantle having regard to advice of the Design Advisory Committee relating to;
  - i. A pedestrian link being provided between Henderson Street and Paddy Troy Mall including pedestrian access through the existing limestone feature on the subject site. In providing the new openings through the limestone feature not more than 25% of the total surface area of the feature is to be removed; and,
  - ii. The ground floor 'gen-set' room adjoining the access way to Paddy Troy Mall being relocated elsewhere on the subject site to improve activation/glazing to the external public area;
3. All storm water discharge shall be contained and disposed of on site or otherwise approved by the Chief Executive Officer – City of Fremantle.
4. The works hereby approved shall be undertaken in a manner which does not irreparably damage any original or significant fabric of the building. Should the works subsequently be removed, any damage shall be rectified to the satisfaction of the Chief Executive Officer – City of Fremantle.
5. Prior to the commencement of development and at the applicant's expense, an archaeological investigation is to be undertaken by a suitably qualified person and a copy the report of that investigation be provided to the satisfaction of the Chief Executive Officer – City of Fremantle.



6. Prior to occupation, the boundary wall located on the southern boundary shall be of a clean finish in sand render, face brick or other clean material, to the satisfaction of the Chief Executive Officer – City of Fremantle.
7. The design and construction of the development is to meet the 4 star green star standard as per Local Planning Policy 3.15 or alternatively to an equivalent standard as agreed upon by the Chief Executive Officer – City of Fremantle. Any costs associated with generating, reviewing and/or modifying the alternative equivalent standard is to be incurred by the owner of the development site. Within 12 months of an issue of a certificate of Building Compliance for the development, the owner shall submit either of the following to the City to the satisfaction of the Chief Executive Officer – City of Fremantle;
  - a) A copy of documentation from the Green Building Council of Australia certifying that the development achieves a Green Star Rating of at least 4 Stars, or
  - b) A copy of agreed equivalent documentation for instance where there is no green star rating tool available certifying that the development achieves a Green Star Rating of at least 4 Stars.
8. All air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof or balconies of the building shall be located to be not visible from the street, and where visible from other buildings or vantage points shall be suitably located, screened or housed, to the satisfaction of the Chief Executive Officer – City of Fremantle.
9. Prior to the issue of a Building Permit, the owner is to submit a waste management plan detailing the storage and management of the waste generated by the development to be implemented to the satisfaction of the Chief Executive Officer – City of Fremantle.
10. Prior to the issue of a Building Permit, the owner is required to contribute a monetary amount of 1% of the estimated total cost of development as indicated on the Form of Application for Planning Approval for DAP80010/13, for the development of public art works and/or heritage works to enhance the public realm to the satisfaction of the Chief Executive Officer, City of Fremantle. Based on the estimated cost the development being \$21,500,000.00, the contribution to be made is \$215,000.00.
11. Prior to occupation, an access easement is to be placed on the certificate(s) of title of the subject site specifying public (vehicle and pedestrian) access rights for the continuation of Paddy Troy Mall on the western portion of the land to the satisfaction of the Chief Executive Officer – City of Fremantle.
12. Prior to the issue of a Building Permit a Demolition and Construction Management Plan shall be submitted to the City to the satisfaction of the



Chief Executive Officer – City of Fremantle addressing the following matters:

- a) Use of City car parking bays for construction related activities;
- b) Protection of infrastructure and street trees within the road reserve;
- c) Security fencing around construction sites;
- d) Gantries;
- e) Access to site by construction vehicles;
- f) Contact Details;
- g) Site offices;
- h) Noise - Construction Work and Deliveries;
- i) Sand drift and dust management;
- j) Waste management;
- k) Dewatering;
- l) Traffic management; and
- m) Works affecting pedestrian areas.

The approved Demolition and Construction Management Plan shall be adhered to throughout the demolition of the existing building on site and construction of the new development.

13. Prior to occupation, the design and materials of the development of the new building portions shall adhere to the requirements set out within Local Planning Policy 2.3 - Fremantle Port Buffer Area Development Guidelines for properties contained within Area 2. The development shall provide the following;
  - a) Glazing to windows and other openings shall be laminated safety glass of minimum thickness of 6mm or 'double glazed' utilising laminated or toughened safety glass of a minimum thickness of 3mm;
  - b) Air conditioners shall provide internal centrally located 'shut down' points and associated procedures for emergency use; and
  - c) Roof insulation in accordance with the requirements of the Building Codes of Australia.

