

Metro South-West Joint Development Assessment Panel Agenda

Meeting Date and Time: Wednesday 19 November 2014; 10.30am

Meeting Number: MSWJDAP/56

Meeting Venue: Darius Wells Library and Resource Centre

(Next to Dome) - Ken Jackman Hall Room Corner of Chisham Avenue and Robbos Place

Kwinana

Attendance

DAP Members

Mr David Gray (Presiding Member)

Mr Ian Birch (Deputy Presiding Member)

Mr Rob Nicholson (Specialist Member)

Cr Sherilyn Wood (Local Government Member, City of Kwinana) – *Item 8.1*

Cr Dennis Wood (Local Government Member, City of Kwinana) - Item 8.1

Cr Bart Houwen (Local Government Member, City of Cockburn) - Item 8.2

Cr Carol Reeve-Fowkes (Local Government Member, City of Cockburn) – Item 8.2

Cr Joy Stewart (Local Government Member, City of Rockingham) - Item 9.1

Cr Richard Smith (Local Government Member, City of Rockingham) - Item 9.1

Cr Jon Strachan (Local Government Member, City of Fremantle) – *Item 9.2*

Officers in attendance

Mr Ryan Hall (Development Assessment Panels)

Mr Paul Neilson (City of Kwinana)

Mr Brenton Scambler (City of Kwinana)

Mr Anthony Denholm (City of Fremantle)

Ms Erika Barton (City of Rockingham)

Mr Troy Cappellucci (City of Cockburn)

Local Government Minute Secretary

Ms Ana Pasajlic (City of Kwinana)

Applicant and Submitters

Mr David Caddy (TPG)

Mr Matt Raymond (TPG)

Mr Ron Jee (Design Inc)

Mr Aaron Lohman (Rowe Group)

Ms Windi Sim (SKS Group)

Ms Kathy Bond

Mr Francis Foong

Members of the Public

Nil

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1. Declaration of Opening

The Presiding Member declares the meeting open and acknowledges the past and present traditional owners and custodians of the land on which the meeting is being held.

2. Apologies

Cr Andrew Sullivan (Local Government Member, City of Fremantle) Cr Bill Massie (Alternate Local Government Member, City of Fremantle) Cr Josh Wilson (Alternate Local Government Member, City of Fremantle)

3. Members on Leave of Absence

Nil

4. Noting of Minutes

Note the Minutes of the Metro South-West JDAP meeting no.55 held on the 14 October 2014.

5. Disclosure of Interests

Nil

6. Declarations of Due Consideration

Any member who is not familiar with the substance of any report or other information provided for consideration at the DAP meeting must declare that fact before the meeting considers the matter.

7. Deputations and Presentations

Nil

8. Form 1 - Responsible Authority Reports – DAP Applications

8.1 Property Location: Lot 9002 Kwinana Beach Road and Lot

1003 Patterson Road, Kwinana Beach

Application Details: Proposed Fuel Depot and Associated

Infrastructure

Applicant: TPG

Owner: WA Land Authority – LandCorp

Responsible authority: City of Kwinana DoP File No: DAP/14/00615

8.2 Property Location: 10 Lot 4) Edeline Street Spearwood

Application Details: Partial Demolition of a Heritage Dwelling &

Construction of 19 Multiple Dwellings

Applicant: TPG

Owner: Red Beetle Investments Pty Ltd

Responsible authority: City of Cockburn DoP File No: DAP/14/00634

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

9.1 Property Location: Lot 191 Paparone Road and Lot 191 Leary

Road, Baldivis

Application Details: Amendment to DAP Planning Approval for

Freeway Service Centres

Applicant: Rowe Group

Owner: BP Australia Pty Ltd City of Rockingham

DoP File No: DP/12/01384

9.2 Property Location: No. 8 (Lot 34) Point Street, Fremantle

Application Details: Variation to previous Planning Approval for

DAP80008/13 (DP/13/00872) (currently proposed - Demolition of existing Buildings and Public Car park and Construction of a Seven (7) Storey Mixed Use (152 Hotel Rooms, 111 Multiple Dwellings, Shop & Restaurant) with 3

Basement s of Car park Development)

Applicant: Design Inc Perth
Owner: Sks Land Pty Ltd
Responsible authority: City of Fremantle
DoP File No: DP/13/00872

10. Appeals to the State Administrative Tribunal

Nil

11. Meeting Closure

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Minutes of the Metro South-West Joint Development Assessment Panel

Meeting Date and Time: Tuesday 14 October 2014; 10:30am

Meeting Number: MSWJDAP55 **Meeting Venue:** City of Fremantle

8 William Street, Fremantle

Attendance

DAP Members

Mr David Gray (Presiding Member)

Mr Paul Drechsler (Alternate Deputy Presiding Member)

Mr Robert Nicholson (Specialist Member)

Deputy Mayor Josh Wilson (Alternate Local Government Member, City of Fremantle)

Cr Andrew Sullivan (Local Government Member, City of Fremantle)

Cr Bart Houwen (Local Government Member, City of Cockburn)

Cr Carol Reeve-Fowkes (Local Government Member, City of Cockburn)

Officers in attendance

Mr Craig Shepherd (Development Assessment Panels) (until 12:00)

Ms Natalie Martin Goode (City of Fremantle)

Ms Giselle Alliex (City of Cockburn

Mr Don Bothwell (City of Cockburn)

Mr Troy Cappellucci (City of Cockburn)

Local Government Minute Secretary

Ms Michelle Gibson (City of Fremantle)

Applicants and Submitters

Ms Anna Ladyman (Mirvac)

Ms Jessica Telford (Mirvac)

Mr James Harrison (Mirvac)

Ms Sarah Davies (Taylor Burrell Barnett Planning)

Mr Daniel Sanbrook (Aztec Architects)

Members of the Public

Nil

1. Declaration of Opening

The Presiding Member, Mr David Gray declared the meeting open at 10.32am on 14 October 2014 and acknowledged the past and present traditional owners and custodians of the land on which the meeting was being held.



The Presiding Member announced the meeting would be run in accordance with the *Development Assessment Panel Standing Orders 2012* under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

The Presiding Member advised that the meeting is being audio recorded in accordance with Section 5.16 of the Standing Orders 2012; No Recording of Meeting, 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 Ian Birch (Deputy Presiding Member)

3. Members on Leave of absence

Panel member, Mr Ian Birch (Deputy Presiding Member) has made an application for a leave of absence from 13 October 2014 to 7 November 2014.

4. Noting of minutes

Minutes of the Metro South-West JDAP meeting no.54 held on 1st October 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 Ms Anna Ladyman (Mirvac WA Pty Ltd) addressed the DAP for the application at Item 8.1.

8. Form 1 - Responsible Authority Reports - DAP Applications

8.1 Property Location: No.29 (Lot 3) Leighton Beach Boulevard, North

Fremantle

Application Details: Four x Five (5) Storey (207 Multiple Dwellings &

Shop) with Basement Car Park Development

Applicant: Mirvac Pty Ltd
Owner: Mirvac Pty Ltd
Responsible authority: City of Fremantle
DoP File No: DAP/14/00558

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Cr Andrew Sullivan **Seconded by:** Mr Robert Nicholson

Mr David Gray Presiding Member, Metro South-West JDAP





That the South-West Joint Development Assessment Panel:

Approve DAP Application reference DP/14/00558 (City of Fremantle reference DAP80003/14), having been received by the City of Fremantle on the 8 September 2014 DA-000 Rev A, DA-001 Rev C, DA-003 Rev A, DA-004 Rev D, DA-005 Rev C, DA-006 Rev B, DA-007- Rev B, DA-008 Rev B, DA-009 Rev B, DA-022 Rev B, DA-023 Rev B, DA-024 Rev A, DA-025 Rev A, DA-026 Rev A, DA-030 Rev A, DA-031 Rev A, DA-032 Rev A, DA – 033 Rev A, DA-040 Rev A, DA-041 Rev A, DA-050 Rev A, DA-051 Rev A, DA-052 Rev A, DA-055 Rev A, DA-056 Rev A, DA-057 Rev A, in accordance with the City of Fremantle Local Planning Scheme No. 4 and the Metropolitan Region Scheme, subject the following conditions:

- 1. This approval relates only to the development as indicated on the approved plans, dated 8 September 2014. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.
- 2. All storm water discharge shall be contained and disposed of on-site or otherwise approved by the Chief Executive Officer, City of Fremantle.
- 3. The design and construction of the development is to meet the 4 star green star standard as per Local Planning Policy 2.13 or alternatively to an equivalent standard as agreed upon by the Chief Executive Officer, City of Fremantle. Any costs associated with generating, reviewing or modifying the alternative equivalent standard is to be incurred by the owner of the development site. Twelve (12) months after practical completion of 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 certifying that the development achieves a Green Star Rating of at least 4 Stars.
- 4. 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.
- 5. The applicant shall comply with Australian Standard AS2107-2000 through the use of appropriate acoustic attenuation measures, such measures to be implemented prior to occupation of the development.
- 6. No earth works shall encroach onto the Curtin Avenue reserve.
- 7. The applicant shall make good any damage to the existing verge vegetation within the Curtin Avenue reservation.
- 8. No vehicle access shall be permitted to or from the Curtin Avenue reserve.
- 9. Prior to the issue of a Building Permit, the applicant/ owner shall enter into a legal agreement with the City of Fremantle to ensure active, commercial

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ground floor land uses are provided on the portion of land marked "Hotel (Subject to separate future development application)" on DA-001 rev C plan dated 8 September 2014, to the satisfaction of the Chief Executive Officer, City of Fremantle.

- 10. Prior to the issue of a Building Permit, the applicant/owner is to submit documentation demonstrating sufficient access for emergency service vehicles to the basement, to the satisfaction of the Chief Executive Officer, City of Fremantle.
- 11. Prior to the issue of a Building Permit application, the applicant/owner is to submit further details on the storage and management of the waste generated by the development to the satisfaction of the Chief Executive Officer, City of Fremantle.
- 12. Prior to the issue of a Building Permit, the applicant/owner is to undertake a transport noise assessment in accordance with the guidelines of the WAPC State Planning Policy 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning. The Applicant shall be responsible for all costs in implementing the recommendations of the report.
- 13. Prior to the issue of a Building Permit, plans hereby approved being modified and supporting details being provided to the satisfaction of the Chief Executive Officer City of Fremantle having regard to advice of the Design Advisory Committee relating to:
 - a) Additional detail relating to colour, texture and material arrangement for final facade finishes.
 - b) Details of the deep soil planting areas to facilitate the planting of trees that are able to grow large and provide effective canopies.
 - c) Details of additional openings and/or articulation on the east and west facing facades of building A, C and D.
- 14. Prior to occupation of the development, the car parking and loading area(s), and vehicle access and circulation areas shown on the approved site plan, including the provision of disabled car parking, shall be constructed, drained, and line marked and provided in accordance with Clause 5.7.1(a) of the City of Fremantle Local Planning Scheme No.4, and maintained on an ongoing basis to the satisfaction of the Chief Executive Officer, City of Fremantle.
- 15. Prior to occupation, a Notification pursuant to Section 70A of the Transfer of Land Act 1893 shall be registered against the Certificate of Title to the land the subject of the proposed development advising the owners and subsequent owners of the land that the subject site is located in close proximity to the Fremantle Port and may be subject to noise, odour and activity not normally associated with residential use. The notification is to be prepared by the City's solicitors at the expense of the owner and be executed by all parties prior to occupation.
- 16. Prior to occupation, a Notification pursuant to Section 70A of the Transfer of Land Act 1893 shall be registered against the Certificate of Title to the land the subject of the proposed development prior to occupation advising the owners and subsequent owners of the land that the subject site is located in close proximity to existing arterial Primary Regional Road and may be subject

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to noise, odour and activity not normally associated with typical residential zoned land.

17. Construction related activates are to meet the requirements of Local Planning Policy 1.10 Construction Sites unless otherwise approved by the City.

Advisory note(s):

- i. In accordance with Section 400 of the *Local Government (Miscellaneous Provisions) Act 1960*, approval may be required from the relevant Minister for certain structures erected on or over the road reserve.
- ii. Main Roads WA wishes to advise that the proposed future direct access from the subject development to Curtin Avenue (Walter Place) via an easement over Lots 5 and 6 is not supported at this time, and will require further investigation by Main Roads WA following the submission and referral of an application for development of these lots.
- iii. A dust management plan for the site should be provided to the City's Environmental Health department prior to development commencing onsite.
- iv. In relation to condition 12 that requires an acoustic report, if any of the proposed commercial developments are to be restaurants or other similarly noisy businesses they should be required to submit further acoustic reports to address the potential for the noise from their activities from impacting residents.
- v. All noisy work on a construction site shall be limited to between 7am and 7pm on any day which is not a Sunday or Public Holiday. If work is to be done outside these hours a noise management plan must be submitted and approved by the Chief Executive Officer, City of Fremantle at least 30 days prior to the noisy work commencing.
- vi. The proponent must make application during the Building Permit application stage to the City's Environmental Health Services via Form 1 Application to construct, alter or extend a public building as a requirement of the Health (Public Buildings) Regulations 1992. For enquiries and a copy of the application form contact the City's Environmental Health Services by email health@fremantle.wa.gov.au or telephone 9432 9999.
- vii. The proponent must make application to the Executive Director Environmental Health WA for any new public aquatic facility under regulation 5 of the Health (Aquatic Facilities) Regulations 2007 for policy and regulation enquiries contact the Environmental Health Directorate by email ehinfo@health.wa.gov.au or telephone 9388 4999 or contact the City's Environmental Health Services by email health@fremantle.wa.gov.au or telephone 9432 9999.
- viii. The proponent must make application to establish any food business so that the premises comply with the Food Act, Regulations and the Food Safety Standards incorporating AS4674-2004 Design, construction and fit-out of food premises. Submit detailed architectural plans and elevations to the City's Environmental Health Services for approval prior to construction. The food business is required to be registered under the Food Act 2008. For enquiries

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- and a copy of the application form contact the City's Environmental Health Services by email health@fremantle.wa.gov.au or telephone 9432 9999.
- ix. The applicant is advised that the City of Fremantle does not have the ability to collect waste directly from the basement, and it is suggested a caretaker be employed to relocate bins to an external collection point. For further information, please contact City Works at the City of Fremantle.

AMENDING MOTION 1

Moved by: Cr Andrew Sullivan **Seconded by:** Mr Paul Drechsler

That Condition 10 be modified to replace the word "basement" with "building" to read as follows:

"Prior to the issue of a Building Permit, the applicant/owner is to submit documentation demonstrating sufficient access for emergency service vehicles to the building, to the satisfaction of the Chief Executive Officer, City of Fremantle."

REASON: To provide clarity and certainty of the DAP's expectations to the applicant/landowner.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION 2

Moved by: Cr Andrew Sullivan **Seconded by:** Cr Josh Wilson

That an additional Condition 18 be added to read:

All of the ground floor units marked A1.02, A1.03, A1.04, A1.05, A1.06, A1.07 and A1.08 shall be "future proofed" for commercial use to operate in the future in accordance with DGN.14, configured to ensure minimal disruption to the building and existing occupants.

These units shall be designed with the following requirements to support future commercial use:

- 1. Universal access from pavement level, with structural slabs to be no higher than the adjoining pavement level and any subsequent subflooring capable of being easily removed;
- 2. Utilities provided, with the potential to upgrade piped and wired services, toilet facilities and security requirements;
- 3. Robust internal building plan and section to support commercial needs and separation requirements for commercial uses;
- 4. Robust external elevation that may change to a commercial "glazed shopfront appearance" (i.e. a glazed frontage typically with a 3m minimum height); and Continuous pedestrian shelter provided in accordance with Element 3 of DGN.14

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

Mr David Gray Presiding Member, Metro South-West JDAP





For: Cr Andrew Sullivan and Cr Josh Wilson

Against: Mr Robert Nicholson, Mr David Gray, Mr Paul Drechsler

AMENDING MOTION 3

Moved by: Mr Robert Nicholson **Seconded by:** Mr Paul Drechsler

That Condition 2 be modified to include "No discharge into Curtin Ave road reserve" to read as follows:

"All storm water discharge shall be contained and disposed of onsite or otherwise approved by the Chief Executive Officer, City of Fremantle No discharge into Curtin Ave road reserve"

REASON: To provide clarity and certainty of the DAP's expectations to the applicant/landowner.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION 4

Moved by: Mr Robert Nicholson Seconded by: Mr Paul Drechsler

That Condition 11 be modified to read as follows:

"Prior to issue of a Building Permit application, the applicant/owner is to submit a waste management plan to the satisfaction of the City."

REASON: To provide clarity and certainty of the DAP's expectations to the applicant/landowner.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION 5

Moved by: Mr Robert Nicholson **Seconded by:** Mr Paul Drechsler

That Condition 12 be modified to include "and vibration" to read as follows:

"Prior to the issue of a Building Permit, the applicant/owner is to undertake a transport noise and vibration assessment in accordance with the guidelines of the WAPC State Planning Policy 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning. The Applicant shall be responsible for all costs in implementing the recommendations of the report."

REASON: To provide clarity and certainty of the DAP's expectations to the applicant/landowner.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION 6

Moved by: Mr Paul Drechsler **Seconded by:** Mr Robert Nicholson

Mr David Gray
Presiding Member, Metro South-West JDAP

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That Condition 16 be modified to include "and operating rail line" to read as follows:

Prior to occupation, a Notification pursuant to Section 70A of the Transfer of Land Act 1893 shall be registered against the Certificate of Title to the land the subject of the proposed development prior to occupation advising the owners and subsequent owners of the land that the subject site is located in close proximity to existing arterial Primary Regional Road and an operating rail line, and may be subject to noise, odour and activity not normally associated with typical residential zoned land.

REASON: To provide clarity and certainty of the DAP's expectations to the applicant/landowner.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION 7

Moved by: Mr David Gray Seconded by: Mr Paul Drechsler

That an Advice Note x be added to read:

"The Department of Environment Regulation (DER) has no objection to the proposed development, provided the building structures and services located directly above the dissolved-phase hydrocarbon plume (located at the central portion of Lot 3) does not extend into the groundwater table (approximately 5.5m below ground level) and the memorial is transferred to the new Certificate of Title for the proposed lots. The applicant is reminded to confirm with DER their obligations under the Contaminated Sites Act 2003, and any enquiries related to this matter should be directed to the Contaminated Sites branch of DER."

REASON: To provide clarity and certainty of the DAP's expectations to the applicant/landowner.

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

For: Mr Robert Nicholson, Mr David Gray, Mr Paul Drechsler and Cr Josh Wilson Against: Cr Andrew Sullivan

AMENDING MOTION 8

Moved by: Mr Paul Drechsler **Seconded by:** Mr Robert Nicholson

That all references to the "Chief Executive Officer, City of Fremantle" be replaced with "City".

REASON: To clarify that the City is the responsible authority for administration of the Scheme.

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

For: Mr Robert Nicholson, Mr David Gray, Mr Paul Drechsler and Cr Josh Wilson Against: Cr Andrew Sullivan

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AMENDING MOTION 9

Moved by: Mr Robert Nicholson Seconded by: Mr Paul Drechsler

That Condition 13 be modified to delete "having regard to advice of the Design Advisory Committee" to read:

Prior to the issue of a Building Permit, plans hereby approved being modified and supporting details being provided to the satisfaction of the City relating to:

- a) Additional detail relating to colour, texture and material arrangement for final facade finishes.
- b) Details of the deep soil planting areas to facilitate the planting of trees that are able to grow large and provide effective canopies.
- c) Details of additional openings and/or articulation on the east and west facing facades of building A, C and D.

REASON: To clarify that the City is the responsible authority.

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

For: Mr Robert Nicholson, Mr David Gray, Mr Paul Drechsler and Cr Josh Wilson Against: Cr Andrew Sullivan

PRIMARY MOTION (AS AMENDED)

Approve DAP Application reference DP/14/00558 (City of Fremantle reference DAP80003/14), having been received by the City of Fremantle on the 8 September 2014 DA-000 Rev A, DA-001 Rev C, DA-003 Rev A, DA-004 Rev D, DA-005 Rev C, DA-006 Rev B, DA-007- Rev B, DA-008 Rev B, DA-009 Rev B, DA-022 Rev B, DA-023 Rev B, DA-024 Rev A, DA-025 Rev A, DA-026 Rev A, DA-030 Rev A, DA-031 Rev A, DA-032 Rev A, DA – 033 Rev A, DA-040 Rev A, DA-041 Rev A, DA-050 Rev A, DA-051 Rev A, DA-052 Rev A, DA-055 Rev A, DA-056 Rev A, DA-057 Rev A, in accordance with the City of Fremantle Local Planning Scheme No. 4 and the Metropolitan Region Scheme, subject the following conditions:

- 1. This approval relates only to the development as indicated on the approved plans, dated 8 September 2014. It does not relate to any other development on this lot and must substantially commence within four years from the date of this decision letter.
- 2. All storm water discharge shall be contained and disposed of onsite or otherwise approved by the City. No discharge into Curtin Ave road reserve
- 3. The design and construction of the development is to meet the 4 star green star standard as per Local Planning Policy 2.13 or alternatively to an equivalent standard as agreed upon by the City. Any costs associated with generating, reviewing or modifying the alternative equivalent standard is to be incurred by the owner of the development site. Twelve (12) months after practical completion of the development, the owner shall submit either of the following to the satisfaction of the City.

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- 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 certifying that the development achieves a Green Star Rating of at least 4 Stars.
- 4. 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 City..
- 5. The applicant shall comply with Australian Standard AS2107-2000 through the use of appropriate acoustic attenuation measures, such measures to be implemented prior to occupation of the development.
- 6. No earth works shall encroach onto the Curtin Avenue reserve.
- 7. The applicant shall make good any damage to the existing verge vegetation within the Curtin Avenue reservation.
- 8. No vehicle access shall be permitted to or from the Curtin Avenue reserve.
- 9. Prior to the issue of a Building Permit, the applicant/ owner shall enter into a legal agreement with the City of Fremantle to ensure active, commercial ground floor land uses are provided on the portion of land marked "Hotel (Subject to separate future development application)" on DA-001 rev C plan dated 8 September 2014, to the satisfaction of the City.
- 10. Prior to the issue of a Building Permit, the applicant/owner is to submit documentation demonstrating sufficient access for emergency service vehicles to the building, to the satisfaction of the City.
- 11. Prior to issue of a Building Permit application, the applicant/owner is to submit a waste management plan to the satisfaction of the City.
- 12. Prior to the issue of a Building Permit, the applicant/owner is to undertake a transport noise and vibration assessment in accordance with the guidelines of the WAPC State Planning Policy 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning. The Applicant shall be responsible for all costs in implementing the recommendations of the report.
- 13. Prior to the issue of a Building Permit, plans hereby approved being modified and supporting details being provided to the satisfaction of the City relating to:
 - a) Additional detail relating to colour, texture and material arrangement for final facade finishes.
 - b) Details of the deep soil planting areas to facilitate the planting of trees that are able to grow large and provide effective canopies.
 - c) Details of additional openings and/or articulation on the east and west facing facades of building A, C and D.

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- 14. Prior to occupation of the development, the car parking and loading area(s), and vehicle access and circulation areas shown on the approved site plan, including the provision of disabled car parking, shall be constructed, drained, and line marked and provided in accordance with Clause 5.7.1(a) of the City of Fremantle Local Planning Scheme No.4, and maintained on an ongoing basis to the satisfaction of the City.
- 15. Prior to occupation, a Notification pursuant to Section 70A of the Transfer of Land Act 1893 shall be registered against the Certificate of Title to the land the subject of the proposed development advising the owners and subsequent owners of the land that the subject site is located in close proximity to the Fremantle Port and may be subject to noise, odour and activity not normally associated with residential use. The notification is to be prepared by the City's solicitors at the expense of the owner and be executed by all parties prior to occupation.
- 16. Prior to occupation, a Notification pursuant to Section 70A of the Transfer of Land Act 1893 shall be registered against the Certificate of Title to the land the subject of the proposed development prior to occupation advising the owners and subsequent owners of the land that the subject site is located in close proximity to existing arterial Primary Regional Road and an operating rail line, and may be subject to noise, odour and activity not normally associated with typical residential zoned land.
- 17. Construction related activates are to meet the requirements of Local Planning Policy 1.10 Construction Sites unless otherwise approved by the City.

Advisory note(s):

- i. In accordance with Section 400 of the *Local Government (Miscellaneous Provisions) Act 1960*, approval may be required from the relevant Minister for certain structures erected on or over the road reserve.
- ii. Main Roads WA wishes to advise that the proposed future direct access from the subject development to Curtin Avenue (Walter Place) via an easement over Lots 5 and 6 is not supported at this time, and will require further investigation by Main Roads WA following the submission and referral of an application for development of these lots.
- iii. A dust management plan for the site should be provided to the City's Environmental Health department prior to development commencing onsite.
- iv. In relation to condition 12 that requires an acoustic report, if any of the proposed commercial developments are to be restaurants or other similarly noisy businesses they should be required to submit further acoustic reports to address the potential for the noise from their activities from impacting residents.
- v. All noisy work on a construction site shall be limited to between 7am and 7pm on any day which is not a Sunday or Public Holiday. If work is to be done outside these hours a noise management plan must be submitted and approved by the City at least 30 days prior to the noisy work commencing.

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- vi. The proponent must make application during the Building Permit application stage to the City's Environmental Health Services via Form 1 Application to construct, alter or extend a public building as a requirement of the Health (Public Buildings) Regulations 1992. For enquiries and a copy of the application form contact the City's Environmental Health Services by email health@fremantle.wa.gov.au or telephone 9432 9999.
- vii. The proponent must make application to the Executive Director Environmental Health WA for any new public aquatic facility under regulation 5 of the Health (Aquatic Facilities) Regulations 2007 for policy and regulation enquiries contact the Environmental Health Directorate by email ehinfo@health.wa.gov.au or telephone 9388 4999 or contact the City's Environmental Health Services by email health@fremantle.wa.gov.au or telephone 9432 9999.
- viii. The proponent must make application to establish any food business so that the premises comply with the Food Act, Regulations and the Food Safety Standards incorporating AS4674-2004 Design, construction and fit-out of food premises. Submit detailed architectural plans and elevations to the City's Environmental Health Services for approval prior to construction. The food business is required to be registered under the Food Act 2008. For enquiries and a copy of the application form contact the City's Environmental Health Services by email health@fremantle.wa.gov.au or telephone 9432 9999.
- ix. The applicant is advised that the City of Fremantle does not have the ability to collect waste directly from the basement, and it is suggested a caretaker be employed to relocate bins to an external collection point. For further information, please contact City Works at the City of Fremantle.
- x. The Department of Environment Regulation (DER) has no objection to the proposed development, provided the building structures and services located directly above the dissolved-phase hydrocarbon plume (located at the central portion of Lot 3) does not extend into the groundwater table (approximately 5.5m below ground level) and the memorial is transferred to the new Certificate of Title for the proposed lots. The applicant is reminded to confirm with DER their obligations under the Contaminated Sites Act 2003, and any enquiries related to this matter should be directed to the Contaminated Sites branch of DER.

The Primary Motion (as amended) was put and CARRIED (3/2).

For: Mr Robert Nicholson, Mr David Gray, Mr Paul Drechsler

Against: Cr Andrew Sullivan and Cr Josh Wilson

Crs Andrew Sullivan and Josh Wilson left the meeting at 12:00; and Crs Houwen and Reeve-Fowkes joined the meeting at that time



8.2 Property Location: Lot 9142 Pantheon Avenue, corner Orsino

Boulevard, North Coogee

Application Details: Five Storey Mixed Use Residential and

Commercial Development (38 Multiple Dwellings

and 4 Commercial Tenancies)

Applicant: Taylor Burrell Barnett

Owner: Port Coogee Apartments Pty Ltd

Responsible authority: City of Cockburn DoP File No: DAP/14/00601

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Cr Carol Reeve-Fowkes **Seconded by:** Cr Bart Houwen

That the Metro South-West JDAP resolves to:

Approve DAP Application DP/14/00576 and accompanying plans A00.01A, A03.01 (amended dated 25 September 2014), A03.02, A03.03, A03.04, A03.05, A03.06, A06.01, A06.02, A06.03 and A06. 04 in accordance with Clause 10.3 of the City of Cockburn Town Planning Scheme No. 3 and Metropolitan Region Scheme, as depicted on the plans dated 18 August and 25 September 2014, subject to the following conditions:

Conditions

- 1. Prior to the lodgement of a Building Permit application for new buildings, 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.
- 2. 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.
- 3. The submission of a detailed material, colours and finishes schedule for the development, to be provided to the City's satisfaction prior to the lodgement of a Building Permit application for new buildings. The details as agreed by the City are to be implemented and maintained in the development
- 4. 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 to the satisfaction of the City.
- 5. Prior to the lodgement of a Building Permit application for new buildings, arrangements being made to the satisfaction of the City for the pro-rata developer contributions towards those items listed in the City of Cockburn Town Planning Scheme No. 3 for:
 - Community Infrastructure (DCA 13).

Mr David Gray Presiding Member, Metro South-West JDAP



- 6. The allocation of car parking bays to specific dwellings is to be reflected on any strata plan for the subject property to the City's satisfaction.
- 7. The required residential visitor parking bays shown on the approved plans shall be clearly delineated (marked, signed) on-site, available for use within the development free of cost for the bona fide visitors of the occupants of the dwellings the subject of this approval, for the life of the development, and reflected as such on any strata plan as part of the common property of the strata scheme. No by-law pursuant to the Strata Titles Act 1985 shall be made that assigns any exclusive use of the visitor parking bays to any strata lot.
- 8. Prior to lodgement of a Building Permit application for new buildings, details of the selected intercom system which will allow visiting vehicles to contact units within the development in order to gain access to the secured visitor parking bays shall be provided to the satisfaction of the City.
- 9. Bicycle parking bays are to be designed and installed to comply with Australian Standard 2890.3 within designated bicycle parking areas marked on the site plan. Details of the bicycle parking shall be submitted to the City for assessment and approval prior to the lodgement of a Building Permit application for new buildings.
- 10. Prior to the initial occupation of the dwellings hereby approved, the parking bays, driveways and points of ingress shall be sealed, kerbed, drained and line marked in accordance with the approved plans to the satisfaction of the City. Car parking and access driveways shall be designed, constructed and maintained to comply with AS2890.1 and provide for safe pedestrian movement, to the City's satisfaction.
- 11. Walls, fences and landscape areas are to be truncated within 1.5 metres of where they adjoin vehicle access points, where a driveway and/or parking bay meets a public street or limited in height to 0.75 metres.
- 12. All stormwater being contained and disposed of on-site to the satisfaction of the City.
- 13. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
- 14. The premises must clearly display the street number/s.
- 15. Notification in the form of a memorial under Section 70A of the Transfer of Land Act 1893 as amended shall be lodged against the title and incorporated into the strata management plan advising of the potential impacts of noise associated with the operation of a vibrant local centre surrounding the site. The memorial(s) are to be lodged against the title prior to any subdivision or strata titling of the subject property.
- 16. Prior to the submission of the Building Permit Application, the applicant is to provide to the City a report from a recognised acoustic consultant addressing the recommendations of the Acoustic Report for this development application dated 12 August 2014, prepared by Sealhurst Pty Ltd.

Mr David Gray Presiding Member, Metro South-West JDAP





- 17. The Building Permit Application is to be accompanied by a report from a recognised acoustic consultant confirming that all recommendations made in the Noise Report referred to in condition 16, have been incorporated into the proposed development.
- 18. A final assessment of the completed development must be conducted by the acoustic consultant to confirm that recommendations made have been incorporated into the proposed development. Written confirmation must then be provided by the developer confirming compliance with the requirements of the Noise Report submitted under condition 16 prior to occupation of the development.
- 19. Earthworks over the site including batters 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.
- 20. A detailed Dust Management Plan must be submitted to the City and approval obtained, prior to any commencing onsite. An Application for Approval for a Dust Management Plan form may be obtained from the City of Cockburn website.
- 21. A Construction Management Plan is to be submitted to and approved by the City prior to the lodgement of a Building Permit application for new buildings and all measures identified in the plan are to be implemented during the construction phase to the satisfaction of the City.
- 22. No building or construction related activities associated with this approval causing noise and/or inconvenience to neighbours and visitors to the Marina Village between the hours 7.00pm and 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays (unless prior written approval of the City is issued).
- 23. Any damage during construction to the existing streetscape infrastructure (including hard and soft landscaping) adjacent to the subject site shall be rectified to the satisfaction of the City.
- 24. A streetscape infrastructure bond in respect of Condition 23 shall be lodged with the City prior to the issue of a Building Permit and held in trust until Condition 20 has been completed to the satisfaction of the City. The City may, for the purpose of giving effect to Condition 23, draw from the bond, whether from corpus or income or both, in payment of the reasonable costs of the City's officers', employees' and agent's time, and/or the costs of the contractors and subcontractors engaged by the City for such purpose, and to pay for the materials, equipment, hire of machinery and other costs involved in giving effect or partial effect to Condition 23.
- 25. Upon completion of construction, if Condition 23 has been complied with to the satisfaction of the City, the City shall on request from the bond applicant, pay back to the bond applicant (or the nominee appointed in writing by the bond applicant) the balance (if any) of corpus and income of the bond then standing to the credit of the City.
- 26. Land uses approved for the commercial tenancies fronting Pantheon Avenue

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and Orsino Boulevard (Tenancies 1-4) include 'Shop', 'Fast Food Outlet', 'Restaurant' and 'Office'. Further planning application for changes to the above uses is not required.

- 27. No wash-down of plant, vehicles or equipment is permitted on the premises. Industrial or wash-down wastes must not enter stormwater disposal systems or otherwise be discharged to the environment.
- 28. A waste storage area must be provided either within the building(s) or within an external enclosure. The bin storage area must be of an adequate size to contain all waste bins, and be provided with a hose cock, a concrete wash-down pad graded to a 100mm diameter industrial floor waste, and connected to an approved waste water disposal system. If external, the bin storage area can be centrally located within the development but must be appropriately screened to a height of 1.8m.
- 29. Prior to the initial occupation of the buildings herby approved, wind mitigation measures as outlined in the Environmental Wind Assessment Report are to be implemented to the satisfaction of the City.

Advice Notes

- 1. The application has been determined by the JDAP on the basis of the plans and information provided to City for assessment.
- 2. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the Council, or with any requirements of the City of Cockburn Town Planning Scheme No. 3. Prior to the commencement of any works associated with the development, a building permit is required.
- 3. In the event there are any questions regarding the requirements of this approval, or the planning controls applicable to the land and/or location, the City's Statutory Planning Services team should be consulted.
- 4. The development is to comply with the requirements of the National Construction Code. In this regard, it is recommended the City's Building Services team should be consulted prior to the commencement of working drawings.
- With regards to Conditions 10, the parking bay/s, driveway/s and points of ingress and egress are to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890.1) and are to be constructed, drained and marked in accordance with the design and specifications certified by a suitably qualified practicing Engineer and are to be completed prior to the development being occupied and thereafter maintained to the satisfaction of the City.
- 6. With regards to Condition 12, all stormwater drainage shall be designed in accordance with Australian Standard AS3500.
- 7. With regards to Condition 15, the memorial should state as follows:

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"This lot and dwelling is in the vicinity of a vibrant local centre and associated land uses including a marina. Residential amenity therefore may be affected by noise and other impacts from late night or early morning operations".

- 8. With regards to Condition 16 the report shall demonstrate that the design of the development will ensure that indoor noise levels will comply with the requirements of the Building Code of Australia with regard to sound transmission between units and floors of the development; that indoor noise levels will meet the recommended design sound levels in Table 1 of AS/ANS 2107:2000 entitled "Acoustics Recommended Design Sound Levels and Reverberation Times for Building Interiors" with regard to noise transmission between units and service areas within the development; and the design and location of plant within the development (including air-conditioners, fire equipment, commercial kitchen and other exhaust systems) will not result in noise emissions exceeding those set out in the *Environmental Protection* (Noise) Regulations 1997 (as amended).
- 9. Applications for Approval of a Dust Management Plan must identify the mitigation and contingency measures proposed by the developer. Appropriate mitigation and contingency measures are outlined in the Department of Environment Regulation publication "Land development sites and impacts on air quality" (November 1996) The developer is further advised that the City's Health Service cannot approve bulk earthworks on Class 3 and 4 development sites between 1 October and 31 March the following year.
- 10. With regards to Condition 26, to provide maximum flexibility for the ground floor commercial tenancies abutting Pantheon Avenue and Orsino Boulevard, it is recommended that tenancies with appropriate back of house facilities (i.e. grease traps etc.) to accommodate food related uses are maximised.
- 11. Outdoor lighting if required, particularly illuminating ground floor entries must be in accordance with the requirements of Australian Standard AS 4282-1997: 'Control of the Obtrusive of Outdoor Lighting'.
- 12. All food businesses must comply with the *Food Act 2008* and Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only). Under the *Food Act 2008* the applicant must obtain prior approval for the construction or amendment of the food business premises. An Application to Construct or Alter a Food Premises must be accompanied by detailed plans and specifications of the kitchen, dry storerooms, coolrooms, bar and liquor facilities, staff change rooms, patron and staff sanitary conveniences and garbage room, demonstrating compliance with Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only).

The plans to are include details of:

- (a) the structural finishes of all floors, walls and ceilings:
- (b) the position, type and construction of all fixtures, fittings and equipment (including cross-sectional drawings of benches, shelving, cupboards, stoves, tables, cabinets, counters, display refrigeration, freezers etc.); and
- (c) all kitchen exhaust hoods and mechanical ventilating systems over cooking ranges, sanitary conveniences, exhaust ventilation systems, mechanical services, hydraulic services, drains, grease traps and provisions for waste disposal.

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These plans are to be separate to those submitted to obtain a Building Permit.

- 12. With regards to street numbering of this proposal, you are advised to contact the City's Strategic Planning team on 9411 3444 or email streetnumbers@cockburn.wa.gov.au to ensure that any street numbers used comply with the City's requirements. This should be done prior to any sales contracts being drawn up.
- 13. If the development the subject of this approval is not substantially commenced within a period of two (2) years, the approval shall lapse and be of no further effect.
- 14. Where an approval has so lapsed, no development shall be carried out without further approval having first being sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the Development Assessment Panel Regulations 2011.

AMENDING MOTION 1

Moved by: Mr Paul Drechsler **Seconded by:** Cr Carol Reeve-Fowkes

A new Condition be added to read:

"Prior to issue of a Building Permit application, the applicant/owner is to submit a waste management plan to the satisfaction of the City"

REASON: To provide clarity and certainty of the DAP's expectations to the applicant/landowner.

The Amending Motion was put and CARRIED UNANIMOUSLY

AMENDING MOTION 2

Moved by: Cr Carol Reeve-Fowkes **Seconded by:** Cr Bart Houwen

That Condition 27 be deleted.

REASON: To provide clarity and certainty of the DAP's expectations to the applicant/landowner.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION 3

Moved by: Mr Paul Drechsler **Seconded by:** Cr Carol Reeve-Fowkes

That Condition 29 be modified by deleting the wording "hereby approved" to read as follows:

"Prior to the initial occupation of the buildings, wind mitigation measures as outlined in the Environmental Wind Assessment Report are to be implemented to the satisfaction of the City."

Mr David Gray Presiding Member, Metro South-West JDAP





REASON: To provide clarity and certainty.

The Amending Motion was put and CARRIED UNANIMOUSLY

AMENDING MOTION 4

Moved by: Mr David Gray Seconded by: Cr Carol Reeve-Fowkes

That Condition 16 be deleted.

REASON: To provide clarity and certainty.

The Amending Motion was put and CARRIED UNANIMOUSLY

AMENDING MOTION 5

Moved by: Cr Carol Reeve-Fowkes Seconded by: Cr Bart Houwen

That Condition 17 be modified by deleting the wording "referred to in Condition 16" and replace with "as approved by the City" to read as follows:

"The Building Permit Application is to be accompanied by a report from a recognised acoustic consultant confirming that all recommendations made in the Noise Report, as approved by the City, have been incorporated into the proposed development."

REASON: To provide clarity and certainty of the DAP's expectations.

The Amending Motion was put and CARRIED UNANIMOUSLY

AMENDING MOTION 6

Moved by: Mr Paul Drechsler **Seconded by:** Mr David Gray

That Condition 13 be modified and be removed to an Advice Note to read as follows:

"The development site must be connected to the reticulated sewerage system of the Water Corporation prior to occupation."

REASON: To provide clarity and certainty.

The Amending Motion was put and CARRIED UNANIMOUSLY

AMENDING MOTION 7

Moved by: Mr Paul Drechsler **Seconded by:** Mr Robert Nicholson

That Condition 20 be modified to read as follows, and the balance be removed to an Advice Note:

"A Dust Management Plan must be submitted to the City and approval obtained prior to any work commencing onsite."

REASON: To provide clarity and certainty.

Mr David Gray
Presiding Member, Metro South-West JDAP

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The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION 9

Moved by: Cr Carol Reeve-Fowkes **Seconded by:** Cr Bart Houwen

Modify Condition 24 to delete "23" and replace with "20" to read as follows:

"A streetscape infrastructure bond in respect of Condition 20 shall be lodged with the City prior to the issue of a Building Permit and held in trust until Condition 20 has been completed to the satisfaction of the City. The City may, for the purpose of giving effect to Condition 20, draw from the bond, whether from corpus or income or both, in payment of the reasonable costs of the City's officers', employees' and agent's time, and/or the costs of the contractors and subcontractors engaged by the City for such purpose, and to pay for the materials, equipment, hire of machinery and other costs involved in giving effect or partial effect to Condition 20."

REASON: To provide clarity and certainty of the DAP's expectations to the applicant/landowner.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION 10

Moved by: Cr Carol Reeve-Fowkes **Seconded by:** Mr Robert Nicholson

To combine Advice Notes 13 and 14, to read as follows:

"If the development the subject of this approval is not substantially commenced within a period of two (2) years, the approval shall lapse and be of no further effect. Where an approval has so lapsed, no development shall be carried out without further approval having first being sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the Development Assessment Panel Regulations 2011."

REASON: To provide clarity and certainty of the DAP's expectations to the applicant/landowner.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION 11

Moved by: Mr Paul Drechsler **Seconded by:** Mr Robert Nicholson

That Condition 22 be modified to read as follows:

"Building or construction related activities associated with this approval causing noise and/or inconvenience to neighbours and visitors to the Marina Village are not permitted between the hours 7.00pm and 7.00am, Monday to Saturday, nor on Sunday or Public Holidays (unless prior written approval of the City is issued)."

Mr David Gray Presiding Member, Metro South-West JDAP





REASON: To provide clarity and certainty.

The Amending Motion was put and CARRIED UNANIMOUSLY.

PRIMARY MOTION (AS AMENDED)

Approve DAP Application DP/14/00576 and accompanying plans A00.01A, A03.01 (amended dated 25 September 2014), A03.02, A03.03, A03.04, A03.05, A03.06, A06.01, A06.01, A06.02, A06.03 and A06. 04 in accordance with Clause 10.3 of the City of Cockburn Town Planning Scheme No. 3 and Metropolitan Region Scheme, as depicted on the plans dated 18 August and 25 September 2014, subject to the following conditions:

Conditions

- 1. Prior to the lodgement of a Building Permit application for new buildings, 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.
- 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.
- 3. The submission of a detailed material, colours and finishes schedule for the development, to be provided to the City's satisfaction prior to the lodgement of a building Permit application for new buildings. The details as agreed by the City are to be implemented and maintained in the development
- 4. 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 to the satisfaction of the City.
- 5. Prior to the lodgement of a Building Permit application for new buildings, arrangements being made to the satisfaction of the City for the pro-rata developer contributions towards those items listed in the City of Cockburn Town Planning Scheme No. 3 for:
 - Community Infrastructure (DCA 13).
- 6. The allocation of car parking bays to specific dwellings is to be reflected on any strata plan for the subject property to the City's satisfaction.
- 7. The required residential visitor parking bays shown on the approved plans shall be clearly delineated (marked, signed) on-site, available for use within the development free of cost for the bona fide visitors of the occupants of the dwellings the subject of this approval, for the life of the development, and reflected as such on any strata plan as part of the common property of the strata scheme. No by-law pursuant to the Strata Titles Act 1985 shall be made that assigns any exclusive use of the visitor parking bays to any strata lot.

Mr David Gray Presiding Member, Metro South-West JDAP





- 8. Prior to lodgement of a Building Permit application for new buildings, details of the selected intercom system which will allow visiting vehicles to contact units within the development in order to gain access to the secured visitor parking bays shall be provided to the satisfaction of the City.
- 9. Bicycle parking bays are to be designed and installed to comply with Australian Standard 2890.3 within designated bicycle parking areas marked on the site plan. Details of the bicycle parking shall be submitted to the City for assessment and approval prior to the lodgement of a Building Permit application for new buildings.
- 10. Prior to the initial occupation of the dwellings hereby approved, the parking bays, driveways and points of ingress shall be sealed, kerbed, drained and line marked in accordance with the approved plans to the satisfaction of the City. Car parking and access driveways shall be designed, constructed and maintained to comply with AS2890.1 and provide for safe pedestrian movement, to the City's satisfaction.
- 11. Walls, fences and landscape areas are to be truncated within 1.5 metres of where they adjoin vehicle access points, where a driveway and/or parking bay meets a public street or limited in height to 0.75 metres.
- 12. All stormwater being contained and disposed of on-site to the satisfaction of the City.
- 13. The premises must clearly display the street number/s.
- 14. Notification in the form of a memorial under Section 70A of the Transfer of Land Act 1893 as amended shall be lodged against the title and incorporated into the strata management plan advising of the potential impacts of noise associated with the operation of a vibrant local centre surrounding the site. The memorial(s) are to be lodged against the title prior to any subdivision or strata titling of the subject property.
- 15. The building permit application is to be accompanied by a report from a recognised acoustic consultant confirming that all recommendations made in the acoustic report as approved by the City have been incorporated into the proposed development.
- 16. A final assessment of the completed development must be conducted by the acoustic consultant to confirm that recommendations made have been incorporated into the proposed development. Written confirmation must then be provided by the developer confirming compliance with the requirements of the Acoustic Report as approved by the City prior to occupation of the development.
- 17. Earthworks over the site including batters 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.
- 18. A Dust Management Plan must be submitted to the City and approval obtained, prior to any work commencing onsite.