#### **Advice Note(s)**

- i. *In relation to Condition 2i, the applicant is advised that at least 75% of the limestone feature should be retained in creating the pedestrian and visual link specified. Removal of more than 25% of the limestone feature as depicted on the development plans will not be supported by the City.*
- ii. *In relation to condition 10 relating to the public art contribution, the applicant is advised that Council may waive the requirement for the public art/heritage work contribution in accordance with clause 6 of*



*LPP 2.19 where the development incorporates public art in the development to the same value as that specified in Condition 10 that is located in a position clearly visible to the general public on the site of the development. In determining the appropriateness and artistic merit of the public art, council shall seek relevant professional advice.*

- iii. *The applicant is reminded to obtain necessary approvals for encroachment of an awning into the Henderson Street and William Street road reserve and this will include liaison with the Department of Lands.*

### **AMENDING MOTION**

**Moved by:** Mr Ian Birch

**Seconded by:** Mr Robert Nicholson

To delete Condition 2 (ii).

*Cr Andrew Sullivan foreshadowed an alternative motion in the event this motion is Lost.*

### **The Amending Motion was put and LOST (2/3)**

For: Mr Ian Birch, Mr Robert Nicholson

Against: Cr Andrew Sullivan, Cr Jon Strachan, Mr David Gray

### **AMENDING MOTION**

**Moved by:** Cr Andrew Sullivan

**Seconded by:** Cr Jon Strachan

To modify Condition 2 (ii) as per below:

- ii. The ground floor service areas fronting Paddy Troy Mall being reduced by a minimum of 20% by relocating functions such as the "Gen Set", "Sub Station" and/or "Water Harvest" rooms with such rooms to be replaced with additional retail floor area, the frontage of which is to improve the activation of the external public area of Paddy Troy Mall.

**REASON:** To provide clarity to the applicant on the DAP's expectations for urban design.

### **The Amending Motion was put and CARRIED (3/2)**

For: Cr Andrew Sullivan, Mr Ian Birch, Mr David Gray

Against: Cr Jon Strachan, Mr Robert Nicholson

### **AMENDING MOTION**

**Moved by:** Mr Ian Birch

**Seconded by:** Cr Andrew Sullivan



To modify Condition No.4 to read as follows:

*“Having regard to Condition 2(i), the works hereby approved shall be undertaken in a manner which does not irreparably damage any original or significant fabric of the heritage listed limestone wall. Should the work subsequently be removed, any damage shall be rectified to the satisfaction of the Chief Executive Officer – City of Fremantle”.*

**REASON:** To ensure this condition is applied consistently with Condition 2(i) and to refer to the significant fabric of the heritage listed limestone wall rather than the generic reference to the building.

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

#### **AMENDING MOTION**

**Moved by:** Cr Andrew Sullivan                      **Seconded by:** Cr Jon Strachan

To modify Condition No.5 to read as follows:

*“Prior to the commencement of construction and at the applicant’s expense, an archaeological investigation is to be undertaken by a suitably qualified person and a copy of the report of that investigation be provided to the satisfaction of the Chief Executive Officer – City of Fremantle”.*

**REASON:** To ensure the archaeological investigation occurs prior to the commencement of construction of the development.

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

#### **AMENDING MOTION**

**Moved by:** Mr Robert Nicholson                      **Seconded by:** -

To delete Condition 11.

**The Amending Motion lapsed for want of a seconder.**

#### **AMENDING MOTION**

**Moved by:** Mr Robert Nicholson                      **Seconded by:** Mr Ian Birch

To insert Condition No.14 as follows:

*“The lots being amalgamated prior to the occupation of the development”.*

**REASON:** To ensure the lots are amalgamated to accommodate the proposed development.



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

**AMENDING MOTION**

**Moved by:** Cr Andrew Sullivan

**Seconded by:** Cr Jon Strachan

To insert Advice Note IV as follows:

*“In relation to Condition 11 upon the redevelopment of the adjoining western site, the City may consider the removal of the access easement”.*

**REASON:** To enable the review of the access easement which facilitates the continuation of the Paddy Troy Mall upon the redevelopment of the adjacent site.

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

**PRIMARY MOTION (AS AMENDED)**

That the Metro South-West JDAP:

**Approve** DAP application reference DP/13/00983 and accompanying plans dated 11 December 2013, in accordance with the City of Fremantle Local Planning Scheme No. 4 and the Metropolitan Region Scheme, subject the following conditions:

**Conditions:**

1. This approval relates only to the development as indicated on the approved plans dated 11 December 2013. It does not relate to any other development on this lot and must substantially commence within 4 years from the date of the decision letter. If the subject development is not substantially commenced within a 4 year period, the approval shall lapse and be of no further effect.
2. Prior to the issue of a Building Permit, plans hereby approved being modified and the supporting details being to the satisfaction of the Chief Executive Officer - City of Fremantle having regard to advice of the Design Advisory Committee relating to;
  - i. A pedestrian link being provided between Henderson Street and Paddy Troy Mall including pedestrian access through the existing limestone feature on the subject site. In providing the new openings through the limestone feature not more than 25% of the total surface area of the feature is to be removed; and,





- ii. The ground floor service areas fronting Paddy Troy Mall being reduced by a minimum of 20% by relocating functions such as the “Gen Set”, “Sub Station” and/or “Water Harvest” rooms with such rooms to be replaced with additional retail floor area, the frontage of which is to improve the activation of the external public area of Paddy Troy Mall.
3. All storm water discharge shall be contained and disposed of on site or otherwise approved by the Chief Executive Officer – City of Fremantle.
4. Having regard to Condition 2(i), the works hereby approved shall be undertaken in a manner which does not irreparably damage any original or significant fabric of the heritage listed limestone wall. Should the work subsequently be removed, any damage shall be rectified to the satisfaction of the Chief Executive Officer – City of Fremantle.
5. Prior to the commencement of construction and at the applicant’s expense, an archaeological investigation is to be undertaken by a suitably qualified person and a copy of the report of that investigation be provided to the satisfaction of the Chief Executive Officer – City of Fremantle.
6. Prior to occupation, the boundary wall located on the southern boundary shall be of a clean finish in sand render, face brick or other clean material, to the satisfaction of the Chief Executive Officer – City of Fremantle.
7. The design and construction of the development is to meet the 4 star green star standard as per Local Planning Policy 3.15 or alternatively to an equivalent standard as agreed upon by the Chief Executive Officer – City of Fremantle. Any costs associated with generating, reviewing and/or modifying the alternative equivalent standard is to be incurred by the owner of the development site. Within 12 months of an issue of a certificate of Building Compliance for the development, the owner shall submit either of the following to the City to the satisfaction of the Chief Executive Officer – City of Fremantle;
  - a) A copy of documentation from the Green Building Council of Australia certifying that the development achieves a Green Star Rating of at least 4 Stars, or
  - b) A copy of agreed equivalent documentation for instance where there is no green star rating tool available certifying that the development achieves a Green Star Rating of at least 4 Stars.
8. All air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof or balconies of the building shall be located to be not visible from the street, and where visible from other buildings or vantage points shall be suitably located, screened or housed, to the satisfaction of the Chief Executive Officer – City of Fremantle.



9. Prior to the issue of a Building Permit, the owner is to submit a waste management plan detailing the storage and management of the waste generated by the development to be implemented to the satisfaction of the Chief Executive Officer – City of Fremantle.
10. Prior to the issue of a Building Permit, the owner is required to contribute a monetary amount of 1% of the estimated total cost of development as indicated on the Form of Application for Planning Approval for DAP80010/13, for the development of public art works and/or heritage works to enhance the public realm to the satisfaction of the Chief Executive Officer, City of Fremantle. Based on the estimated cost the development being \$21,500,000.00, the contribution to be made is \$215,000.00.
11. Prior to occupation, an access easement is to be placed on the certificate(s) of title of the subject site specifying public (vehicle and pedestrian) access rights for the continuation of Paddy Troy Mall on the western portion of the land to the satisfaction of the Chief Executive Officer – City of Fremantle.
12. Prior to the issue of a Building Permit a Demolition and Construction Management Plan shall be submitted to the City to the satisfaction of the Chief Executive Officer – City of Fremantle addressing the following matters:
  - a) Use of City car parking bays for construction related activities;
  - b) Protection of infrastructure and street trees within the road reserve;
  - c) Security fencing around construction sites;
  - d) Gantries;
  - e) Access to site by construction vehicles;
  - f) Contact Details;
  - g) Site offices;
  - h) Noise - Construction Work and Deliveries;
  - i) Sand drift and dust management;
  - j) Waste management;
  - k) Dewatering;
  - l) Traffic management; and
  - m) Works affecting pedestrian areas.

The approved Demolition and Construction Management Plan shall be adhered to throughout the demolition of the existing building on site and construction of the new development.

13. Prior to occupation, the design and materials of the development of the new building portions shall adhere to the requirements set out within Local Planning Policy 2.3 - Fremantle Port Buffer Area Development Guidelines for properties contained within Area 2. The development shall provide the following;



- a) Glazing to windows and other openings shall be laminated safety glass of minimum thickness of 6mm or 'double glazed' utilising laminated or toughened safety glass of a minimum thickness of 3mm;
- b) Air conditioners shall provide internal centrally located 'shut down' points and associated procedures for emergency use; and
- c) Roof insulation in accordance with the requirements of the Building Codes of Australia.