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- 19. A Construction Management Plan is to be submitted to and approved by the City prior to the lodgement of a Building Permit application for new buildings and all measures identified in the plan are to be implemented during the construction phase to the satisfaction of the City.
- 20. Building or construction related activities associated with this approval causing noise and/or inconvenience to neighbours and visitors to the Marina Village is not permitted between the hours 7.00pm and 7.00am, Monday to Saturday, nor on Sunday or Public Holidays (unless prior written approval of the City is issued).
- 21. Any damage during construction to the existing streetscape infrastructure (including hard and soft landscaping) adjacent to the subject site shall be rectified to the satisfaction of the City.
- 22. A streetscape infrastructure bond in respect of Condition 21 shall be lodged with the City prior to the issue of a Building Permit and held in trust until Condition 21 has been completed to the satisfaction of the City. The City may, for the purpose of giving effect to Condition 20, draw from the bond, whether from corpus or income or both, in payment of the reasonable costs of the City's officers', employees' and agent's time, and/or the costs of the contractors and subcontractors engaged by the City for such purpose, and to pay for the materials, equipment, hire of machinery and other costs involved in giving effect or partial effect to Condition 20.
- 23. Upon completion of construction, if Condition 21 has been complied with to the satisfaction of the City, the City shall on request from the bond applicant, pay back to the bond applicant (or the nominee appointed in writing by the bond applicant) the balance (if any) of corpus and income of the bond then standing to the credit of the City.
- 24. Land uses approved for the commercial tenancies fronting Pantheon Avenue and Orsino Boulevard (Tenancies 1-4) include 'Shop', 'Fast Food Outlet', 'Restaurant' and 'Office'. Further planning application for changes to the above uses is not required.
- 25. A waste storage area must be provided either within the building(s) or within an external enclosure. The bin storage area must be of an adequate size to contain all waste bins, and be provided with a hose cock, a concrete wash-down pad graded to a 100mm diameter industrial floor waste, and connected to an approved waste water disposal system. If external, the bin storage area can be centrally located within the development but must be appropriately screened to a height of 1.8m.
- 26. Prior to the initial occupation of the buildings, wind mitigation measures as outlined in the Environmental Wind Assessment Report are to be implemented to the satisfaction of the City.
- 27. Prior to issue of a Building Permit application, the applicant/owner is to submit a waste management plan to the satisfaction of the City

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Advice Notes

- 1. The application has been determined by the JDAP on the basis of the plans and information provided to City for assessment.
- 2. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the Council, or with any requirements of the City of Cockburn Town Planning Scheme No. 3. Prior to the commencement of any works associated with the development, a building permit is required.
- 3. In the event there are any questions regarding the requirements of this approval, or the planning controls applicable to the land and/or location, the City's Statutory Planning Services team should be consulted.
- 4. The development is to comply with the requirements of the National Construction Code. In this regard, it is recommended the City's Building Services team should be consulted prior to the commencement of working drawings.
- 5. With regards to Conditions 10, the parking bay/s, driveway/s and points of ingress and egress are to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890.1) and are to be constructed, drained and marked in accordance with the design and specifications certified by a suitably qualified practicing Engineer and are to be completed prior to the development being occupied and thereafter maintained to the satisfaction of the City.
- 6. With regards to Condition 12, all stormwater drainage shall be designed in accordance with Australian Standard AS3500.
- 7. With regards to Condition 14, the memorial should state as follows: "This lot and dwelling is in the vicinity of a vibrant local centre and associated land uses including a marina. Residential amenity therefore may be affected by noise and other impacts from late night or early morning operations"
- 8. With regards to Condition 15 the report shall demonstrate that the design of the development will ensure that indoor noise levels will comply with the requirements of the Building Code of Australia with regard to sound transmission between units and floors of the development; that indoor noise levels will meet the recommended design sound levels in Table 1 of AS/ANS 2107:2000 entitled "Acoustics Recommended Design Sound Levels and Reverberation Times for Building Interiors" with regard to noise transmission between units and service areas within the development; and the design and location of plant within the development (including air-conditioners, fire equipment, commercial kitchen and other exhaust systems) will not result in noise emissions exceeding those set out in the *Environmental Protection* (Noise) Regulations 1997 (as amended).
- 9. Applications for Approval of a Dust Management Plan must identify the mitigation and contingency measures proposed by the developer. Appropriate mitigation and contingency measures are outlined in the Department of Environment Regulation publication "Land development sites and impacts on air quality" (November 1996) The developer is further advised that the City's

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Health Service cannot approve bulk earthworks on Class 3 and 4 development sites between 1 October and 31 March the following year.

- 10. With regards to Condition 24, to provide maximum flexibility for the ground floor commercial tenancies abutting Pantheon Avenue and Orsino Boulevard, it is recommended that tenancies with appropriate back of house facilities (i.e. grease traps etc.) to accommodate food related uses are maximised.
- Outdoor lighting if required, particularly illuminating ground floor entries must be in accordance with the requirements of Australian Standard AS 4282-1997: 'Control of the Obtrusive of Outdoor Lighting'.
- 12. All food businesses must comply with the Food Act 2008 and Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only). Under the Food Act 2008 the applicant must obtain prior approval for the construction or amendment of the food business premises. An Application to Construct or Alter a Food Premises must be accompanied by detailed plans and specifications of the kitchen, dry storerooms, coolrooms, bar and liquor facilities, staff change rooms, patron and staff sanitary conveniences and garbage room, demonstrating compliance with Chapter 3 of the Australia New Zealand Food Standard Code (Australia Only). The plans to are include details of:
 - (a) the structural finishes of all floors, walls and ceilings;
 - (b) the position, type and construction of all fixtures, fittings and equipment (including cross-sectional drawings of benches, shelving, cupboards, stoves, tables, cabinets, counters, display refrigeration, freezers etc.);
 and
 - (c) all kitchen exhaust hoods and mechanical ventilating systems over cooking ranges, sanitary conveniences, exhaust ventilation systems, mechanical services, hydraulic services, drains, grease traps and provisions for waste disposal.

These plans are to be separate to those submitted to obtain a Building Permit.

- 13. With regards to street numbering of this proposal, you are advised to contact the City's Strategic Planning team on 9411 3444 or email streetnumbers@cockburn.wa.gov.au to ensure that any street numbers used comply with the City's requirements. This should be done prior to any sales contracts being drawn up.
- 14. If the development the subject of this approval is not substantially commenced within a period of two (2) years, the approval shall lapse and be of no further effect. Where an approval has so lapsed, no development shall be carried out without further approval having first being sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the Development Assessment Panel Regulations 2011.
- 15. An Application for Approval for a Dust Management Plan form may be obtained from the City of Cockburn website.

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16. The development site must be connected to the reticulated sewerage system of the Water Corporation prior to occupation.

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

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

9.1 Property Location: 13 O'Connor Close, North Coogee

Application Details: Modification to DAP13/015 -

30 Multiple Dwellings

Applicant: Aztec Architects
Owner: Dien Australia Pty Ltd
Responsible authority: City of Cockburn
DoP File No: DP/13/00978

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Mr Robert Nicholson **Seconded by:** Cr Carol Reeve-Fowkes

That the Metro South-West JDAP resolves to:

- 1. Accept that the DAP Application reference DP/13/00978 as detailed on the DAP Form 2 dated 28 July 2014 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
- 2. Approve the DAP Application reference DP/13/00978 as detailed on the DAP Form 2 dated 11 June 2014 and accompanying plans (plans 1 to 8 dated 14 August 2014) for the development of 30 multiple dwellings at No. 13 O'Connor Close, North Coogee, in accordance with the provisions of the City of Cockburn Town Planning Scheme No. 3, and the Metropolitan Region Scheme, subject to the following conditions and advice notes:

Conditions

- 1. Prior to the submission of a Building Permit Application for new buildings, plan 5 of 8, plan 6 of 8 and plan 7 of 8 shall be amended to show visual privacy screens on the southern side of the balconies (front and rear) of unit 29 and on the northern side of the balconies (front and rear) of unit 30.
- 2. Delete condition 31 on original approval issued by the Metro South-West JDAP dated 19 May 2014 (App Ref DP/13/00978)
- Prior to the submission of a Building Permit Application for new buildings, revised plans are to be submitted and approved by the City detailing that one visitor bay located behind the proposed remote activated sliding gate, be modified to be allocated for the use of residents.

Advice Notes



- 1. All other conditions and requirements detailed in the previous approval issued by the Metro South-West JDAP dated 19 May 2014 (App Ref DP/13/00978) shall remain unless altered by this application.
- 2. Screening devices such as obscure glazing, timber screens, external blinds, window hoods and shutters are to be at least 1.6m in height; at least 75 per cent obscure, permanently fixed, made of durable material and restrict view in the direction of overlooking into any adjoining property.

AMENDING MOTION

Moved by: Mr Robert Nicholson **Seconded by:** Cr Carol Reeve-Fowkes

That Advice Note 1 be modified to replace the word "application" with "approval" to read as follows:

"All other conditions and requirements detailed in the previous approval issued by the Metro South-West JDAP dated 19 May 2014 (App Ref DP/13/00978) shall remain unless altered by this approval."

REASON: To provide clarity and certainty of the DAP's expectations to the applicant/landowner.

The Amending Motion was put and CARRIED UNANIMOUSLY.

PRIMARY MOTION (AS AMENDED)

That the Metro South-West JDAP resolves to:

- Accept that the DAP Application reference DP/13/00978 as detailed on the DAP Form 2 dated 28 July 2014 is appropriate for consideration in accordance with regulation 17 of the Planning and Development (Development Assessment Panels) Regulations 2011;
- 2. Approve the DAP Application reference DP/13/00978 as detailed on the DAP Form 2 dated 11 June 2014 and accompanying plans (plans 1 to 8 dated 14 August 2014) for the development of 30 multiple dwellings at No. 13 O'Connor Close, North Coogee, in accordance with the provisions of the City of Cockburn Town Planning Scheme No. 3, and the Metropolitan Region Scheme, subject to the following conditions and advice notes:

Conditions

- 1. Prior to the submission of a Building Permit Application for new buildings, plan 5 of 8, plan 6 of 8 and plan 7 of 8 shall be amended to show visual privacy screens on the southern side of the balconies (front and rear) of unit 29 and on the northern side of the balconies (front and rear) of unit 30.
- 2. Delete condition 31 on original approval issued by the Metro South-West JDAP dated 19 May 2014 (App Ref DP/13/00978).
- 3. Prior to the submission of a Building Permit Application for new buildings, revised plans are to be submitted and approved by the City detailing that one

Diffin



visitor bay located behind the proposed remote activated sliding gate, be modified to be allocated for the use of residents.

Advice Notes

- 1. All other conditions and requirements detailed in the previous approval issued by the Metro South-West JDAP dated 19 May 2014 (App Ref DP/13/00978) shall remain unless altered by this approval.
- 2. Screening devices such as obscure glazing, timber screens, external blinds, window hoods and shutters are to be at least 1.6m in height; at least 75 per cent obscure, permanently fixed, made of durable material and restrict view in the direction of overlooking into any adjoining property.

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

9. Appeals to the State Administrative Tribunal

Nil

10. Meeting Close

There being no further business, the presiding member declared the meeting closed at 12.28pm.



Form 1 - Responsible Authority Report (Regulation 12)

Property Location:	Lot 9002 Kwinana Beach Road and Lot
i Toperty Location.	1003 Patterson Road, Kwinana Beach
Application Details:	Proposed Fuel Depot and Associated
Application Details.	Infrastructure
DAP Name:	METRO SOUTH – WEST
Applicant:	TPG Town Planning Urban Design &
Applicant.	Heritage (on behalf of development operator
	Puma Energy)
Owner:	WA Land Authority – LandCorp
LG Reference:	DA8113
Responsible Authority:	City of Kwinana
Authorising Officer:	Brenton Scambler – Coordinator Statutory
7 tatriorioring officeri	Planning
Department of Planning File No:	DAP/14/00615
Report Date:	22 October 2014
Application Receipt Date:	28 August 2014
Application Process Days:	60 Days
Attachment(s):	1: Location Plan
	2: Development Plans and Elevations
	2A: KWIN-L-0002 –
	PETROLEUM IMPORT FACILITY SITE
	LAYOUT TRANSFER PIPELINE
	2B: KWIN-L-0003 –
	FUEL IMPORT TERMINAL SITE
	LAYOUT
	2C: KWIN-L-0004 –
	FUEL IMPORT TERMINAL SITE
	LAYOUT ON LANDSCAPE
	2D: KWIN-L-0006 –
	FUEL IMPORT TERMINAL SITE
	LAYOUT NE ISOMETRIC VIEW
	2E: KWIN-L-0017 –
	FUEL IMPORT TERMINAL SITE SOUTH/EAST ELEVATION VIEW 1
	2F: KWIN-L-0018 –
	FUEL IMPORT TERMINAL SITE
	SOUTH/EAST ELEVATION VIEW 2
	2G: KWIN-L-0019 –
	FUEL IMPORT TERMINAL SITE
	SOUTH/EAST ELEVATION VIEW
	2H: KWIN-A-002 - PROPOSED PARTIAL
	SITE/LANDSCAPING PLAN
	2I: KWIN-A-003 - ADMIN BUILDING
	FLOOR PLAN
	2J: KWIN-A-004 - ADMIN BUILDING
	ELEVATIONS
	2K: KWIN-A-005 - MAINTENANCE
	WORKSHOP, MCC, FIRE PUMP
	ROOM AND SHADE STRUCTURE

FLOOR PLANS

2L: KWIN-A-006 – MAINTENANCE WORKSHOP, MCC, FIRE PUMP ROOM AND SHADE STRUCTURE FLOOR PLANS

2M: KWIN-A-007 - FUELS DISPATCH DRIVERS AMENITIES FLOOR PLANS AND ELEVATIONS

2N: KWIN-A-009 - FUEL GANTRY FLOOR PLAN AND ELEVATIONS

20: KWIN-A-010 - FUEL GANTRY ELEVATIONS SIGNAGE DETAILS

3: Risk Hazards Contours Map – 7885-Y-0002

4: Department of Environment Regulation Response

Officer Recommendation:

That the Metro South-West DAP resolves to:

Approve DAP Application reference DAP/14/00615 and accompanying plans KWIN-L-0002 Rev DA5; KWIN-L-0003 Rev DA8; KWIN-L-0004 Rev DA7; KWIN-L-0006 Rev DA7; KWIN-L-0017 Rev DA3; KWIN-L-0018 Rev DA4; KWIN-L-0019 Rev DA4; KWIN-A-002 Rev DA2; KWIN-A-003 Rev DA1; KWIN-A-004 Rev DA1; KWIN-A-005 Rev DA2; KWIN-A-006 Rev DA1; KWIN-A-007 Rev DA2; KWIN-A-009 Rev DA1; KWIN-A-010 Rev DA1 in accordance with Clause 6.1 of the City of Kwinana Town Planning Scheme No.2, subject to the following conditions:

Conditions

- 1. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.
- Landscaping areas, vehicle parking spaces and accessways, and all other items and details as shown on the approved development plans shall be installed prior to occupying the proposed development and maintained thereafter to the satisfaction of the City of Kwinana.
- 3. Stormwater drainage from roofed and paved areas being disposed of on-site or as may otherwise be approved under Environmental Protection Authority (EPA) Licence conditions or approved Stormwater Management Plan to the satisfaction of the City of Kwinana.
- 4. The applicant shall implement dust control measures for the duration of the Site and Construction Works and for the ongoing operation of the site to the satisfaction of the City of Kwinana.
- 5. Vehicle crossovers shall be constructed to the specifications and satisfaction of the City of Kwinana.

- 6. The provision of 35 car parking bays to be provided in accordance with AS2890, to be clearly marked on the ground and constructed of bitumen, brick or concrete and drained to the satisfaction of the City of Kwinana.
- 7. All vehicle parking to be accommodated within the boundaries of the subject
- 8. All trafficable areas are to be sealed and drained as per the City of Kwinana 'Trafficable Areas' Specifications to the satisfaction of the City of Kwinana.
- All non-trafficable and lay-down areas within the subject lot being sealed and drained to comply with the City of Kwinana non-trafficable and lay-down area specifications.
- 10. The proponent shall within 90 days of the date of this approval provide additional details for the entry crossover located on the bend of Kwinana Beach Road to the satisfaction of the City of Kwinana. The following details shall be required as a minimum:
 - Proposed signage, line marking and pavement changes;
 - Proposed changes to road pavement, street lighting, road directional signage;
 - Possible changes to road layout or crossover access to delineate road pavement and private property.

The proponent shall demonstrate how the crossover will be treated to ensure a high level of safety and awareness to road users will be achieved. Should the safety of the crossover not be demonstrated in its current location, then the crossover is to be shifted to the west of the road bend to the satisfaction of the City of Kwinana.

- 11. The elevated pipe bridge pylons and footings shall be located wholly within Lot 9002 Kwinana Beach Road and Lot 1003 Patterson Road. No portion or part of the pylons or footings shall encroach into the adjoining road reservation.
- 12. The elevated pipe bridge shall provide a minimum clearance of 7.5 metres from the underside of the structure to the road surface where it crosses Kwinana Beach Road to the satisfaction of the City of Kwinana. Details to be provided prior to the commencement of construction.
- 13. The elevated pipe bridge shall provide the necessary clearances as required by Western Power, and where the structure crosses private road and rail infrastructure, minimum clearances are to be as required by the asset owner.
- 14. 3500 square metres (5%) of the subject site is to be landscaped prior to the occupation of the development and maintained to a high standard thereafter to the satisfaction of the City of Kwinana.
- 15. A revised Landscape Plan being submitted and approved by the City of Kwinana prior to lodgement of a building permit. The Landscape Plan must outline the proposed species, spacing of each species and location of vegetation, including mature/advanced species between the fence and the road boundary/verge and proposed reticulation layout. The Plan shall also specify

- number of plants to be used at the time of planting together with the anticipated height of each plant at maturity.
- 16. Landscaping being provided within parking areas at a rate of one (1) tree per 5 bays to provide shade for parked cars and to soften the impact of paved car parking viewed from adjacent sites and roads.
- 17. All vegetation cleared as part of the development shall be mulched, not burnt, and re-used throughout the landscaped areas of the development to the satisfaction of the City of Kwinana.
- 18. The provision of an adequate water supply for fire fighting purposes to the satisfaction of the City of Kwinana.
- On-site effluent disposal systems shall be nutrient retentive. Use of conventional septic systems is not permitted.
- 20. All plant and vehicle wash down facilities shall be connected to an appropriate wastewater treatment system to the satisfaction of the City of Kwinana.
- 21. The development shall be connected to an adequate potable water supply in accordance with the standards required by the National Health and Medical Research Council Australian Drinking Water Guidelines, 2004.
- 22. The development shall comply with the requirements of the current Western Australian Government Sewerage Policy.
- 23. The development shall comply with the ventilation requirements of the Australian Standard 1668 & Sewerage (Lighting, Ventilation and Construction) Regulations 1971 requirements for the classifications of building use.
- 24. Storage of chemicals and liquids shall be within bunded impervious areas capable of containing any spillages and be connected to an appropriate treatment and disposal system.
- 25. The development shall comply with the Environmental Protection Authority Risk Criteria at all times.
- 26. Prior to the commencement of the development the proponent shall prepare and submit an Asbestos Management Plan for approval to the City of Kwinana.

2. Advice to Applicant

- 2.1 The applicant is advised that all future development must be submitted to the City of Kwinana prior to the commencement of works or alteration of land use.
- 2.2 Construction shall not be commenced until the applicant has paid the appropriate fees, submitted the appropriate supporting documentation and has been issued with a building permit in accordance with the Building Act 2011 and Building Regulations 2012.
- 2.3 The applicant is further advised that this is not a building permit to enable construction to commence. A building permit is a separate City of Kwinana requirement and construction cannot be commenced until a building permit is obtained.

- 2.4 The applicant should ensure that the proposed development complies with all other relevant legislation, including but not limited to, the Environmental Protection Act 1986 and Regulations, Dangerous Goods Safety Act 2004 and Regulations, Contaminated Sites Act 2003 and the National Construction Code.
- 2.5 The proponent is advised to liaise with the Kwinana Industries Council (KIC) to include the noise emissions from the development into the KIC cumulative noise model.
- 2.6 The development shall comply with the requirements of the Dangerous Goods Safety Act 2004 and associated regulations and thereby require the approval of the Department of Mines and Petroleum.

Background:

Property Address:		Lot 9002 Kwinana Beach Road, Kwinana
		Beach
Zoning M	IRS:	Industry
Т	PS:	General Industry
Use Class:		Fuel Depot
		Office
		General Industry – Maintenance Workshop
Strategy Policy:		City of Kwinana Local Planning Policy (LPP) -
		Development within Industrial Zones
Development Scheme:		City of Kwinana Town Planning Scheme No.2
Lot Size:		7 hectares (proposed lease area)
Existing Land Use:		Vacant
Value of Development:		\$80 million

Proposal

Puma Energy proposes to construct and operate a new bulk fuel storage depot on a 7 hectare leased portion of Lot 9002 Kwinana Beach Road and Lot 1003 Patterson Road, Kwinana Beach. The development site straddles the local government boundaries of the City of Kwinana and City of Rockingham, and as such, is subject to approval under each City's respective Town Planning Scheme.

Puma Energy currently operates a number of fuel refineries and fuel storage and distribution facilities world wide. The company have a network of fuel depots and storage/ distribution facilities in 34 countries across Africa, South America, Central America, Europe, the Middle East and Asia. Puma presently operate two fuel depots in Australia, in Brisbane and Mackay. Puma has acquired Ausfuel Gull in Western Australia and will be rebranding the existing Gull Service Stations to Puma Energy.

The applicant advises that the Fuel Depot will operate as an import facility utilising the existing Kwinana Bulk Terminal, receiving refined petroleum products from offshore refineries, storing these products in dedicated "above ground" storage tanks, and loading road tankers or rail tanker cars through fuel loading gantries. Imported fuels will be discharged at the Kwinana Bulk Terminal Jetty and fed to the facility via a dedicated transfer pipeline within the existing LandCorp service corridor (Lot 1003).

The applicant advises that the depot is to be run 24 hours a day, with access to the depot and loading gantry facilities being provided to approved vehicles. The applicants Traffic Impact Report predicts that the development will generate up to 16 truck movements per hour between the peak loading periods of 5:00-10:00 and 16:00-18:00. The proponent argues that the traffic volumes generated are considered to be acceptable for an industrial development. During construction it is expected that up to 150 employees will be on site undertaking the works, however once completed the depot operations is expected to employ 25 staff.

The development proposes the following:

- Eight fuel / diesel tanks of 15 Megalitre (ML) capacity each, two 6.5ML premium fuel tanks. Tanks are located within bunded areas designed to contain any accidental spillages;
- Administration office building and amenities area, associated staff and visitor car parking, operational control areas, workshop, and drivers/documents room;
- Pipework and associated mechanical equipment;
- Transfer pipelines located within a 10 metre wide easement from the Fuel Depot through to the Kwinana Bulk Terminal Manifold Building;
- Road loading gantry;
- Rail loading gantry;
- New rail sidings linking the development into the existing rail network managed by Brookfield Rail;
- A Vapor Recovery System for the road loading gantry;
- Stormwater management control systems and landscaped areas;
- Illuminated pylon signage and security fencing.

Legislation & Policy:

Legislation

The proposed Fuel Depot is subject to a range of licences and regulations applying to industry in Western Australia. A summary of the key legislation, regulations or local laws relevant to the application is listed below:

- Contaminated Sites Act 2003
- Dangerous Goods Safety Act 2004 and Regulations
- Environmental Protection Act 1986 and relevant Regulations
- Health Act 1911
- Kwinana Environmental Protection (Atmospheric Waste) Policy 1992 including 1999 amendment Regulations
- State Environmental (Cockburn Sound) Policy 2005
- Planning and Development Act 2005
- City of Kwinana, Local Planning Scheme No. 2 and Local Planning Policies

State Government Policies

State Planning Policy 4.1 – State Industrial Buffer Policy

State Planning Policy 2.6 – State Coastal Planning Policy and associated Position Statement

Local Planning Policies

Local Planning Policy – Development within the Cockburn Sound Catchment Local Planning Policy – Development within Industrial Zones.

Consultation:

The proposal represents a "P" use within the context of the requirements of Town Planning Scheme No.2 (TPS 2) and therefore is not required to be advertised. The application was however referred to the Department of Environment Regulation (DER) (Contaminated Sites and Native Vegetation Branch) for their comments.

The DER has classified the land as *possibly contaminated – investigation required* under the Contaminated Sites Act 2003, and as such, a memorial has been placed on the Certificate of Title for the subject land. The site was subject to a preliminary site investigation in 2008 and indicated that potential Asbestos Containing Material from fly tipping was removed from the site in 2006. The DER reported however, that evidence to confirm whether the remedial works undertaken in 2006 were successful in removing all asbestos materials is yet to be submitted or confirmed.

The DER have concluded that the site is capable of supporting the proposed development, however should be required under the Contaminated Sites Act 2003 to prepare an Asbestos Management Plan to address the potential risks to site workers during the construction period. Subject to the preparation and submission of the abovementioned management plan the DER would not recommend any contaminated sites related conditions.

Planning assessment:

Town Planning Scheme No. 2 Implications

The proposal largely represents a 'Fuel Depot' use in the context of TPS 2 which is described under Appendix 4 (Interpretations) as: "means a depot for the storage or sale in bulk of solid or liquid gaseous fuel, but does not include a service station".

In the context of the General Industrial Zone, a Fuel Depot represents a "P" (Permitted) use, provided it complies with the relevant standards and requirements laid down in the Scheme and all conditions (if any) imposed by the Council in granting planning consent.

The City's draft Industrial Strategy has been prepared as a supporting document to the City's draft Local Planning Strategy. The draft Local Planning Strategy was advertised for comment in 2005 and the draft Industrial Strategy in 2006 with both documents now subject to further review and potential re-advertising. The draft Industrial Strategy proposed a series of industrial classes according to the intensity and nature of the industrial use. It is useful as a guiding document for proposals of this type. Under this draft strategy, the proposal represents a Class II - III Industry. Class II - III industry under the draft strategy requires a 500 - 1000 metre separation distance from the nearest residential areas. The land holding is approximately 1.4 km from the nearest residential zone on the Rockingham Beach front. The development therefore meets the separation objectives of the City's draft Industrial Strategy.

<u>Development Requirements under Town Planning Scheme No.2</u>

The following Table lists the relevant provisions under TPS 2 which apply to this application. Other elements of the application relevant to the determination of applications under Part 2.4 of the Scheme are also detailed following.

Table 1 – Town Planning Scheme Summary

City Planning	Requirements	Planning Comment
Scheme No.2	Nequirements	Flaming Comment
Clause		
6.8.1 – Outline	Not Applicable	The Development is not subject to
Development Plans		an outline development plan.
6.8.2, 6.8.3 – Minor Works	Not Applicable	The works proposed are substantial and do not fall within the works not
not requiring planning approval		requiring approval clauses of the Scheme.
6.8.4 – Plot	0.8 Plot Ratio	The plot ratio and site coverage of
Ratio and Site	65% Site Cover	the lot is well within the scheme
Coverage	3070 0110 00101	requirements with approximately 50% site cover in total.
6.8.5 –	Side - 6 metres	Setbacks to the proposed
Minimum	Rear - 9 metres	development comply with the
Setbacks from	Front - 15 metres	scheme requirements with a
Boundaries		minimum of 15 metres from the front
		boundary for the fire pump house.
		The administration building is
		proposed to be setback 25m. All
		other development on site is well setback from all other boundaries.
6.8.6 -	Buildings located,	The proposed development is
Appearance of	constructed and finished so	considered appropriate for the
Buildings	as to not cause detriment	industrial zone and should not
	to the locality	detrimentally affect the amenity of
	•	the locality.
6.8.7	5% of site area to be	The current nature of landscaping on
Landscaping	landscaped and	the site is largely native vegetation.
Areas	maintained	The proponent intends to install a 10
		metre wide landscaping strip fronting
		Kwinana Beach Road and install a
		security fence behind this area
		setback from the property boundary. A condition is recommended that a
		landscaping plan outlining the
		proposed species including
		mature/advanced species be
		submitted to the City of Kwinana for
		approval and be implemented to the
		satisfaction of the City.
6.8.8 – Car	,	The development requires the
Parking and	•	provision of 25 vehicle parking bays
Crossovers	with Table III of the	in accordance with the requirements

	Scheme	of Table III of the Scheme. The proponent has indicated that a total of 35 parking bays will be provided. Conditions have been recommended requiring trafficable and nontrafficable areas to be sealed and drained in accordance with the City of Kwinana's specifications.
6.8.9 – Loading and Unloading	Loading / Unloading areas to be maintained in good order	The proposed loading / unloading areas of the development are proposed to be provided in an appropriate location and manner.
6.8.10 – Waste Water and Effluent Disposal	Waste water to be managed appropriately to preserve the environment and groundwater	Waste effluent water generated on site is proposed and required to be disposed of through a nutrient retentive effluent disposal system. Stormwater collected on site is proposed to be piped to drainage sumps on the site.
6.8.11 – Recycled Water	Council shall have regard to the ability to recycle water in industrial processes	The proponent has indicated that stormwater will be collected and treated to meet the Australian Best Practice Standards for urban stormwater management. Due to no industrial processes being carried out on site, there is limited opportunity for stormwater reuse on the site.
6.8.12 – Fencing	A security fence proposed on a front lot boundary shall be setback 1.5 metres from the front lot boundary and landscaping shall be established and maintained between these lines to the satisfaction of Council.	The proposed security fence will be of black PVC chainmesh and will be setback 10 metres from the front lot boundary behind a landscaped buffer area.
6.8.13 – Private Utility	Not Applicable	Not applicable.

City of Kwinana Local Planning Policies

The proposed development complies with the requirements of both the *Development within the Cockburn Sound Catchment, and Development within Industrial Zones* local planning policies.

With respect to Local Planning Policy (LPP) – *Development within the Cockburn Sound Catchment*, the proposal is unlikely to generate large volumes of waste water from the processes carried out within the facility. In this regard however, the proponent is required to capture all stormwater and dispose of it within the boundaries of the site, and all wastewater from ablution and plant / vehicle wash down facilities will be required to be connected to an appropriate treatment system.

With regard to the provisions of LPP – *Development within the Industrial Zones*, the proposed development complies with all relevant requirements of this policy. The development is required to be connected to a nutrient retentive effluent disposal system which limits the amount of nutrient run-off from effluent disposal.

The proposed development complies with the requirements of Town Planning Scheme No.2 and its Policies. The development is considered appropriate for the intent and policy objectives for the General Industry Zone and recommended for approval subject to appropriate conditions.

Hazards and Societal Risk

The Fuel Depot use and storage of large volumes of flammable liquids and fuels generally contain an inherently high level of risk. However, with appropriate controls and measures put in place, the risk associated with such a development can be substantially reduced. The applicant appointed consultant firm ACOR to undertake a Preliminary Hazard Analysis (PHA) for the development. The PHA account for all the material stored on site and assesses this for risk and hazards against a number of criteria in a quantitative manner. The PHA models a number of identified scenarios (ie tank rupture, pipe rupture, tank spill from over pressure / filling, general equipment failure, pool fires, vapour cloud explosions) against the likelihood of such events occurring. These events are then graphed and contoured against a set of acceptable criteria to demonstrate the level of risk associated with the development.

The prevention of the occurrence of each of the identified scenarios, and the mitigation of the potential consequences, is essential to the safe operation of the development. Measures are put in place to prevent and mitigate the risk from the hazard scenarios and are referred to as 'controls'. The management of the risk, from each of the identified Hazard Scenarios, is from a combination of design integrity controls and operation integrity controls.

Design integrity controls are put in place during the planning and design process, and include controls such as the physical separation of the tanks to the assets, spill containment and bunds, isolation valves, and equipment specification. Operation integrity controls include procedures and standards for the maintenance and operation of the facilities, pipeline inspection and testing procedures, tank inspection procedures, road tanker driver training and emergency response procedures.

The depot will have additional controls, such as security cameras around the site that will operate 24 hours a day, 7 days a week, enabling a quick response to an event, if an event occurs. The transfer pumps will be designed and built to Australian standards. Additional controls, such as temperature transmitters, may be installed to prevent pumps from overheating.

The most sensitive land users adjacent to the development are Wells Park (recreational area), Commercial premises and the BHP Billiton Nickel West Refinery. Risk transect slices were selected through the parts of the fuel depot that were considered high risk and/or congested with equipment. The risk acceptance criterion for Wells Park is 1×10^{-5} (10 in a million) fatalities per year. The risk transect slices indicate that the potential events at the fuel depot do not exceed the risk criteria for an active open space. Risk transects towards the commercial premises and the BHP Billiton Nickel West Refinery were also selected. The risk acceptance criterion for commercial premises is 5×10^{-6} (5 in a million) fatalities per year. The calculated risk for potential events that could affect the commercial premises resulted in a risk well

below the risk criterion. The risk contours plan is shown as Attachment 3 to this report.

It is considered that with the proposed measures and controls put in place the development meets the acceptable risk criteria levels. The development will be subject to licensing and dangerous goods legislation controlled by the Department of Mines and Petroleum.

Traffic and Transport Considerations

Traffic consultancy firm SKM prepared a Transport Statement for the development. The report assessed the accessibility of the development site and the potential impacts of the development related traffic on the local road network.

A sweep path analysis of the site was undertaken using a 25 metre B-Double truck. The analysis showed that the site accesses and internal circulation could be safely negotiated by B-Double truck sized vehicles. In terms of traffic impact, Kwinana Beach Road currently operates with low traffic volumes along the stretch of road adjacent to the site's accesses. The traffic impact analysis presented in the traffic report focussed on the operation of the Patterson Road/ Kwinana Beach Road signalised intersection, as the majority of trips associated with the development are likely to pass through this intersection.

The depot is proposed to be run 24 hours a day, with access to the depot and loading gantry facilities being provided to approved vehicles. It is predicted that the development will generate up to 16 truck movements per hour between the peak loading periods of 5:00-10:00 and 16:00-18:00. SKM argue that the traffic volumes generated are considered to be acceptable for an industrial development. During construction it is expected that up to 150 employees will be on site undertaking the works, however once completed the depot operations is expected to employ 25 staff.

SIDRA analysis of the intersection has shown that development traffic is not likely to significantly increase delay at the intersection in the AM and PM peak hours. It can therefore be concluded that the proposed development is suitable in terms of vehicle accessibility and that development traffic is unlikely to have a detrimental impact on the operation of the local road network.

The City of Kwinana's Engineering Staff have assessed the application and question the location of the entry crossover located on the 90 degree bend of Kwinana Beach Road. The City's Engineering Staff have considered that the construction of the crossover in this location has the potential to raise a number of traffic concerns regarding road user safety and awareness. These traffic concerns can be addressed to ensure that both road users and the development can operate safely. As such a condition has been recommended on the approval requiring the submission of additional information demonstrating how the crossover and road environment will be treated to ensure a high level of safety and awareness to road users. Should the safety of the crossover not be demonstrated, then the relocation of this crossover further to the west on Kwinana Beach Road will be required.

<u>Noise</u>

Noise emissions from the Puma Energy Kwinana Petroleum Import Facility need to comply with the requirements of the *Environmental Protection (Noise) Regulations* 1997. Acoustic consultants Herring Storer were engaged to undertake an acoustic

assessment of the operations to determine whether the noise emissions generated 'on site' are within the acceptable limits.

As the facility is proposed to operate 24 hours per day / 7 days per week, noise received at any residence needs to comply with the assigned night period noise level. Additionally, as the facility is located within the Kwinana Industrial Area, noise received at the neighbouring industrial premises needs to comply with the assigned noise level applicable at any time at the boundary of the neighbouring industrial premises.

The acoustic report has determined that noise levels from the development received at the neighbouring residence located outside the Kwinana Industrial Area (determined to be in the worst case location) is less than 20 dB(A). Therefore, noise received at the neighbouring residence would be deemed to comply with the requirements of the Environmental Protection (Noise) Regulations 1997. Additionally the report identifies that, at this noise level, noise emissions from the facility would not contain any annoying characteristics and would also be considered as not significantly contributing to the noise received at these residences.

Noise received at the neighbouring industrial premises has in the worst case location been calculated at 58 dB(A). Thus even with the addition of a +5 dB(A) penalty for a tonal component, noise received at the neighbouring industrial premises would comply with the current assigned noise level of 65 dB(A).

Noise levels generated from the KIA have reached levels where they are impacting on the surrounding residential areas within Medina and Calista. In this regard, the City of Kwinana and the Kwinana Industries Council (KIC) have an agreement that noise levels generated from the KIA will continue to be improved upon through redevelopment and upgrade to existing industry and new industry will be encouraged to reduce noise levels as far as possible. This is being monitored by the City in assessing new applications for development and by the KIC through their cumulative noise model for the industrial area.

It has also been advised that the proponent liaise with the KIC for inclusion of their noise report into the KIA cumulative noise model.

Waste Disposal

The effluent generated on the site is required to be treated via a nutrient retentive effluent disposal system. It has been proposed and also required via a condition of approval that the development be connected to such a system.

It is intended that all stormwater from building and paved areas on site will be collected, treated and piped to a number of drainage sumps across the site.

Climate Change and Sea Level Rise

The objectives of the WAPC State Planning Policy 2.6 State Coastal Planning and associated Position Statement requires that the location of coastal facilities and development takes into account coastal processes including erosion and sea level change and biophysical criteria.

The Department of Transport's Sea Level Change in Western Australia – Application to Coastal Planning Report (February 2010) recommends for planning timeframes

beyond 100 years that a vertical sea level rise of 0.01 m/year be added to 0.9m for every year beyond 2110. Under the WAPC Position Statement, for new development on a sandy coast the impact of this increase in vertical sea level rise value from 0.38 to 0.9m will result in an increased horizontal setback of 52m, increasing the total setback for the general guide from 100m to 150m.

The proposed development has a horizontal separation from the water mark of approximately 500 metres. The development has been designed with a design storm tide level of 3.1 metres.

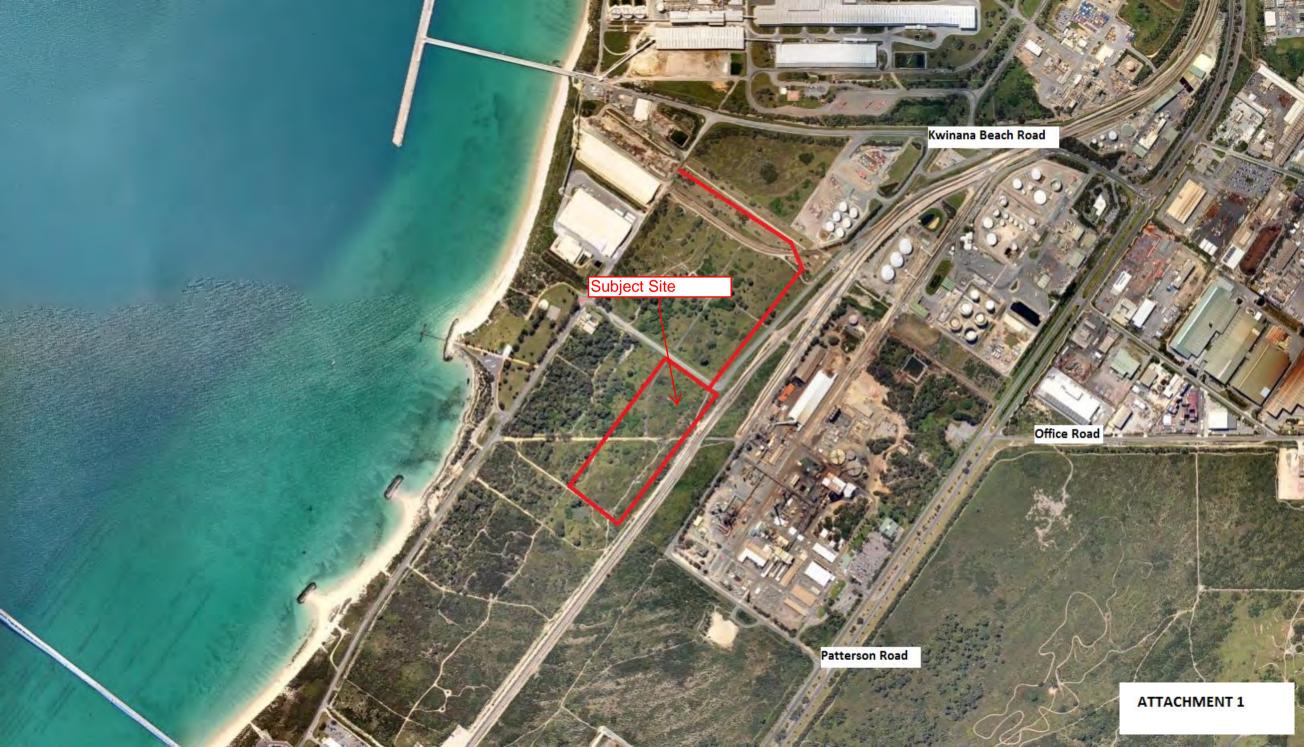
Contamination

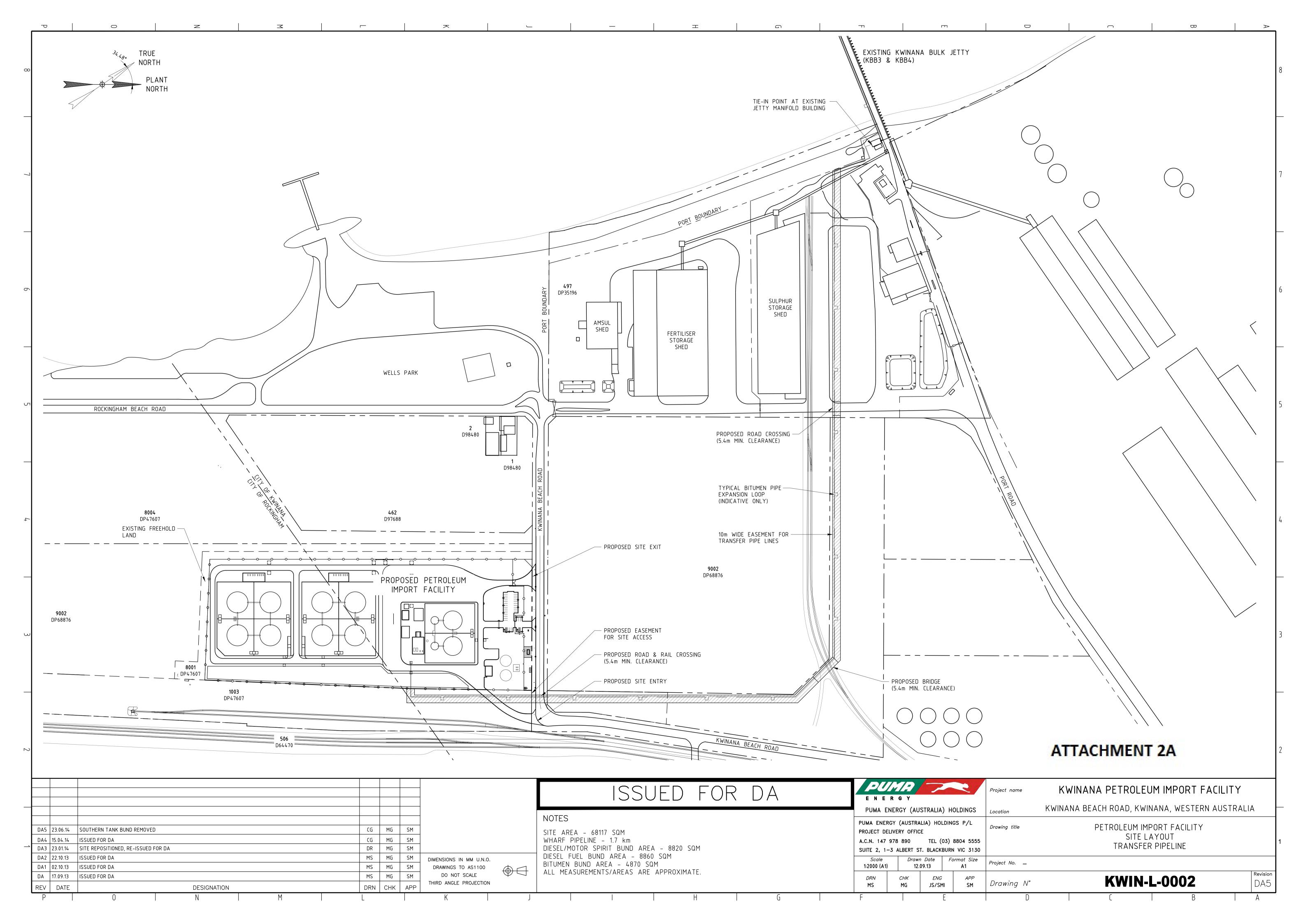
The subject site is a listed contaminated site under the provisions of the Contaminated Sites Act 2003, and has a memorial placed on the title advising of such. The DER has classified the land as *possibly contaminated – investigation required* under the Contaminated Sites Act 2003, and as such a memorial has been placed on the Certificate of Title for the subject land. The site was subject to a preliminary site investigation in 2008 and indicated that potential Asbestos Containing Material from fly tipping was removed from the site in 2006. The DER reported however, that evidence to confirm whether the remedial works undertaken in 2006 were successful in removing all asbestos materials is yet to be submitted or confirmed.