14. The lots being amalgamated prior to the occupation of the development.

**Advice Note(s)**

- i. *In relation to Condition 2i, the applicant is advised that at least 75% of the limestone feature should be retained in creating the pedestrian and visual link specified. Removal of more than 25% of the limestone feature as depicted on the development plans will not be supported by the City.*
- ii. *In relation to condition 10 relating to the public art contribution, the applicant is advised that Council may waive the requirement for the public art/heritage work contribution in accordance with clause 6 of LPP 2.19 where the development incorporates public art in the development to the same value as that specified in Condition 10 that is located in a position clearly visible to the general public on the site of the development. In determining the appropriateness and artistic merit of the public art, council shall seek relevant professional advice.*
- iii. *The applicant is reminded to obtain necessary approvals for encroachment of an awning into the Henderson Street and William Street road reserve and this will include liaison with the Department of Lands.*
- iv. *In relation to Condition 11 upon the redevelopment of the adjoining western site, the City may consider the removal of the access easement.*

**The Primary Motion (as amended) was put and CARRIED UNANIMOUSLY.**

*Cr Jon Strachan and Cr Andrew Sullivan left the meeting at 2.54pm*

*Cr Joy Stewart and Cr Richard Smith joined the meeting at 2.55pm.*

**8.2** Property Location: Lot 12 (No.12-24) Westralia Gardens,  
Rockingham  
Application Details: 167 Multiple Dwellings  
Applicant: Yaran Property Group  
Owner: Iuliano Holdings Pty Ltd



Responsible authority: City of Rockingham  
Report date: 3 February 2014  
DoP File No: DP/14/00064

## REPORT RECOMMENDATION / PRIMARY MOTION

**Moved by:** Cr Richard Smith

**Seconded by:** Mr Ian Birch

That the Metro South-West JDAP resolves to:

**APPROVE** DAP Application reference DP/14/00064 and accompanying plans No.1-8 in accordance with Clause 6.7.1(a) of the City of Rockingham Town Planning Scheme No.2 and Subclause 30 (1) of the Metropolitan Region Scheme, subject to the following conditions:

### Conditions

1. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.
2. Earthworks over the site shall be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and in the manner directed by the City in the event that sand or dust is blown from the site.
3. All stormwater being contained and disposed of on-site and certified by a hydraulic engineer, prior to applying for a Building Permit, and shall be implemented as such in the development.
4. Prior to the lodgement of a Building Permit application, the submission of a detailed landscape plan for assessment and approval by the City is required. The Landscape Plan shall include the following:-
  - (a) the location, number and type of proposed planting;
  - (b) the size of selected species at planting and maturity;
  - (c) those areas to be reticulated or irrigated; and
  - (d) details of any common area lighting.
5. Landscaping is to be installed and reticulated in accordance with an approved detailed landscape plan prior to the occupation of the dwellings. Landscaped areas are to be maintained thereafter in good order to the satisfaction of the City.



6. Arrangements must be made to the satisfaction of the City for grasstree plants (XANTHORRHOEACEAE family) on the site to be relocated, prior to applying for a Building Permit.
7. The upgrading of the Westralia Gardens development setback area and verge areas including landscaping, paving and reticulation, prior to the occupation of the development, in accordance with the Rockingham City Centre Streetscape Study. The works must be completed prior to the occupation of the development to the satisfaction of the City of Rockingham and must be maintained at all times.
8. The carpark must:-
  - (i) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking* unless otherwise specified by this approval, prior to applying for a Building Permit; and
  - (ii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter.

The car park must comply with the above requirements for the duration of the development.

9. 73 short-term bicycle parking spaces must be designed in accordance with AS2890.3—1993, *Parking facilities, Part 3: Bicycle parking facilities*, prior to applying for a Building Permit. The bicycle parking spaces must be constructed prior to the occupation of the development, and must be retained and maintained in good condition at all times.
10. The visitor car parking spaces must be constructed and clearly marked/signposted as visitor spaces for the duration of the development.
11. Prior to applying for a Building Permit, the submission of design plans for the courtyard fencing of the Multiple Dwellings fronting City Park, Chalgrove Avenue and Westralia Gardens, for assessment and approval by the City; the fencing must be designed to be 50% visually permeable above 1.2m in height. All courtyard fencing must be maintained in good condition at all times.
12. Gated access to each ground floor Multiple Dwelling adjoining City Park must be provided. The gates must be retained and maintained in good condition at all times.
13. Above-ground meter boxes must not be located in a street setback area at any time.
14. Arrangements being made to the satisfaction of the City of Rockingham for the payment of a contribution towards the administration and community infrastructure items pursuant to Clause 5.6.14 of the City of Rockingham Town Planning Scheme No.2, upon completion of the development.



15. The construction of a footpath, along the lot frontage to Westralia Gardens, in accordance with specifications approved by the City and completed concurrently with stage 1 of the development.
16. Bin Storage areas must be designed for each apartment with a size suitable to service the development and screened from view of Chalgrove Avenue and Westralia Gardens to the satisfaction of the City of Rockingham, prior to applying for a Building Permit. Bin Storage areas be constructed prior to the occupation of the development and must be retained and maintained in good condition at all times.
17. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City, prior to applying for a Building Permit:-
  - (i) the location of bin storage areas and bin collection areas;
  - (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
  - (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
  - (iv) frequency of bin collections.