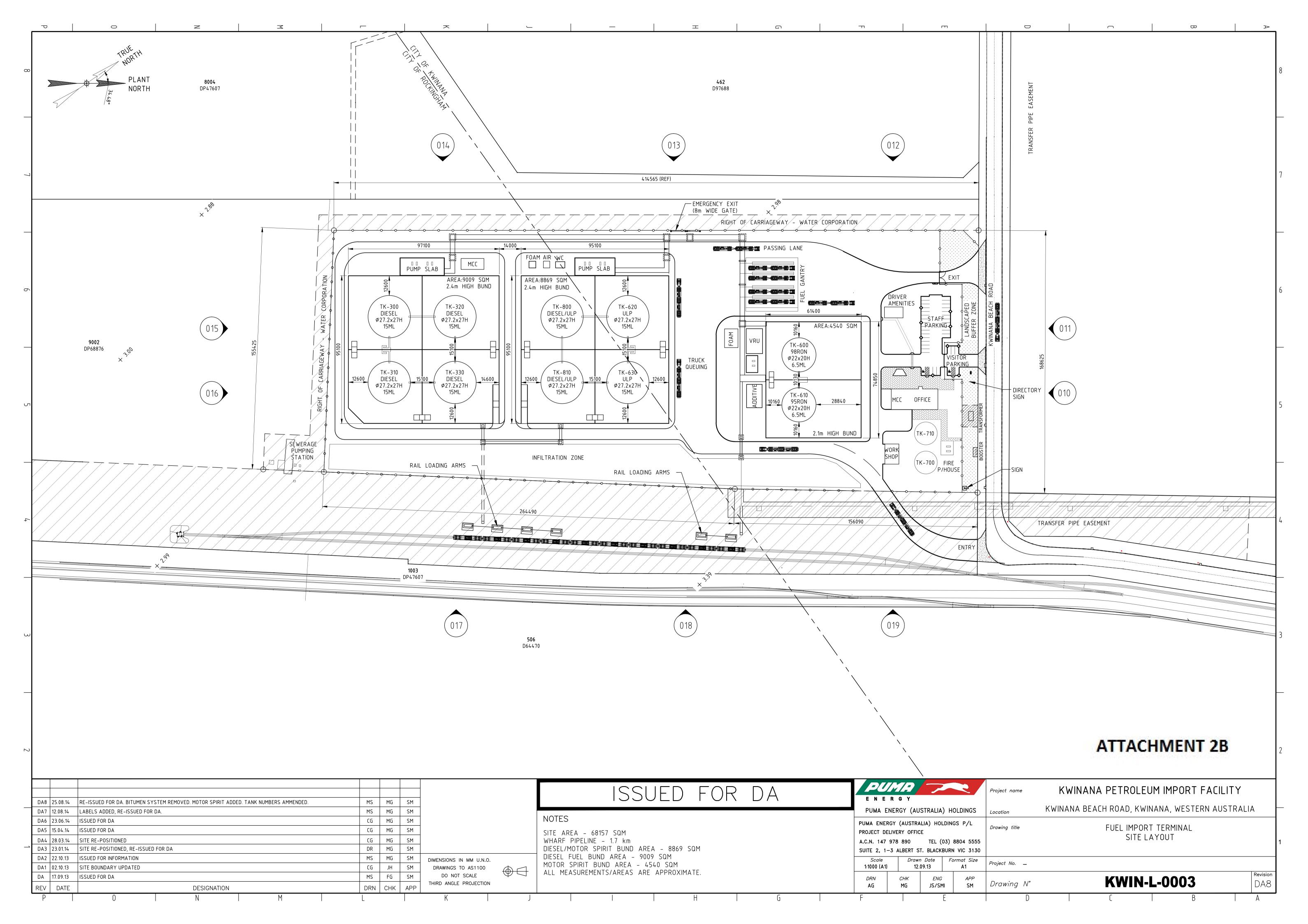
The DER have concluded that the site is capable of supporting the proposed development, however should be required to prepare an Asbestos Management Plan to address the potential risks to site workers during the construction period. Subject to the preparation and submission of the abovementioned management plan the DER would not recommend any contaminated sites related conditions.

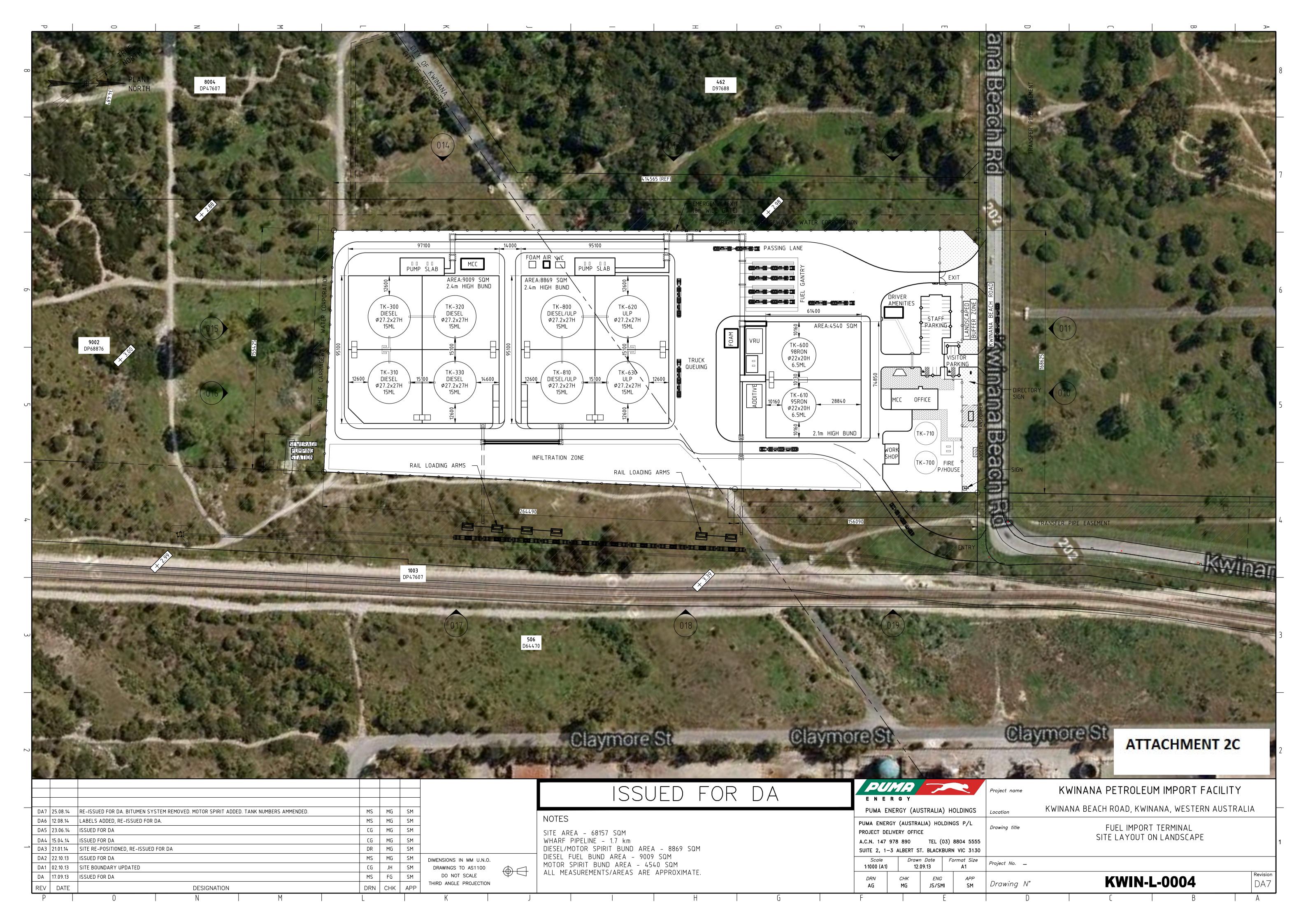
Conclusion:

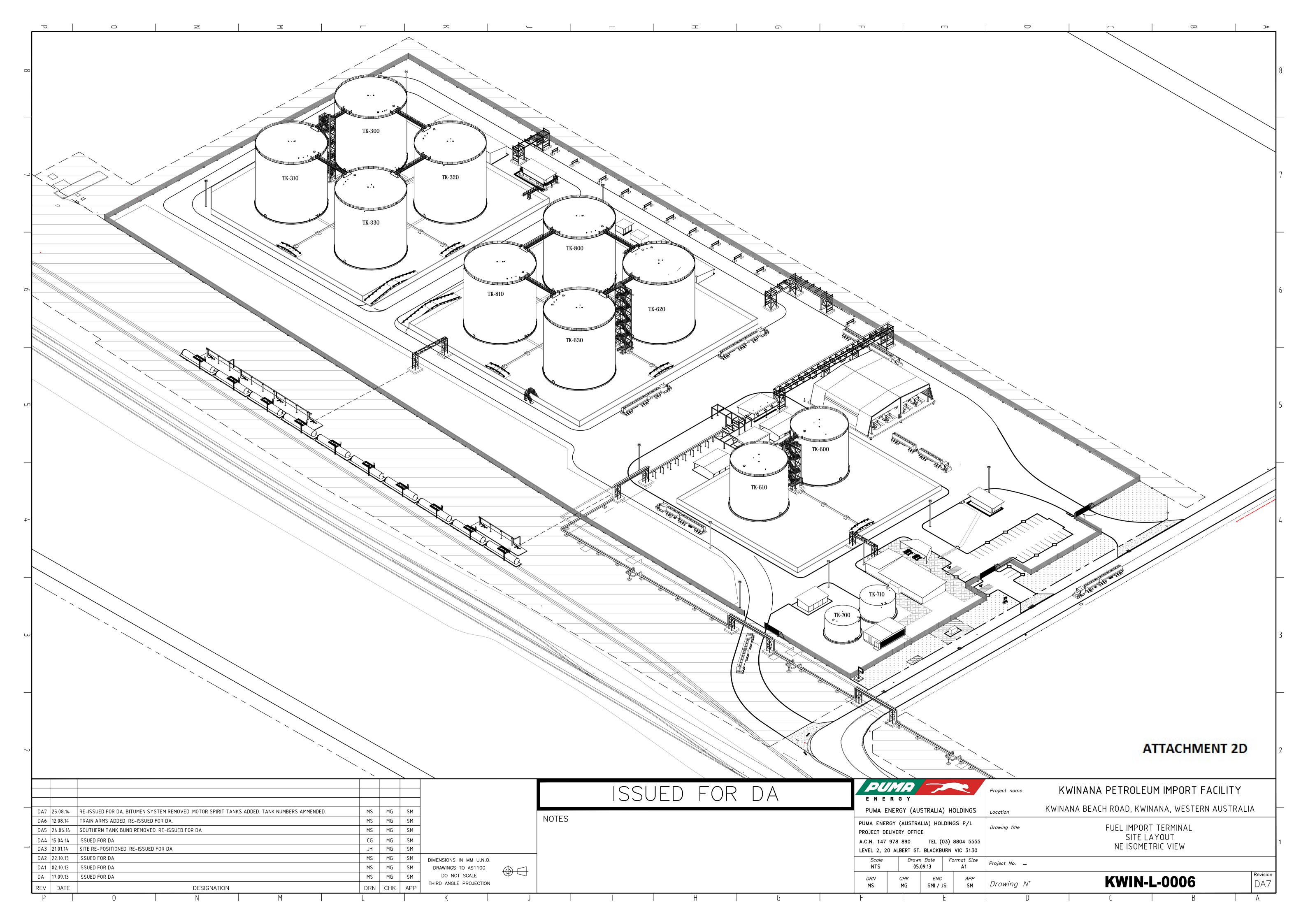
Upon assessment of the development against the objectives and requirements of Town Planning Scheme No.2, it is considered that the application can be approved subject to conditions. The development complies with the requirements of Town Planning Scheme No.2 and represents effective use of currently underutilised industrial land within KIA.

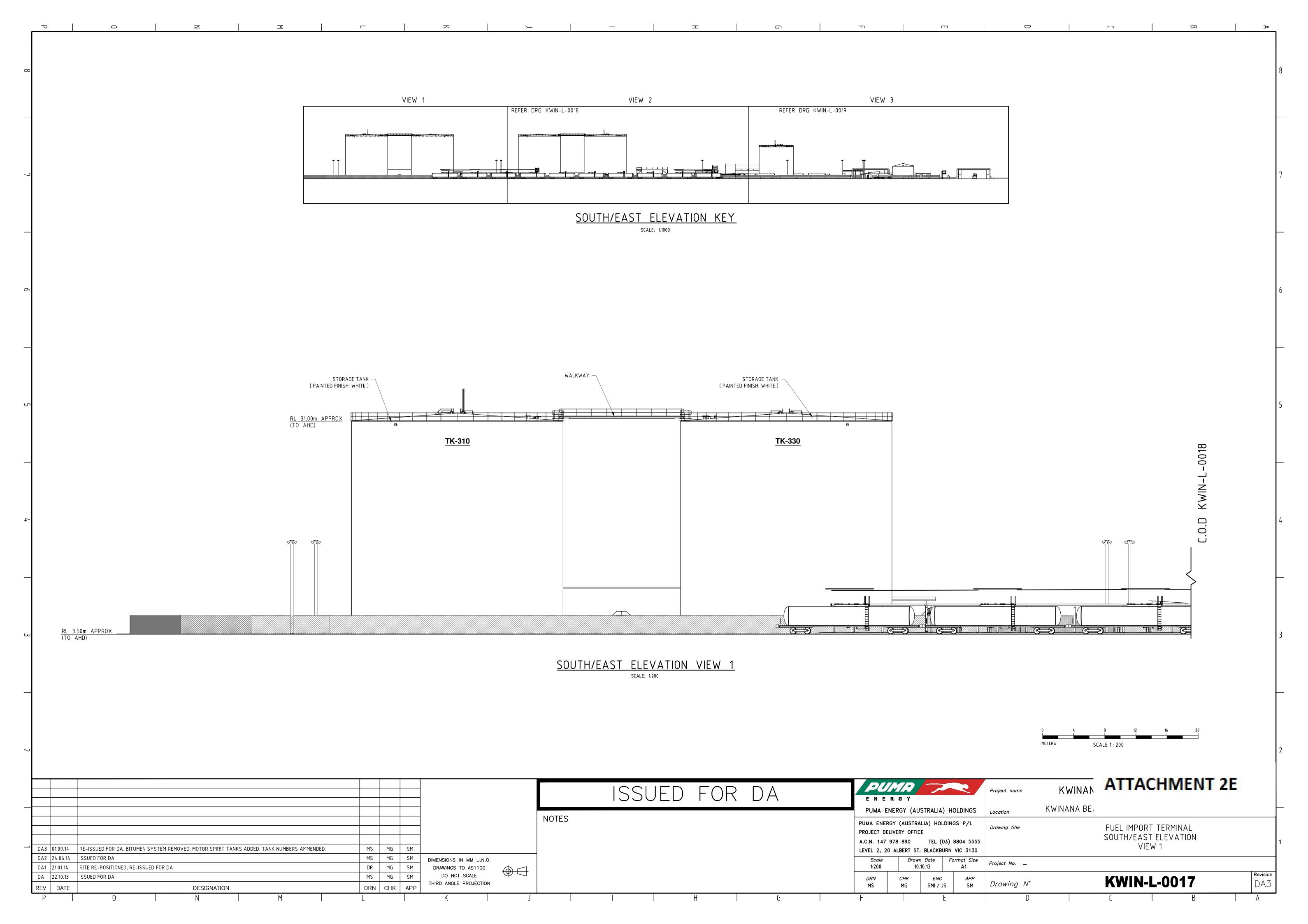


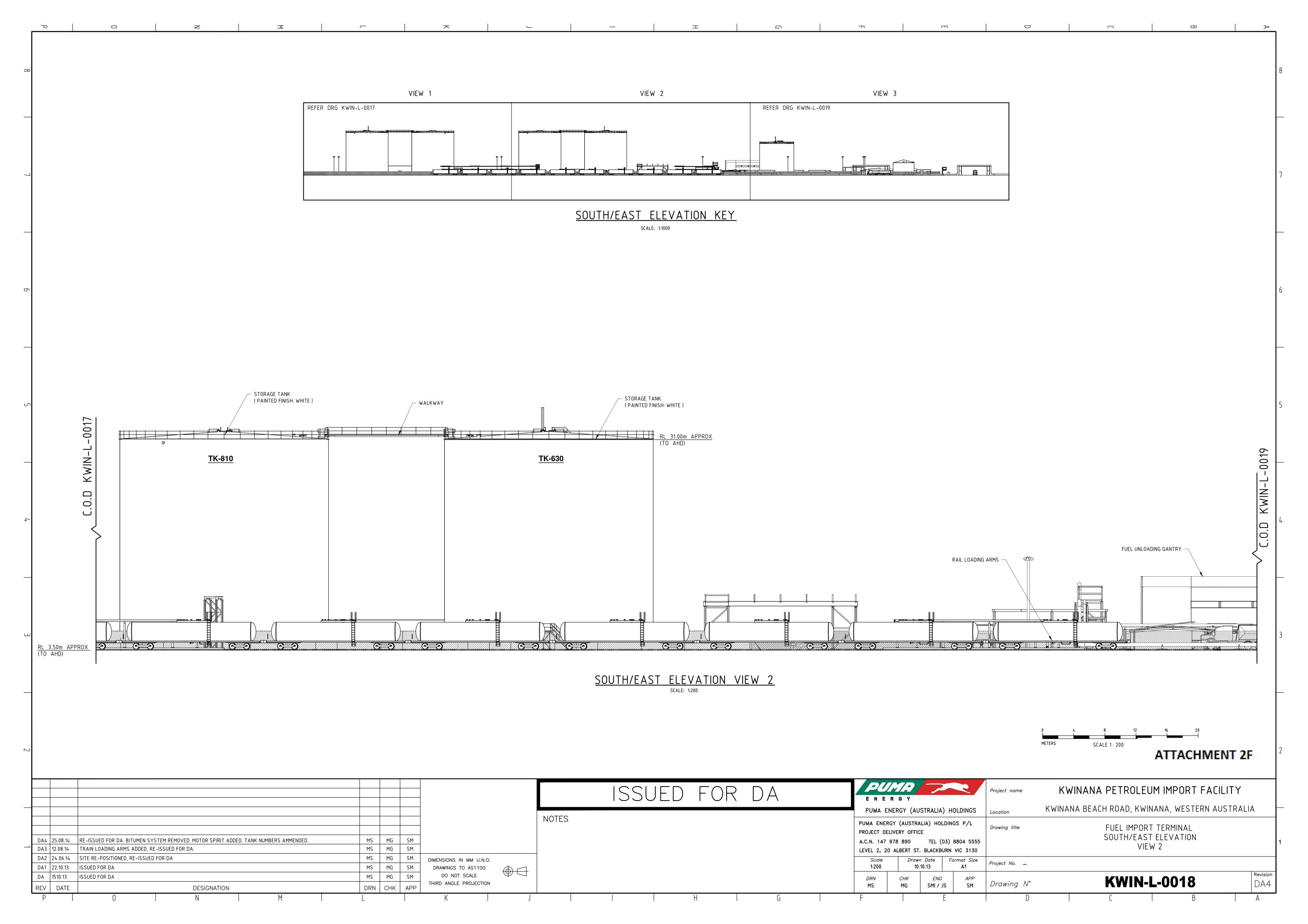


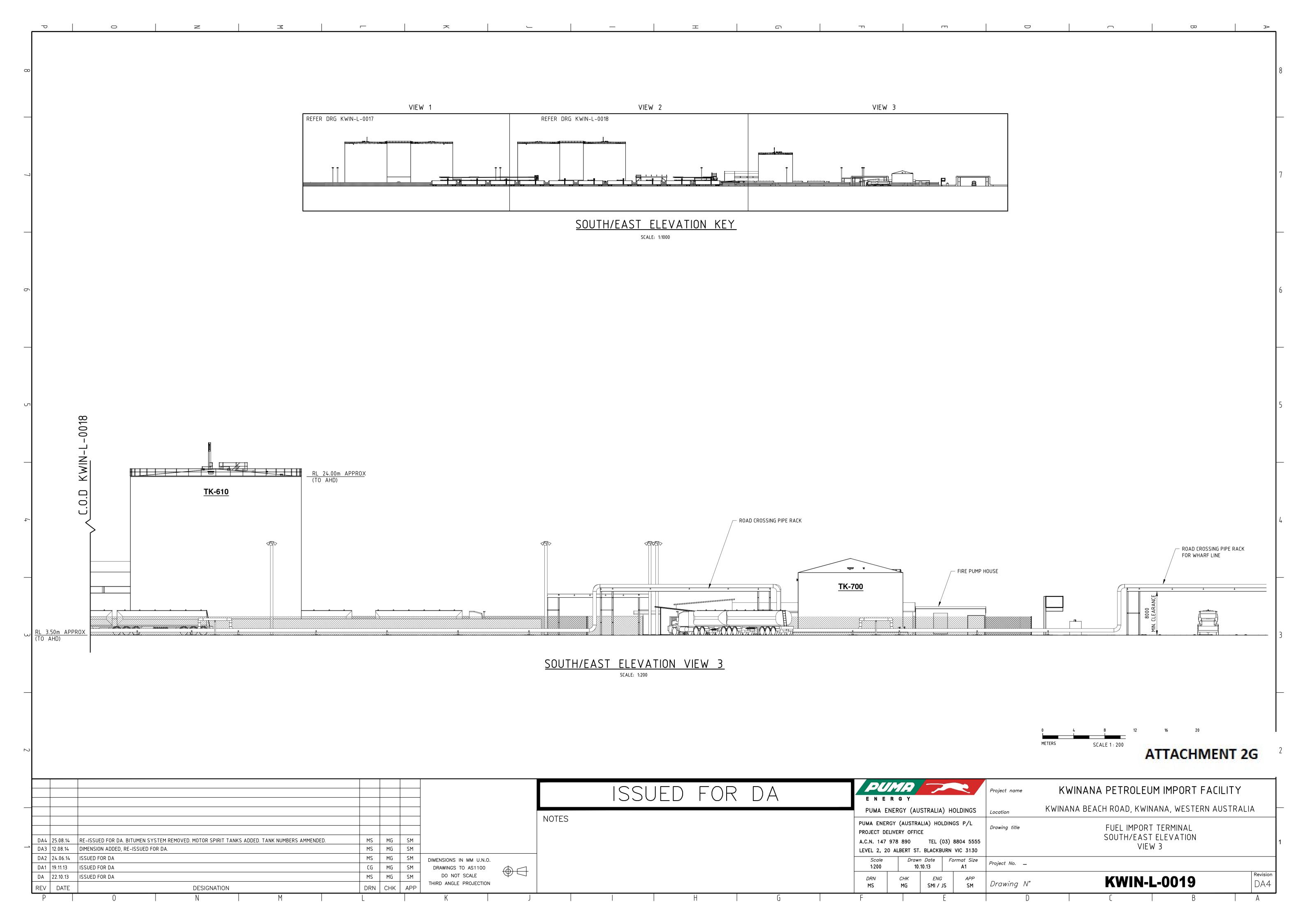


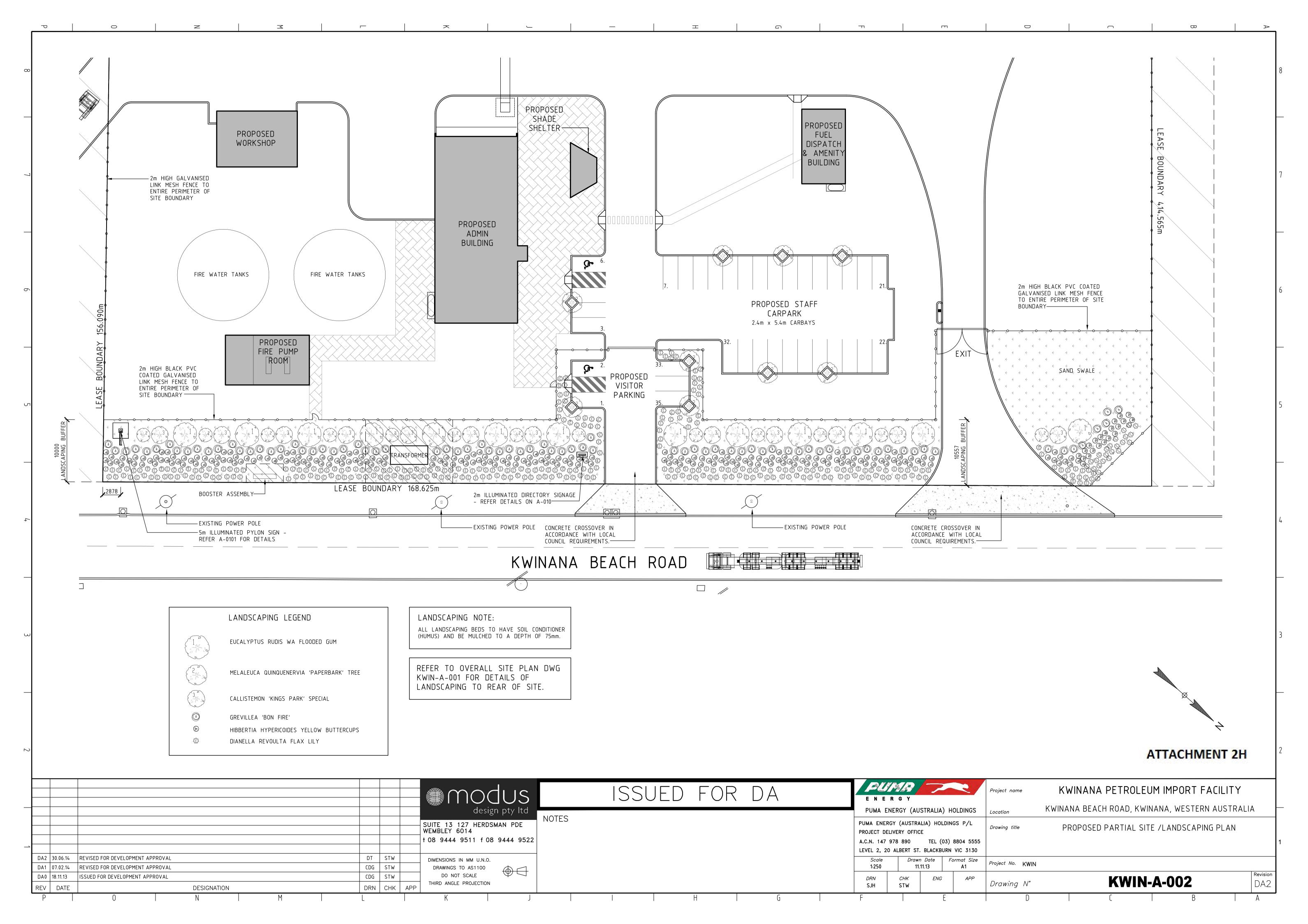


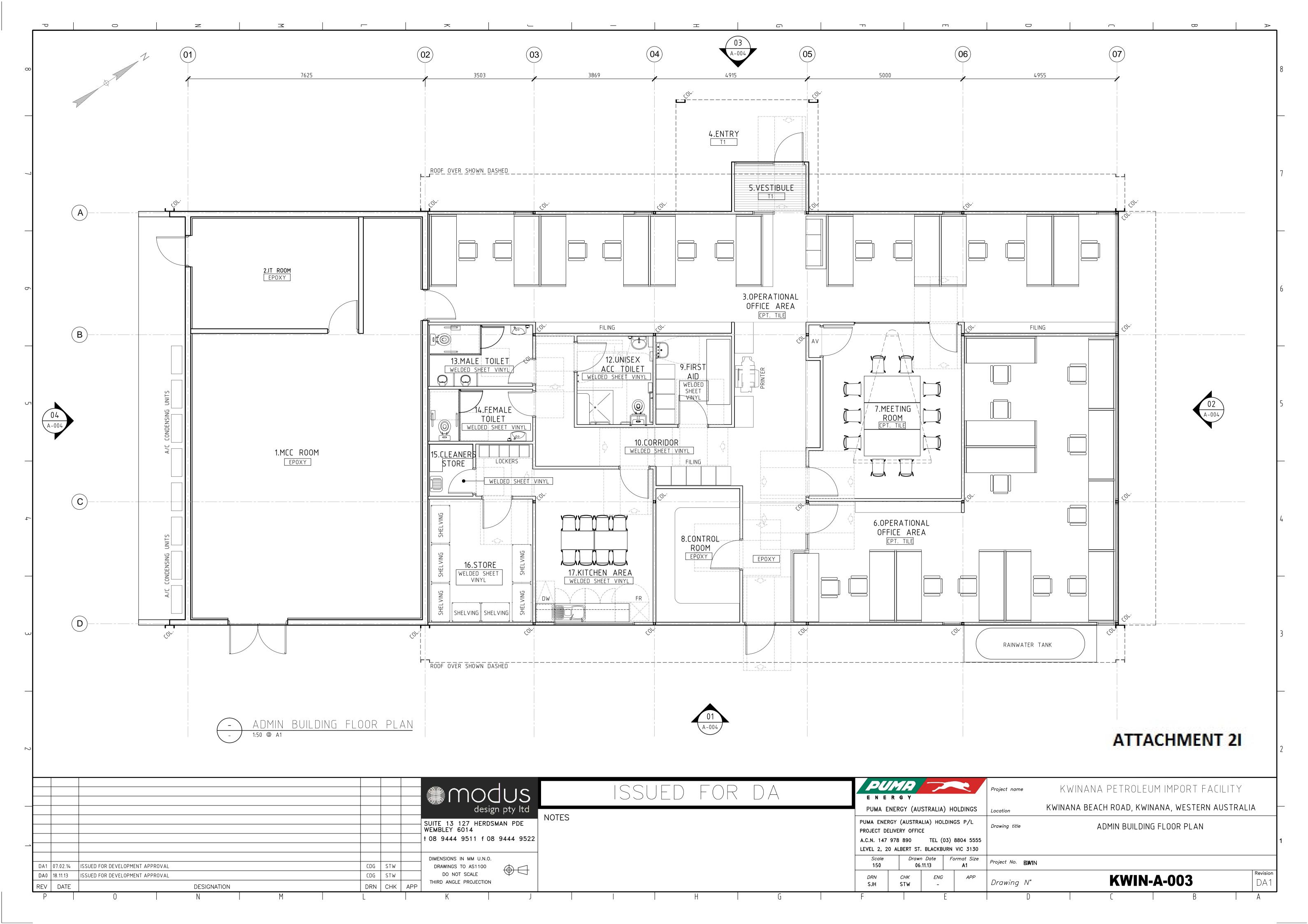


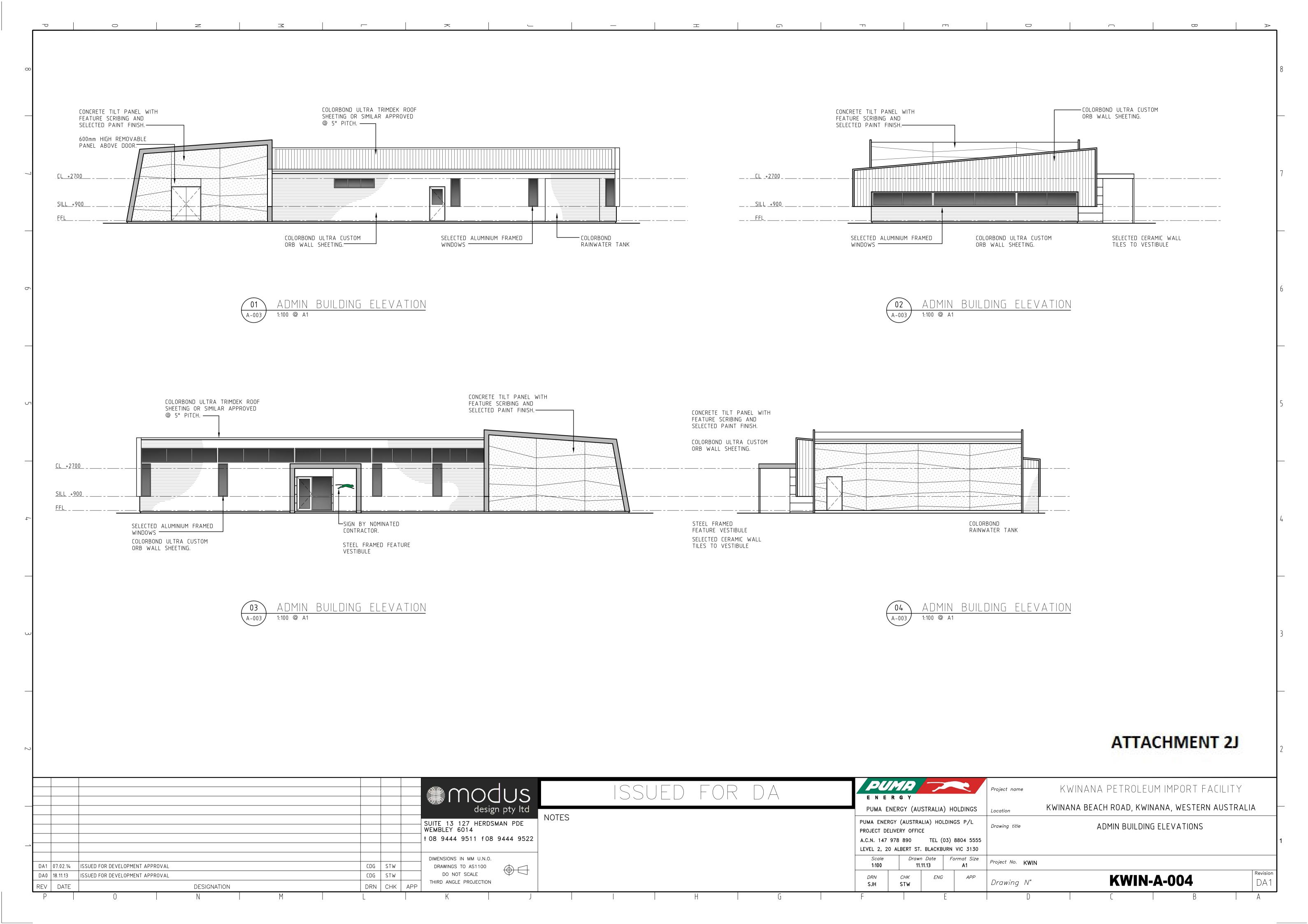


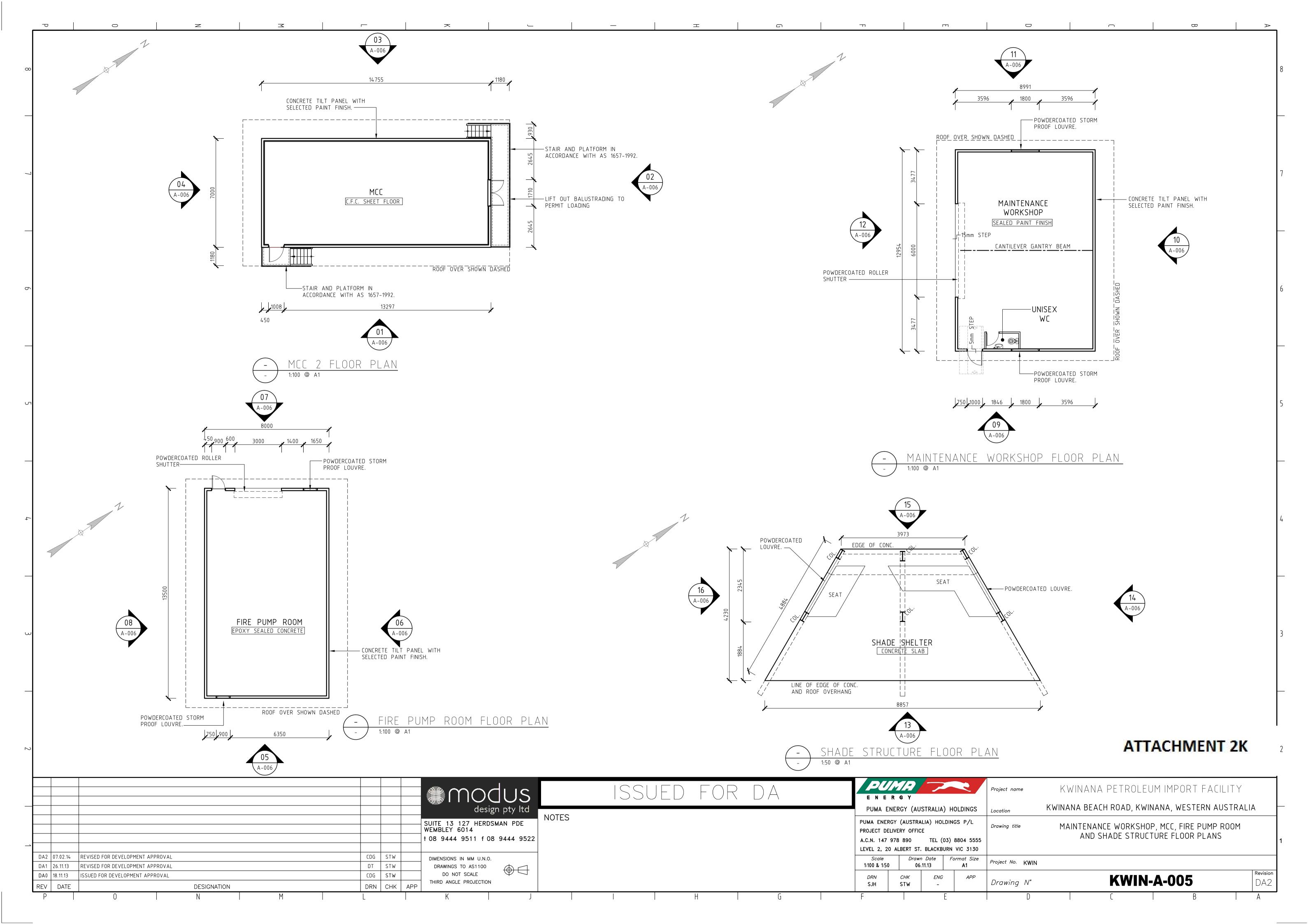


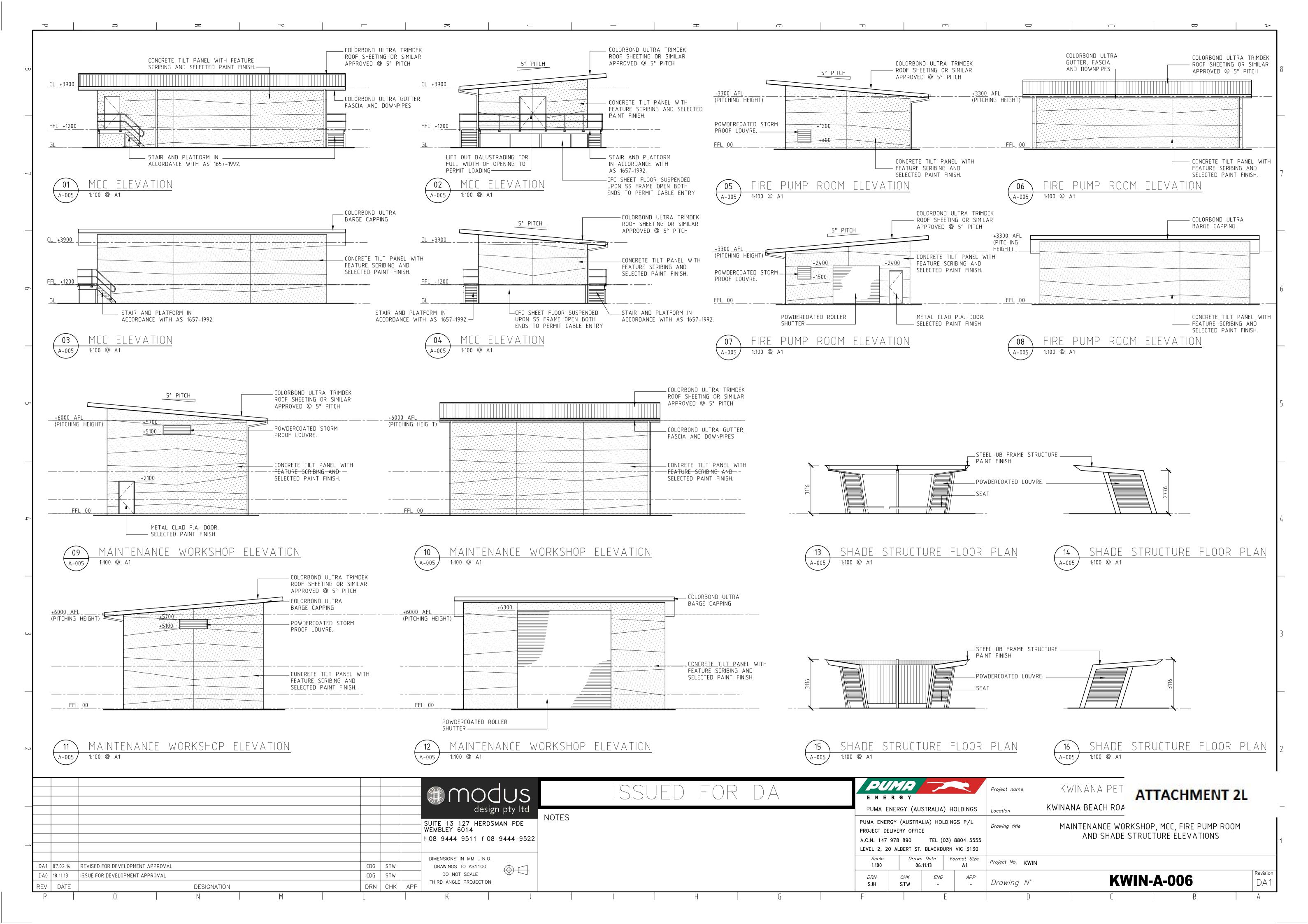


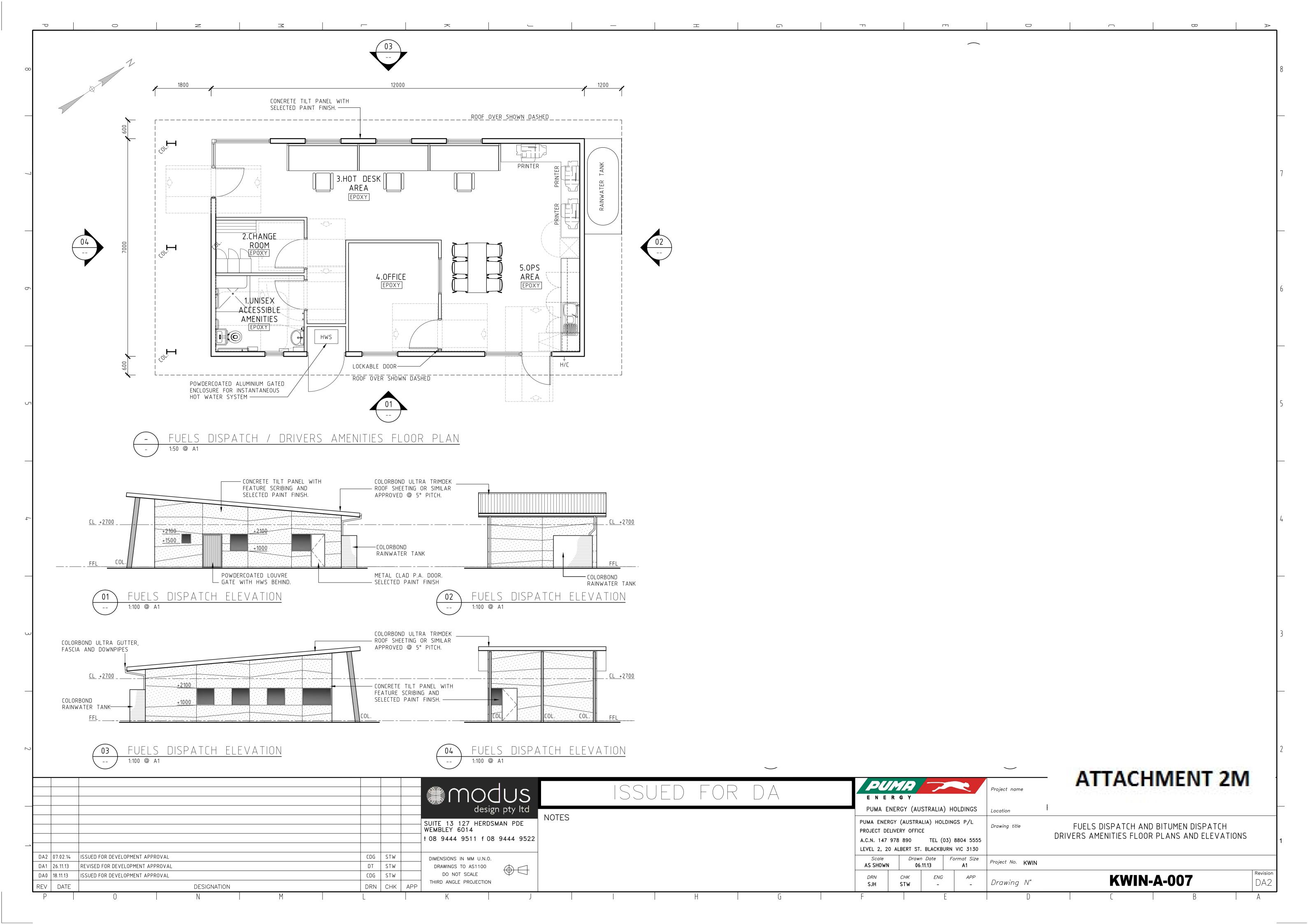


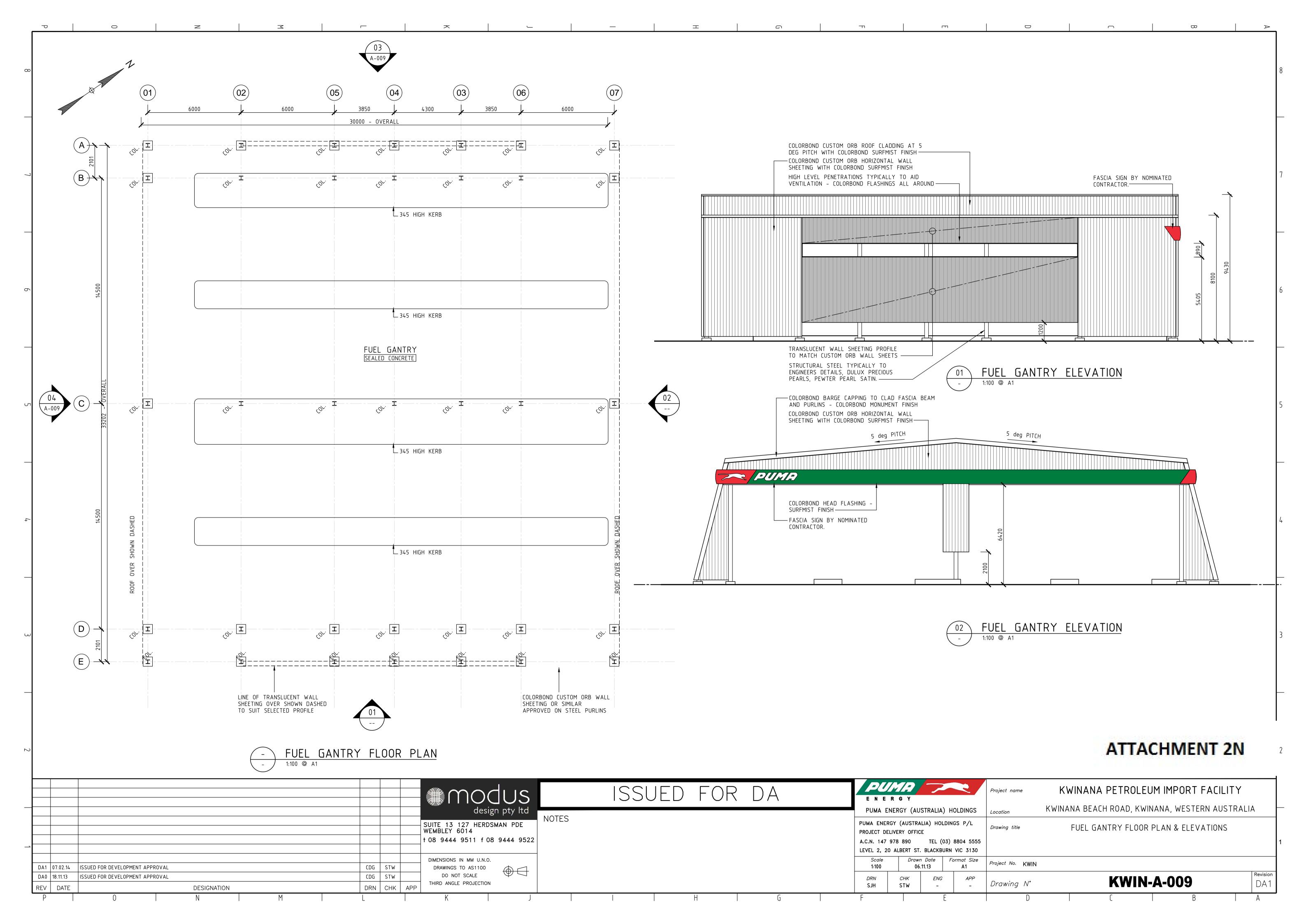


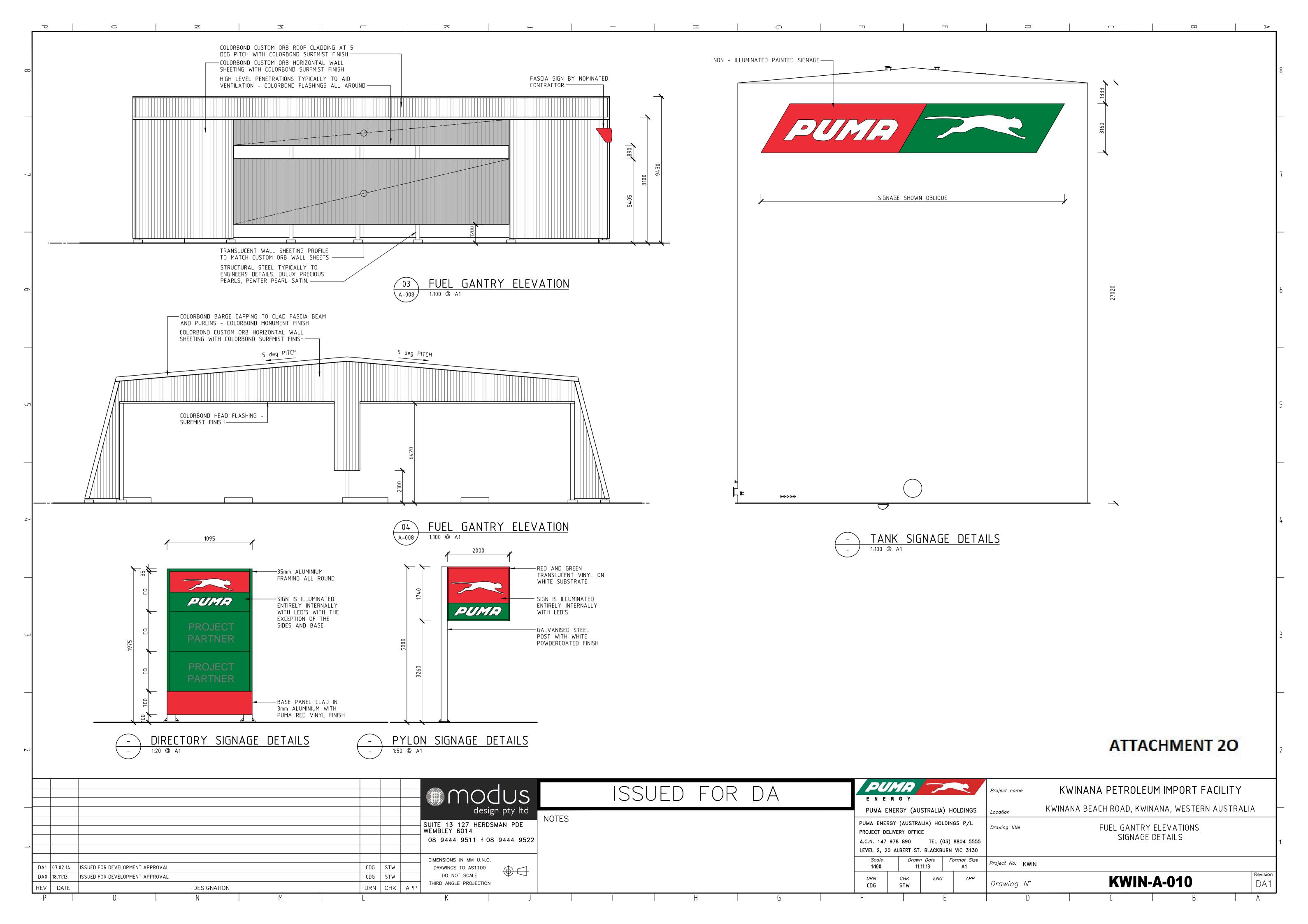


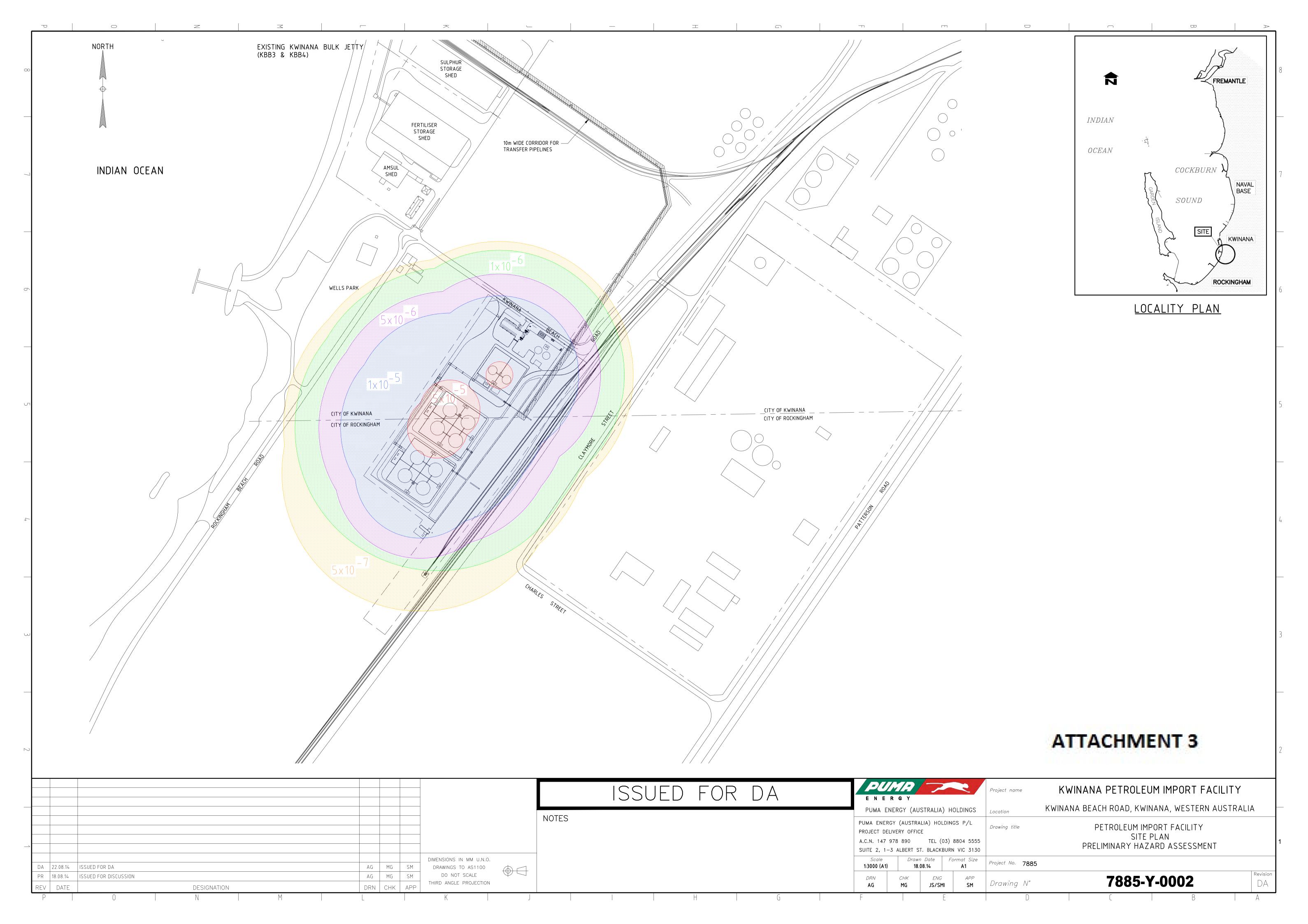














Your ref 20.2014.263.1-AD14/164565

Our ref DEC8414 DMO3761

Enquiries Justin Ritchie
Phone 9333 7579

Fax 9333 7575

Email Justin.Ritchie@der.wa.gov.au

Erika Barton Projects Officer City of Rickingham PO Box 2142 ROCKINGHAM DC WA 6967

Dear Ms Barton

RE: PROPOSED FUEL DEPOT - LOTS 1003 AND 9002 PATTERSON ROAD, EAST ROCKINGHAM

The Department of Environment Regulation (DER) has reviewed the information submitted in regard to the proposed development of the above-mentioned lots.

As per the requirements under section 58(6) (a) and (b) of the *Contaminated Sites Act 2003* (CS Act), advice is required in regard to the suitability of the land for the proposed development. DER understands that both of these lots span the boundary of the City of Rockingham and the City of Kwinana and are zoned "General Industrial" under both the City of Rockingham and the City of Kwinana, and as "Special Industrial" under the Metropolitan Regional Scheme.

Under the CS Act, the Department of Environment and Conservation (DEC) (predecessor agency to DER) classified land at Lot 1003 on Plan 47607 and Lot 9002 on Plan 68876, as shown on Certificates of Title 2616/976 and 2766/290 respectively, as *possibly contaminated – investigation required* on 18 June 2012 and a memorial (reference number L991334 ML) was placed on the Certificates of Title.

The site was subject to a Preliminary Site Investigation undertaken in 2008. The investigation indicated that potential Asbestos Containing Material from fly tipping was removed from the site in 2006. However, evidence that the remedial works were successful is yet to be submitted to DER.

DER notes that the portions of Lots 1003 and 9002 are proposed to be used for a corridor realignment. As the site may contain remnant asbestos containing materials, DER recommends that an asbestos management plan to address the potential risks to site workers is created in accordance with the 'Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)]' (National Occupational Health and Safety Commission, April 2005).

Provided a management plan is created to address potential asbestos containing materials remaining on Lots 1003 and 9002, DER has no objections to the proposed development and does not recommend contaminated sites related conditions for the development.

Page 1 of 2

If you have any further queries regarding this matter please do not hesitate to contact Justin Ritchie, Contaminated Sites Officer, on 9333 7579.

Yours sincerely

Andrew Miller

ACTING SENIOR MANAGER CONTAMINATED SITES

Delegated Officer under section 91 of the Contaminated Sites Act 2003

3 September 2014

C.C.

Land Use Planning Coordinator

City of Kwinana

Attachment 1: Map of development area



Form 1 - Responsible Authority Report

(Regulation 12)

Application Details:	Partial Demolition of a Heritage Dwelling &	
	Construction of 19 Multiple Dwellings	
Property Location:	10 Lot 4) Edeline Street Spearwood	
DAP Name:	Metro South-West JDAP	
Applicant:	TPG Town Planning & Urban Design	
Owner:	Red Beetle Investments Pty Ltd	
LG Reference:	2201373 & DAP14/015	
Responsible Authority:	City of Cockburn	
Authorising Officer:	Troy Cappellucci	
	Acting Co-ordinator – Statutory Planning	
Application No and File No:	DAP/14/00634	
Report Date:	12/11/2014	
Application Receipt Date:	26/09/2014	
Application Process Days:	46	
Attachment(s):	 Title page 	
	Survey plan	
	Landscaping plan	
	4. Floor plans	
	Ground floor plans	
	Upper floor plans	
	7. Elevations	
	8. Internal elevations	
	Street elevation perspective	
	Verge parking plan	
	11. Schedule of submissions	
	12. Palassis Heritage Review	

Recommendation:

That the Metropolitan South West Joint Development Assessment Panel resolves to:

Approve the Development Assessment Panel Application (DAP14/015) and accompanying amended plans (dated received 25 September 2014) for the partial demolition of a heritage dwelling and construction of 19 multiple dwellings at No.10 Edeline Street, Spearwood, in accordance with Clause 10.3 of the City of Cockburn Town Planning Scheme No. 3, and the Metropolitan Region Scheme, subject to the following conditions and advice notes:

Conditions

- An archival record shall be submitted to and approved by the City for the place in accordance with the Heritage Council of Western Australia's 'Archival Recording of Heritage Places: Standard Brief and Standard Form (nonregistered places)', prior to the lodgement of a Demolition Permit with the City.
- 2. The submission of a detailed material, colours and finishes schedule for the development, to be provided to the City's satisfaction **prior to the**

- **submission of a Building Permit application** for the development. The details as agreed by the City are to be implemented in the development.
- 3. **Prior to the submission of a Building Permit application** for the dwellings, the submission of a revised 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) Verge treatments.
- 4. Landscaping is to be established and reticulated in accordance with the 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.
- 5. 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.
- 6. **Prior to the submission of a Building Permit application**, arrangements being made to the satisfaction of the Chief Executive Officer for the pro-rata developer contributions towards those items listed in the City of Cockburn Town Planning Scheme No. 3 for Development Contribution Area 13 Community Infrastructure.
- 7. The surface finish of the boundary walls abutting the adjoining lots is to be either face brick or rendered the same colour as the external appearance of the development to the satisfaction of the City. In all instances, the work is to be of a high standard.
- 8. Bicycle parking bays are to be designed to comply with Australian Standard 2890.3 within the designated bicycle parking area marked on the site plan. The development requires a total of 9 bicycle bays (7 for residents, 2 for visitors). Details of the bicycle parking shall be submitted to the City for assessment and approval **prior to lodgement of a Building Permit application**.
- 9. The proposed crossovers must be located and constructed in accordance with the City's requirements.
- 10. Prior to the initial occupation of the dwellings hereby approved, the parking bays, driveways and points of ingress and egress shall be sealed, kerbed, drained and line marked in accordance with the approved plans to the satisfaction of the City. Car parking and access driveways shall be designed, constructed and maintained to comply with AS2890.1 and provide for safe pedestrian movement, to the City's satisfaction.
- 11. The allocation of car parking bays to specific dwellings shall be reflected on any strata plan for the subject property to the City's satisfaction.

- 12. The required on-site residential visitor parking bays shown on the approved plans shall be clearly delineated (marked, signed) on-site, available for use within the development free of cost for the bona fide visitors of the occupants of the dwellings the subject of this approval, for the life of the development, and reflected as such on any strata plan as part of the common property of the strata scheme. No by-law pursuant to the Strata Titles Act 1985 shall be made that assigns any exclusive use of the visitor parking bays to any strata lot.
- 13. Walls, fences and landscape areas are to be truncated within 1.5 metres of where they adjoin vehicle access points, where a driveway and/or parking bay meets a public street or limited in height to 0.75.
- 14. All stormwater being contained and disposed of on-site to the satisfaction of the City.
- 15. The development site must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use.
- 16. The building must clearly display the street number/s.
- 17. Retaining wall(s) being constructed in accordance with a qualified Structural Engineer's design and a building permit being obtained prior to construction.
- 18. **Prior to the submission of a Building Permit application**, a Construction Management Plan is to be submitted to and approved by the City and all measures identified in the plan are to be implemented during the construction phase to the satisfaction of the City.
- 19. No building or construction related activities associated with this approval causing noise and/or inconvenience between the hours of 7.00pm to 7.00am, Monday to Saturday, and not at all on Sunday or Public Holidays (unless written approval of the City is issued).