All works must be carried out in accordance with the Waste Management Plan, for the duration of development.
18. Clothes drying facilities (excluding electric clothes dryers) must be screened from view of Westralia Garden, Chalgrove Avenue and City Park, at all times for the duration of the development.
19. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located away from public view and/or screened, the details of which are to be provided to the City's satisfaction prior to the lodgement of a Building Permit application for the development.
20. Vertical or Horizontal louver screening must be installed on all west facing balconies and windows of Apartment Block 5 to prevent direct overlooking of the adjoining development, in accordance with a design submitted to the City's satisfaction prior to lodgement of a Building Permit.

#### **Advice Notes**

1. This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application, a new application for Planning Approval must be submitted to the City of Rockingham.



2. With respect to Condition No.4 & 5, the applicant and owner should liaise with the City of Rockingham's Parks Services to confirm requirements for the upgrading of the street setback area.

#### **AMENDING MOTION**

**Moved by:** Mr Ian Birch

**Seconded by:** Cr Joy Stewart

To amend the recommendation to read as follows:

*"That the Metro South-West JDAP resolves to:*

**APPROVE** DAP Application reference DP/14/00064 and accompanying plans No.1-8 dated 9 January 2014 in accordance with Clause 6.7.1(a) of the City of Rockingham Town Planning Scheme No.2 and Subclause 30 (1) of the Metropolitan Region Scheme, subject to the following conditions:"

**REASON:** To ensure the DAP Approval includes the date '9 January 2014' on the accompanying plans.

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

#### **AMENDING MOTION**

**Moved by:** Mr Robert Nicholson

**Seconded by:** Mr Ian Birch

To modify Condition No.9 to read as follows:

*"Provision being made on-site for 73 short-term bicycle parking spaces which must be designed in accordance with AS2890.3-1993, Parking facilities, Part 3: Bicycle parking facilities, prior to applying for a Building Permit. The bicycle parking spaces must be constructed in stages as approved by the City, prior to the occupation of the development, and must be retained and maintained in good condition at all times."*

**REASON:** To ensure this condition is applied on a pro rata basis to reflect the staging of the development.

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

#### **AMENDING MOTION**

**Moved by:** Mr Robert Nicholson

**Seconded by:** Mr Ian Birch

To modify Condition No.10 to read as follows:

*"The visitor car parking spaces must be constructed in stages as approved by the City and clearly marked/signposted as visitor spaces for the duration of the development."*



**REASON:** To ensure this condition is applied on a pro rata basis to reflect the staging of the development.

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

#### **AMENDING MOTION**

**Moved by:** Mr Ian Birch

**Seconded by:** Cr Joy Stewart

To modify Condition No.13 to read as follows:

*“Above-ground meter boxes must not be located in the front building setback area at any time.”*

**REASON:** To ensure this condition correctly refers to the front building setback area.

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

#### **AMENDING MOTION**

**Moved by:** Mr Ian Birch

**Seconded by:** Cr Joy Stewart

To modify Condition No.14 to read as follows:

*“Arrangements being made to the satisfaction of the City of Rockingham for the payment of a contribution towards the administration and community infrastructure items pursuant to Clause 5.6.14 of the City of Rockingham Town Planning Scheme No.2, upon commencement of each stage of the development.”*

**REASON:** To ensure this condition is applied in a manner that is consistent with the staging of the development and upon commencement of development.

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

#### **PRIMARY MOTION (AS AMENDED)**

That the Metro South-West JDAP resolves to:

**APPROVE** DAP Application reference DP/14/00064 and accompanying plans No.1-8 dated 9 January 2014 in accordance with in accordance with Clause 6.7.1(a) of the City of Rockingham Town Planning Scheme No.2 and Subclause 30 (1) of the Metropolitan Region Scheme, subject to the following conditions:

#### **Conditions**





1. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.
2. Earthworks over the site shall be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and in the manner directed by the City in the event that sand or dust is blown from the site.
3. All stormwater being contained and disposed of on-site and certified by a hydraulic engineer, prior to applying for a Building Permit, and shall be implemented as such in the development.
4. Prior to the lodgement of a Building Permit application, the submission of a detailed landscape plan for assessment and approval by the City is required. The Landscape Plan shall include the following:-
  - (a) the location, number and type of proposed planting;
  - (b) the size of selected species at planting and maturity;
  - (c) those areas to be reticulated or irrigated; and
  - (d) details of any common area lighting.
5. Landscaping is to be installed and reticulated in accordance with an approved detailed landscape plan prior to the occupation of the dwellings. Landscaped areas are to be maintained thereafter in good order to the satisfaction of the City.
6. Arrangements must be made to the satisfaction of the City for grasstree plants (XANTHORRHOACEAE family) on the site to be relocated, prior to applying for a Building Permit.
7. The upgrading of the Westralia Gardens development setback area and verge areas including landscaping, paving and reticulation, prior to the occupation of the development, in accordance with the Rockingham City Centre Streetscape Study. The works must be completed prior to the occupation of the development to the satisfaction of the City of Rockingham and must be maintained at all times.
8. The carpark must:-
  - (i) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking* unless otherwise specified by this approval, prior to applying for a Building Permit; and
  - (ii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter.



The car park must comply with the above requirements for the duration of the development.

9. Provision being made on-site for 73 short-term bicycle parking spaces which must be designed in accordance with AS2890.3—1993, *Parking facilities, Part 3: Bicycle parking facilities*, prior to applying for a Building Permit. The bicycle parking spaces must be constructed in stages as approved by the City, prior to the occupation of the development, and must be retained and maintained in good condition at all times.
10. The visitor car parking spaces must be constructed in stages as approved by the City and clearly marked/signposted as visitor spaces for the duration of the development.
11. Prior to applying for a Building Permit, the submission of design plans for the courtyard fencing of the Multiple Dwellings fronting City Park, Chalgrove Avenue and Westralia Gardens, for assessment and approval by the City; the fencing must be designed to be 50% visually permeable above 1.2m in height. All courtyard fencing must be maintained in good condition at all times.
12. Gated access to each ground floor Multiple Dwelling adjoining City Park must be provided. The gates must be retained and maintained in good condition at all times.
13. Above-ground meter boxes must not be located in the front building setback area at any time.
14. Arrangements being made to the satisfaction of the City of Rockingham for the payment of a contribution towards the administration and community infrastructure items pursuant to Clause 5.6.14 of the City of Rockingham Town Planning Scheme No.2, upon commencement of each stage of the development.
15. The construction of a footpath, along the lot frontage to Westralia Gardens, in accordance with specifications approved by the City and completed concurrently with stage 1 of the development.
16. Bin Storage areas must be designed for each apartment with a size suitable to service the development and screened from view of Chalgrove Avenue and Westralia Gardens to the satisfaction of the City of Rockingham, prior to applying for a Building Permit. Bin Storage areas be constructed prior to the occupation of the development and must be retained and maintained in good condition at all times.
17. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City, prior to applying for a Building Permit:-
  - (i) the location of bin storage areas and bin collection areas;



- (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
- (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
- (iv) frequency of bin collections.

All works must be carried out in accordance with the Waste Management Plan, for the duration of development.

- 18. Clothes drying facilities (excluding electric clothes dryers) must be screened from view of Westralia Garden, Chalgrove Avenue and City Park, at all times for the duration of the development.
- 19. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located away from public view and/or screened, the details of which are to be provided to the City's satisfaction prior to the lodgement of a Building Permit application for the development.
- 20. Vertical or Horizontal louver screening must be installed on all west facing balconies and windows of Apartment Block 5 to prevent direct overlooking of the adjoining development, in accordance with a design submitted to the City's satisfaction prior to lodgement of a Building Permit.

#### **Advice Notes**

- 1. This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application, a new application for Planning Approval must be submitted to the City of Rockingham.
- 2. With respect to Condition No.4 & 5, the applicant and owner should liaise with the City of Rockingham's Parks Services to confirm requirements for the upgrading of the street setback area.

**The Primary Motion (as amended) was put and CARRIED UNANIMOUSLY.**

<b>8.3</b> Property Location:	Lot 1131 (No.56) Westlinton Circle, Waikiki
Application Details:	33 Grouped Dwellings
Applicant:	Tangent Nominees Pty Ltd
Owner:	Sumreal Nominees Pty Ltd
Responsible authority:	City of Rockingham
Report date:	16th January 2014
DoP File No:	DP/14/00066



## REPORT RECOMMENDATION / PRIMARY MOTION

**Moved by:** Cr Joy Stewart

**Seconded by:** Mr Ian Birch

That the Metro South West JDAP resolves to:

**Approve** DAP Application reference DP/14/00066 and accompanying plans in accordance with Clause 6.7.1 of the City of Rockingham Town Planning Scheme No.2 and Subclause 30 (1) of the Metropolitan Region Scheme, subject to the following conditions:

### Conditions

1. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.
2. Earthworks over the site associated with the development shall be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and in the manner directed by the City in the event that sand or dust is blown from the site.
3. All stormwater being contained and disposed of on-site and certified by a hydraulic engineer, prior to applying for a Building Permit, and shall be implemented as such in the development.
4. Prior to the lodgement of a Building Permit application, the submission of a detailed landscape plan for assessment and approval by the City is required. The Landscape Plan shall include the following:-
  - (a) the location, number and type of proposed planting;
  - (b) the size of selected species at planting and maturity;
  - (c) those areas to be reticulated or irrigated;
  - (d) details of any common area lighting; and
  - (e) Planting to be located between the common property access way and the ground floor habitable rooms of Units 13 -17 and 29-33.
5. Landscaping is to be installed and reticulated in accordance with an approved detailed landscape plan prior to the occupation of the dwellings. Landscaped areas are to be maintained thereafter in good order to the satisfaction of the City.