- 20. Provisions identified in the Waste Management Plan approved by the City, dated received 26 June 2014, which include recycling measures and management of residential waste, shall be implemented and maintained thereafter to the satisfaction of the City.
- 21. A detailed Dust Management Plan shall be submitted to and approved by the City, prior to any works commencing on-site and compliance with the plan must be achieved at all times during construction.
- 22. The four (4) vehicle parking spaces identified within the Edeline Street verge area shall be sealed, kerbed, drained and line marked at the developer's cost in accordance with the approved plans and specifications certified by a suitably qualified practicing Engineer to the satisfaction of the City.
- 23. The existing tower associated with the heritage dwelling shall be maintained as per the plans submitted. **Prior to the submission of a Building Permit application**, detailed plans shall be submitted to and approved by the City showing details of the existing tower including the existing windows and red brick feature of the current tower being maintained, roofed and used as part of the development.

Footnotes

- 1. The application has been determined by the JDAP on the basis of the plans and information provided to the City for assessment.
- 2. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or with any requirements of the City of Cockburn Town Planning Scheme No. 3. Prior to commencement of any works associated with the development, a Building Permit is required.
- 3. Where the obligation for payment of developer contributions has been met by a previous approval, such as subdivision, Condition 6 will be deemed to have been complied with. The principles and administrative requirements for Development Contribution Plans are set out in Part 6.3 of the City of Cockburn's Town Planning Scheme No.3.
- 4. With regard to condition 2, the colour and materials for the front façade of the development and fencing, is to reflect the colour and materials of the heritage tower that is being retained on-site.
- 5. With regard to condition 7, the surface finish of the boundary walls of the adjoining lots should be to the satisfaction of the adjoining landowner and to be completed as part of the building permit. In the event of a dispute the boundary wall must be constructed with a clean or rendered finish to the satisfaction of the City.
- 6. With regard to Condition 10, the parking bay/s, driveway/s and points of ingress and egress are to be designed in accordance with the Australian Standard for Off-street Carparking (AS2890.1) and are to be constructed, drained and marked in accordance with the design and specifications certified by a suitably qualified practicing Engineer and are to be completed prior to the development being occupied and thereafter maintained to the satisfaction of the City.
- 7. With regard to condition 14, all stormwater drainage shall be designed in accordance with Australian Standard AS3500.
- 8. Outdoor lighting if required, particularly illuminating ground floor entries must be in accordance with the requirements of Australian Standard AS 4282-1997: 'Control of the Obtrusive of Outdoor Lighting'.
- 9. All toilets, ensuites and kitchen facilities in the development are to be provided with mechanical ventilation flued to the outside air, in accordance with the requirements of the Building Code of Australia, the Sewerage (Lighting, Ventilation and Construction) Regulations 1971, Australian Standard S1668.2-1991 "The use of mechanical ventilation for acceptable indoor air quality" and the City of Cockburn Health Local Laws 2000.
- 10. Where an approval has so lapsed, no development shall be carried out without further approval having first being sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the Development Assessment Panel Regulations 2011. If the development the subject of this

- approval is not substantially commenced within a period of two (2) years, the approval shall lapse and be of no further effect.
- 11. With regards to street numbering of this proposal, you are advised to contact the City's Strategic Planning team on 9411 3444 or email streetnumbers@cockburn.wa.gov.au to ensure that any street numbers used comply with the City's requirements. This should be done prior to any sales contracts being drawn up.

Background:

Insert Property Address:		10 (Lot 4) Edeline Street Spearwood
Insert Zoning	MRS:	Urban
	TPS:	R40
Insert Use Class:		Multiple Dwellings
Insert Strategy Policy:		APD 64 Heritage Conservation Design
		Guidelines
Insert Development Scheme:		City of Cockburn Town Planning Scheme No. 3
Insert Lot Size:		1879m ² (total)
Insert Existing Land Use:		Single storey dwelling
Value of Development:		\$3 million

The subject site is located in Edeline Street Spearwood, is 1879m² in area and contains an existing single storey limestone dwelling. The dwelling has a tiled roof and is located towards the rear of the lot (set back approximately 40m from the street). The property is included in the City's Local Government Inventory (LGI) due to its heritage significance. According to the LGI, the dwelling, known as Spearwood Presbytery (FMR) or Sumich House, was constructed circa 1912 and has aesthetic value through its distinctive architectural features and is associated with the Catholic Church in the district and with some well-known local families.

The dwelling floor plan is typical of the period and includes four rooms on each side of a central hallway surrounded by a wide verandah which has been partially enclosed to accommodate a kitchen, bathroom and laundry. The internal and external aspects of the dwelling appear to be in fair, mostly original, condition. The distinctive front tower on the front elevation includes a façade only and is in effect part of the front verandah. Gardens surrounding the dwelling have generally not been maintained.

The section of Edeline Street where the dwelling is located contains a variety of dwelling types constructed during different eras. These include original pre-and postwar cottages, single detached houses constructed in the 1960s, 70s and 80s, olderstyle grouped dwelling developments constructed in the 1970s and 80s (including a 20 unit site at No. 6 Edeline Street), older style apartment buildings (including a two storey block of 16 apartments at No.16) and new, more recently constructed grouped dwelling developments constructed as a result of the Phoenix Revitalisation strategy and associating recoding of the land. Besides the nearby old St Jeromes Church on the corner of Edeline Street and Rockingham Road and a dwelling on nearby Denham Street, there are no other buildings on the LGI surrounding or in close proximity to the subject site.

A proposal for full demolition of the existing heritage dwelling was referred to Council for determination at its ordinary meeting held on 10 October 2013 and was refused based on the following reasons:

- '1. The dwelling has significant social, cultural and historic value heritage to the local community.
- 2. The dwelling has distinctive architectural features which set it apart from other typical dwellings or similar style constructed in the area.
- 3. The dwelling contributes to the character of the streetscape and is a landmark building to the local community.'

The applicant subsequently lodged an application to the State Administrative Tribunal (SAT) for review of the above decision. During mediation, the applicant lodged a second planning application which proposed the same plans as this application which was also refused by Council at its meeting held on 14 August 2014. Mediation between the applicant and the City was therefore unsuccessful. The matter however did not proceed to a full hearing and eventually the application for review was withdrawn by the applicant.

Details: outline of development application

The proposal is for a partial demolition of the heritage dwelling (retaining the tower on the south west corner of the existing residence), and the construction of 19 multiple dwellings comprising two levels of residential apartments, with at-grade parking. The proposal specifically consists of:

- 14 x two bedroom dwellings;
- 5 x one bedroom dwellings;
- Dwellings range in size between 50m² and 89m² in area;
- 19 resident car parking bays and 7 visitor bays; and
- Retention of existing tower to be used as a sunroom without a roof.

Legislation & policy:

Legislation

The legislative framework and policy base providing for the assessment and determination of the subject application is as follows:

- City of Cockburn Town Planning Scheme No. 3 (TPS3). The application is to be determined in accordance with the provisions of Part 10 of the Scheme (Procedure for Dealing with Applications);
- The Residential Design Codes of Western Australia (R-Codes); and
- City of Cockburn Local Government Inventory (LGI).