6. A Transport Noise Assessment being undertaken by an acoustic consultant, in accordance with the provisions of *State Planning Policy 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning*. Any recommended noise mitigation strategies from Ennis Avenue traffic noise must be appropriately incorporated into the residential development prior to occupation of the development.
7. The visitor car parking spaces must be:-
  - (i) constructed and clearly marked/signposted as visitor spaces and must comply with the above requirements for the duration of the development; and
  - (ii) accessible to the public at all times and not be located behind gates or other security devices.
8. Three on-street carparking bays shall be designed for short term parking servicing the twelve units fronting onto Westlinton Circle in accordance with AS2890.5-1993, Parking Facilities, Part 5: On-street parking, prior to applying for a Building Permit, and constructed prior to occupancy of the development.
9. The carpark must:-
  - (i) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1: 2004, Parking Facilities, Part 1: Off-street Carparking unless otherwise specified by this approval, prior to applying for a Building Permit.
  - (ii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and  
The carpark must comply with the above requirements for the duration of the development.
10. Prior to applying for a Building Permit, the submission of design plans for the courtyard fencing of the Grouped Dwellings fronting the park, for assessment and approval by the City; the fencing must be designed to be 50% visually permeable above 1.2m in height. All courtyard fencing must be maintained in good condition at all times.
11. Gated access to each Grouped Dwelling adjoining the park must be provided. The gates must be retained and maintained in good condition at all times.
12. Above-ground meter boxes must not be located in a street setback area.
13. The openings to first floor habitable bedrooms must be designed in accordance with the following, prior to applying for a Building Permit:



- (i) fixed obscure glazing not able to be opened; or
- (ii) having a sill height not less than 1.6 metres above floor level; or
- (iii) reduced in size to not exceed 1.0m<sup>2</sup> in aggregate on the same wall.

Privacy Screening must be implemented for the duration of the development.

14. Three on-site visitors carparking bays must be removed and replaced with a bin storage area of a size suitable to service at least 21 Grouped Dwellings (with no street frontage) and screened from view of Buttermere Approach to the satisfaction of the City, prior to applying for a Building Permit. It must be constructed prior to the occupation of the development and must be retained and maintained in good condition at all times.
15. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City, prior to applying for a Building Permit:
- (i) the location of a bin storage area in accordance with Condition 14 and bin collection areas;
  - (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
  - (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
  - (iv) frequency of bin collections.

All works must be carried out in accordance with the Waste Management Plan, for the duration of development.

16. Arrangements being made to the satisfaction of the City of Rockingham for the payment of a contribution towards the administration and community infrastructure items pursuant to Clause 5.6.14 of the City of Rockingham Town Planning Scheme No.2, upon completion of the development.

#### **Advice Note**

- 1. With respect to Condition No.4, the applicant and owner should liaise with the City's Parks Services to confirm requirements for landscaping plans.
- 2. The applicant is encouraged to consider a diversity in materials and colours to assist in facilitating a varied streetscape along Westlinton Circle, Waikiki.



## AMENDING MOTION

**Moved by:** Mr Ian Birch

**Seconded by:** Mr Robert Nicholson

To amend the recommendation to read as follows:

*“That the Metro South-West JDAP resolves to:*

**Approve** DAP Application reference DP/14/00066 and accompanying plans dated 8 October 2013 in accordance with Clause 6.7.1 of the City of Rockingham Town Planning Scheme No.2 and Subclause 30 (1) of the Metropolitan Region Scheme, subject to the following conditions:”

**REASON:** To ensure the DAP approval includes the date ‘8 October 2013’ on the accompanying plans.

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

## AMENDING MOTION

**Moved by:** Mr Ian Birch

**Seconded by:** Cr Joy Stewart

To amend Condition No.13 to read as follows:

*“The openings to first floor habitable rooms must be designed in accordance with one of the following, prior to applying for a Building Permit:*

- (i) fixed obscure glazing not able to be opened; or*
- (ii) having a sill height not less than 1.6 metres above floor level; or*
- (iii) reduced size to not exceed 1.0m in aggregate on the same wall; or*
- (iv) privacy screening in accordance with the R-Codes must be implemented for the duration of the development.”*

**REASON:** There may be other methods of delivering privacy screening in accordance with the R-Codes.

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

## AMENDING MOTION

**Moved by:** Mr Ian Birch

**Seconded by:** Cr Richard Smith

To insert Condition No.17 as follows:

*“The central access drive being revised to reduce the area of paving and to introduce landscaping, to the satisfaction of the City”.*



**REASON: To improve the amenity of the development the central driveway can be reduced in width to 5.5 metres to enable landscaping to be incorporated.**

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

**PRIMARY MOTION (AS AMENDED)**

That the Metro South West JDAP resolves to:

**Approve** DAP Application reference DP/14/00066 and accompanying plans dated 8 October 2013 in accordance with Clause 6.7.1 of the City of Rockingham Town Planning Scheme No.2 and Subclause 30 (1) of the Metropolitan Region Scheme, subject to the following conditions:

**Conditions**

1. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.
2. Earthworks over the site associated with the development shall be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and in the manner directed by the City in the event that sand or dust is blown from the site.
3. All stormwater being contained and disposed of on-site and certified by a hydraulic engineer, prior to applying for a Building Permit, and shall be implemented as such in the development.
4. Prior to the lodgement of a Building Permit application, the submission of a detailed landscape plan for assessment and approval by the City is required. The Landscape Plan shall include the following:-
  - (a) the location, number and type of proposed planting;
  - (b) the size of selected species at planting and maturity;
  - (c) those areas to be reticulated or irrigated;
  - (d) details of any common area lighting; and
  - (e) Planting to be located between the common property access way and the ground floor habitable rooms of Units 13 -17 and 29-33.





5. Landscaping is to be installed and reticulated in accordance with an approved detailed landscape plan prior to the occupation of the dwellings. Landscaped areas are to be maintained thereafter in good order to the satisfaction of the City.
6. A Transport Noise Assessment being undertaken by an acoustic consultant, in accordance with the provisions of *State Planning Policy 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning*. Any recommended noise mitigation strategies from Ennis Avenue traffic noise must be appropriately incorporated into the residential development prior to occupation of the development.
7. The visitor car parking spaces must be:-
  - (i) constructed and clearly marked/signposted as visitor spaces and must comply with the above requirements for the duration of the development; and
  - (ii) accessible to the public at all times and not be located behind gates or other security devices.
8. Three on-street carparking bays shall be designed for short term parking servicing the twelve units fronting onto Westlinton Circle in accordance with AS2890.5-1993, Parking Facilities, Part 5: On-street parking, prior to applying for a Building Permit, and constructed prior to occupancy of the development.
9. The carpark must:-
  - (i) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1: 2004, Parking Facilities, Part 1: Off-street Carparking unless otherwise specified by this approval, prior to applying for a Building Permit.
  - (ii) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and  
The carpark must comply with the above requirements for the duration of the development.
10. Prior to applying for a Building Permit, the submission of design plans for the courtyard fencing of the Grouped Dwellings fronting the park, for assessment and approval by the City; the fencing must be designed to be 50% visually permeable above 1.2m in height. All courtyard fencing must be maintained in good condition at all times.
11. Gated access to each Grouped Dwelling adjoining the park must be provided. The gates must be retained and maintained in good condition at all times.



12. Above-ground meter boxes must not be located in a street setback area.
13. The openings to first floor habitable rooms must be designed in accordance with one of the following, prior to applying for a Building Permit:
  - (i) fixed obscure glazing not able to be opened; or
  - (ii) having a sill height not less than 1.6 metres above floor level; or
  - (iii) reduced in size to not exceed 1.0m<sup>2</sup> in aggregate on the same wall; or
  - (iv) privacy screening in accordance with the R-Codes must be implemented for the duration of the development.
14. Three on-site visitors carparking bays must be removed and replaced with a bin storage area of a size suitable to service at least 21 Grouped Dwellings (with no street frontage) and screened from view of Buttermere Approach to the satisfaction of the City, prior to applying for a Building Permit. It must be constructed prior to the occupation of the development and must be retained and maintained in good condition at all times.
15. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City, prior to applying for a Building Permit:
  - (i) the location of a bin storage area in accordance with Condition 14 and bin collection areas;
  - (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
  - (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
  - (iv) frequency of bin collections.

All works must be carried out in accordance with the Waste Management Plan, for the duration of development.
16. Arrangements being made to the satisfaction of the City of Rockingham for the payment of a contribution towards the administration and community infrastructure items pursuant to Clause 5.6.14 of the City of Rockingham Town Planning Scheme No.2, upon completion of the development.



17. The central access drive be revised to reduce the area of paving and to introduce landscaping, to the satisfaction of the City.

**Advice Note**

1. With respect to Condition No.4, the applicant and owner should liaise with the City's Parks Services to confirm requirements for landscaping plans.
2. The applicant is encouraged to consider a diversity in materials and colours to assist in facilitating a varied streetscape along Westlinton Circle, Waikiki.

**The Primary Motion (as amended) was put and CARRIED UNANIMOUSLY.**

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

Nil

10. **Appeals to the State Administrative Tribunal**

Nil

11. **Meeting Close**

There being no further business, the presiding member declared the meeting closed at 3:21pm.