Local Policies

Local Planning Policy APD64 'Heritage Conservation Design Guidelines' is applicable to this application as it applies to all places on the heritage list pursuant to TPS 3 and places on the LGI.

Consultation:

Public Consultation

Both previous planning applications which were refused by Council were advertised directly to those nearby landowners in accordance with Council's Town Planning Scheme No. 3, Clause 9.4. Given this JDAP application is exactly the same as a previous application lodged with the City for determination, no further advertising to directly affected landowners was conducted. During the consultation period, eight (8) submissions were received including seven (7) objections. In summary, the objections raised the following concerns:

- Proposal is totally against previous submission to retain the historic home and not have it demolished.
- Car parking is a concern as limited car bays provided and extra cars will be forced to park out on the street or other properties verges.
- Overcrowded development which does not retain the heritage listed home.
- Heritage Dwelling is icon of Spearwood and site should be retained to be dedicated to the pioneers of the area.
- Does not comply with plot ratio and as a result does not complement the current streetscape.
- A grouped dwelling would be more in keeping in the area than a multiple dwelling development.

While the objections from the adjoining landowners are noted, the key issues for consideration relate to the plot ratio retention of the existing heritage dwelling.

Consultation with other Agencies or Consultants

No consultation with any other agency or consultant has been conducted as it was not considered necessary. However, it should be noted that the City received notification that as a result of the original application for demolition of the heritage dwelling, the place was nominated to the State Heritage Office with respect to the Heritage of Western Australia Act 1990. A preliminary review of the place was considered at the 30 August 2013 meeting of the Heritage Council's Register Committee. The Committee resolved at this meeting that the place did not warrant inclusion on the State Heritage Register.

Planning assessment:

Zoning and Use

The subject site is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and Residential R40 under the City's Town Planning Scheme No.3 (TPS 3). Multiple dwellings are a 'D' use which means that "the use is not permitted unless the local government has exercised its discretion and has granted planning approval." Council therefore has the discretion to issue planning approval for the proposed development.

Residential Design Codes (R-Codes)

The proposal has been assessed against the relevant provisions of the R-Codes(part 6). The proposed development complies with the 'deemed to comply provisions' with the exception of the following:

- Plot Ratio: maximum plot ratio of 0.66 in lieu of the maximum deemed-to-comply plot ratio of 0.6 as per Part 6.1.1 'Building Size'; and
- Landscaping: maximum of 60% hard surface within the street setback area in lieu of the maximum deemed-to-comply hard surface of 50% as per Part 6.3.2 'Landscaping'.

The relevant provisions of the R-Codes are addressed below.

Plot Ratio - Clause 6.1.1 'Building Size'

The building size is required to be assessed against the relevant design principle which is:

'Development of the building is at a bulk and scale indicated in the local planning framework and is consistent with the existing or future desired built form of the locality'.

As discussed above, Edeline Street provides an eclectic mix of dwellings including single houses, grouped dwellings and multiple dwellings built over the last century. The recoding that occurred as part of the Phoenix Revitalisation Strategy to a medium density R40 code anticipated replacement of older-style single detached residences with medium density infill development which is close to established infrastructure, services and amenities. The proposed development of two levels is consistent with other dwellings in the vicinity and accords with Council's planning framework. The street includes many other examples of existing grouped dwellings and some multiple dwellings. Given the relatively large lot sizes and the recent R40 recoding, Edeline Street (and the surrounding area) is changing. Older-style detached dwellings are gradually being replaced with grouped and multiple dwellings to accommodate medium density infill targets. There are many recent approvals for other grouped and multiple dwelling developments in the street which are a similar bulk and scale to what is being proposed on this site. The proposal is two levels which is considered an appropriate scale in a suburban location. As such, the proposed plot ratio is considered to meet the design principle in relation to Building Size.

Landscaping – Clause 6.3.2 'Landscaping'

The relevant landscape provision regarding hard surfaces in the street setback area is required to be assessed against the relevant design principle which is:

'The space around the building is designed to allow for planting. Landscaping of the site is to be undertaken with appropriate planting, paving and other landscaping that:

- meets the needs of the residents:
- enhances security and safety for residents; and
- contributes to the streetscape.'

The design incorporates a balance between landscaping, a 6m wide vehicular access way to adequately accommodate vehicle access and egress, meter reading area, the entrance way of unit 3 and two visitor parking bays. The following design aspects are proposed to mitigate the amount of hard surface in the setback:

- increasing the landscaped strip between the edge of the visitors parking bay and the boundary; and
- using concrete grass planting tiles under the two car parking bays.

The amount of hard surface area in the street setback area is not considered significant when considering the overall landscaping plan proposed for the site. There is sufficient planted landscaped areas provided within the street setback area and verge, the landscaping proposed is deemed to comply with the above design principle.

<u>Heritage</u>

City of Cockburn Inventory

The City of Cockburn Local Government Inventory (LGI) identifies places within the City that have cultural heritage significance. The compilation of an LGI is a requirement of Clause 45 of the *Heritage of Western Australia Act 1990*. The existing dwelling on the site is place no. 57 and has a 'C – Significant management category which states that the place:

'Contributes to the heritage of the locality. Conservation of the place is desirable. Any alterations or extensions should be sympathetic to the heritage values of the place, and original fabric should be retained wherever feasible'.

The LGI states that the place is in 'good' condition and has 'high' authenticity and integrity. The LGI was updated and adopted in November 2012 and an annual review of the LGI was completed in September 2013. It should be noted that on both occasions there was no submissions or recommendations to elevate the management category of the subject place.

Local Planning Policy - APD64 'Heritage Conservation Design Guidelines'

The City's Local Planning Policy APD 64 applies to all places on the heritage list pursuant to TPS 3 and places on the LGI. Part 2 (Clause 2) of the policy states that the retention of a building is encouraged, however demolition may be supported, subject to the consideration of heritage significance together with other relevant planning issues. The policy also states that if demolition does occur then an archival record shall be prepared. Clearly, whether demolition of the dwelling is appropriate requires further consideration of the heritage significance of the place and relevant planning issues (discussed below).

Heritage Significance

The heritage significance of the existing dwelling was discussed in depth in the City's 10 October 2013 Council report on the subject site and included comment from Heritage experts engaged by the applicant and the City. Both experts indicated that demolition can be contemplated based on the Category C attached to the building.

The applicant engaged a suitably qualified heritage architect (Ronald Bodycoat) to provide an expert opinion in relation to the heritage significance of the property (Appendix C of the applicant's proposal). In summary Mr Bodycoats assessment states that:

- The place has little distinctive aesthetic value;
- The place does have historical value as a house originating from c.1912 but with only occasional use as a Presbytery for the local Roman Catholic Church:
- The place has some social heritage value for association with previous occupants;
- The place has little, if any scientific value providing no relevant new information regarding style, construction methods or materials;
- The place has little, if any scarcity value; the Federation Bungalow is common throughout suburban residential localities where subdivisions and residential development dates from around 1900;
- The place is in a deteriorated condition as a consequence of little if any maintenance over a long period of time;
- The place is a representative example of the Federation Bungalow architectural style, incorporating details which do not conform to that style;
- The place has medium only authenticity and integrity values derived from its current status.

In summary, Mr Bodycoat states that 'the place has little if any relevant cultural heritage significance'.

As the Ronald Bodycoat assessment was commissioned by the applicant, the City engaged Palassis Architects to provide an independent review of the Bodycoat assessment (Attachment 12).

The opinion of the Palassis Architect is that:

- the place has some distinctive architectural features that set it apart from the typical dwellings of similar style constructed it the area:
- The place has historic value as a cottage dating from the Federation period and for later, its association with the Catholic Church;
- The place has social value for its association with a number of well-known local families, and is of value to the current community as evidenced by opposition to its demolition;
- The place has little research value;
- The place may have rarity value if, as Mr Bodycoat states 'there are no surviving stone houses';
- The place appears to be in deteriorated condition but this does not detract from the stated values in the Local Government Inventory;
- The place has high integrity as it continues to be used in its original function as a residence;
- The place has moderate authenticity.

In conclusion, the Palassis Architect opinion, states that the place is of sufficient cultural heritage to warrant its inclusion on the Muncipal Inventory at its current level (C).

Palassis Architects have provided the City with an opinion that retention of the tower element is a better outcome than complete demolition however it is not an ideal heritage outcome but may acceptable compromise given the site's R40 coding and suitability for medium density development.

The applicant does not propose to alter the structure of the existing tower except for removal of foreign additions including the wall that fills the arch on the north side. The tower element is proposed to be used as a sunroom without a roof, free from wall and door additions with interpretive information detailing the history of the area, the heritage house and the reason for retaining this portion of the building. The interpretive information will be weather proofed and the visitors and residents that will be able to access the tower can sit on the benches that will be added inside the small space of the old tower.

It was suggested to the applicant by the City that the tower element becomes a more usable part of the development including a roof and secure door which could then have some function such as a bicycle store. However the applicants are opposed to any addition of any kind to the structure believing that this would detract from the character of the old tower as a landmark of the local community.

While the City's officers are generally supportive of using the tower for the purposes outlined above, the existing windows and red brick feature of the tower, which are strong elements, should remain along with provision of a roof. It is also suggested that the street elevation of the dwellings should be more sensitive and relate better to the tower element. This could be through the use of colours, finishes or materials. For example, the front fence or perhaps a front feature wall could be constructed of red brick or limestone which would complement the tower element and provide a visual link between the new buildings and the heritage tower.

Conclusion:

The proposal for partial demolition of the existing heritage dwelling and the construction of a two-storey multiple dwelling development consisting of a nineteen (19) dwellings has been assessed on its merits and is supported for the following reasons:

- 1. Full retention of the heritage dwelling is problematic due to the dwelling being located 40m from the front boundary, Council's rezoning of the lot to R40 to accommodate medium density development and the heritage management category which does not offer a high level of protection under the City's Town Planning Scheme.
- 2. Retention of the tower element of the existing dwelling is visible from the street and will reinforce the heritage significance of the former dwelling.
- 3. The proposal complies with the requirements of the Residential Design Codes.
- 4. The proposal is consistent with the State Government's Directions 2031 document which promotes density nearby designated activity centres.
- 5. The proposal achieves a good medium density development outcome and is consistent with the objectives of the City of Cockburn's Phoenix Revitalisation Strategy.

- 6. The proposal is considered to increase vibrancy and activity to the site which is currently underutilised.
- 7. The proposal will provide a housing type (apartments) which will add to a diversity of housing and residents in the area.
- 8. The proposal is considered to enhance surveillance of street.
- 9. No visual privacy issues are prevalent.
- 10. The bulk and scale of the building is consistent with other existing and recently approved developments along the street.
- 11. Traffic generated by the development is not considered excessive and shall be adequately accommodated within the existing road network and the car parking provided within the site which complies with the R-Codes requirements.

It is therefore recommended the Metro South-West Joint Development Assessment Panel resolve to approve the development application subject to conditions in accordance with the Clause 10.3 of the City's Town Planning Scheme No.3.

PROPOSED DEVELOPMENT

RESIDENTIAL DEVELOPMENT

THIS SITE IS ZONED R40 RESIDENTIAL. IT IS PROPOSED THAT THE SITE BE DEVELOPED R40 RESIDENTIAL, AS PER THE PROVISIONS OF THE CITY OF COCKBURN TPS3 FOR MULTI UNIT HOUSING CODES.

REQUIREMENTS

LOT SIZE 1,879m² - ZONED R40 PLOT RATIO 60% / 1,127.40m² OPEN SPACE 45% / 845.50m²

ACHIEVED

PLOT RATIO 66% PLOT RATIO AREA 1,239m² OPEN SPACE 807.63m2 / 43% **RESIDENT PARKING 1 PER UNIT VISITOR PARKING ON SITE & ON STREET** STORE ROOMS 1 PER UNIT BINS: 2 EVERY 3 UNITS = 14 **BICYCLE PARKING 6 RACKS**

TOTAL APARTMENTS: 19 2x2 BEDS 13 **2X1 BEDS 1** 1x1 BFD 5

PARKING: 19 CARS

VISITOR PARKING: 7 IN TOTAL 3 ON SITE & 4 ON THE VERGE

STORE ROOMS: 19 BINS: 14 BINS

BICYCLE PARKING: 6 RACKS

SETBACKS

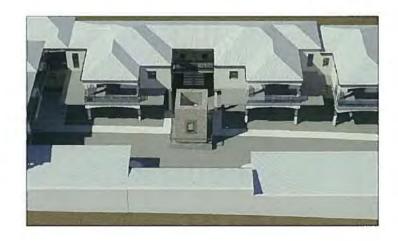
FRONT: 3.40m SIDE: VARIES

REAR: 1.0m GROUND FLOOR STORES -

2.3m UPPER FLOOR

BINS WILL BE COLLECTED FROM THE STREET. STRATA WILL EMPLOY A CARETAKER / CLEANER TO DELIVER BINS TO THE STREET AND RETURN THEM ONCE A WEEK.

Unit	Beds	Baths	sqm ext (m²)	Alfresco / Balcony (m²)	Courtyard / Outdoor (m²)	Storage Room (m²)	Car Parking (m²)	Total sqm (m²)
1	2	2	67	10	19	4	15	115
2	1	1	50	12		4	13	80
3	2	2	68	14	30	4	15	131
4	2	2	89	24	8	4	13	138
5	2	2	65	11	16	4	13	109
6	2	2	65	11	16	4	13	110
7	2	2	67	6	35	4	13	126
8	1	1	53	5	10	4	13	85
9	1	1	50	5	10	4	13	82
10	2	2	70	5	41	4	13	133
11	2	2	67	10		4	13	94
12	1	1	51	12		4	13	80
13	2	2	67	14		4	13	98
14	2	2	73	13	10	4	15	115
15	2	2	73	13	10	4	15	115
16	2	2	70	12		4	13	100
17	1	1	58	10		4	13	85
18	2	1	66	13		4	13	96
19	2	2	69	13		4	15	101
total	33	32	1239	215	203	77	257	1991

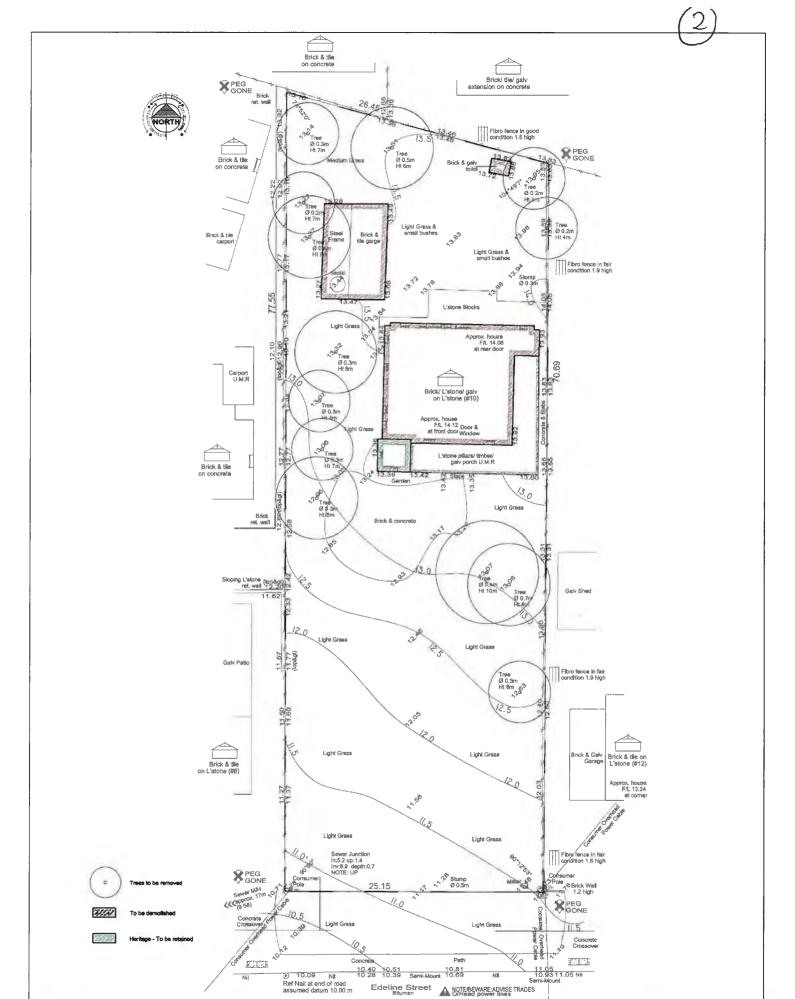


DRAWING LIST

- 01 TITLE PAGE
- 02 SURVEY
- 03 SITE PLAN LANSCAPING
- 04 FLOOR PLANS 1:200
- 05 GOUND FLOOR PLANS 1:100 GROUP (A)
- 06 GOUND FLOOR PLANS 1:100 GROUP (B)
- 07 GOUND FLOOR PLANS 1:100 GROUP (C)
- 08 UPPER FLOOR PLANS 1:100 GROUP (A)
- 09 UPPER FLOOR PLANS 1:100 GROUP (B)
- 10 UPPER FLOOR PLANS 1:100 GROUP (C)
- **11 ELEVATIONS 1:200**
- 12 INSIDE ELEVATIONS 1:200
- 13 STREET ELEVATION 1:100 3D RENDERINGS
- 14 VERGE PARKING DETAIL 1:100



Sheet Number



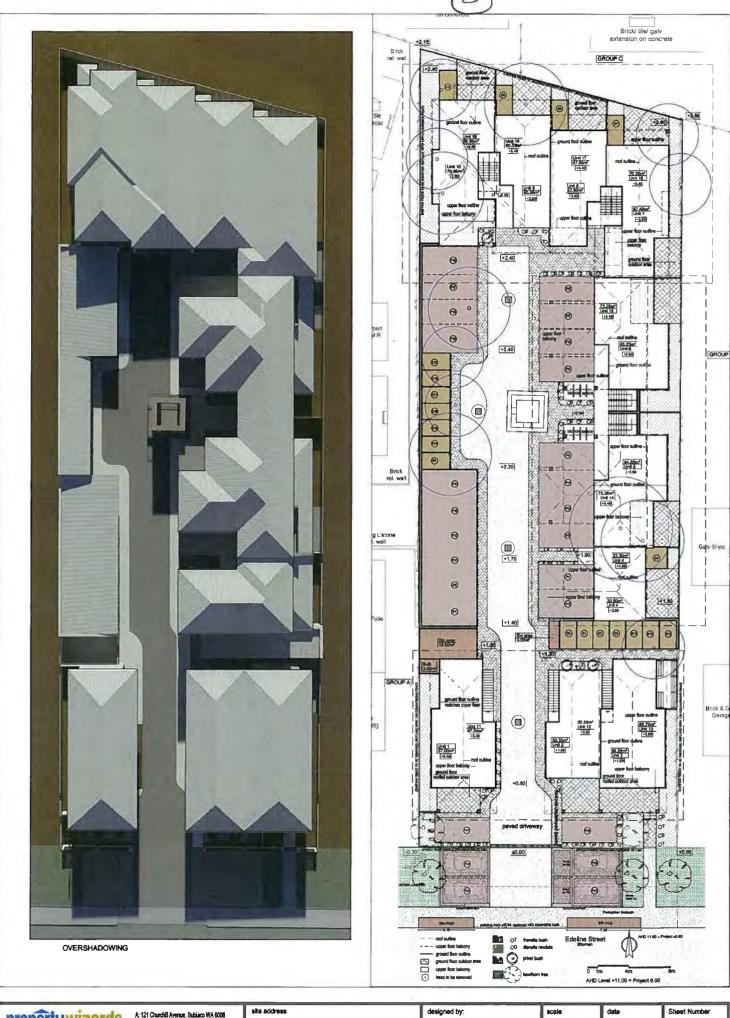


A: 121 Churchill Avenue, Sublaco WA 6008 PO Box 256 Sublaco WA 6504 Austrata E: Itz@propertyvizzards.com.su Property Wizards Pty Ltd att the Streets Ahaed Uhr Trust Proposed Multiple Unit Development at 10 Edeline Street, Spearwood, WA 6163 SURVEY designed by:
Dimitrios Troumpetaris
besed on
Cottage & Engineering
Surveys at 21/10/2010

1:250 (A3) date 1:6/06/2014

planning approval

Sheet Number



property wizards
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F: (08) 2881 7490
www.propertywizards com.eu

A: 121 Churchill Avenue, Subiaco WA 6008 PO Box 256 Subiaco WA 6904 Australia E. Kz@propertywizards.com.au Property Wizards Pty Ltd all the Streets Ahead Unit Trust

Proposed Multiple Unit Development at 10 Edeline Street, Spearwood, WA 6163 SITE PLAN - LANDSCAPING designed by;

Dimitrios Troumpetaris architectural designer





Property wizards
1: (06) 5391 7450
1: (06) 5391 7490
WWW.properlywizards.com.au

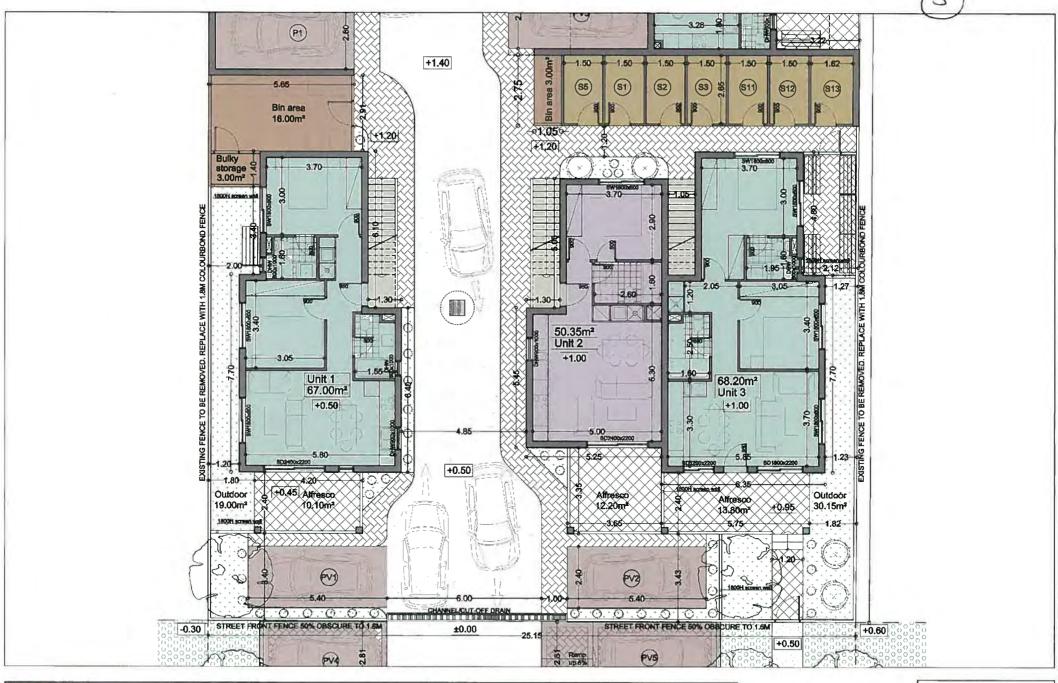
A: 121 Churchil Avenue, Sublaco YVA 6006 PO Box 256 Sublaco WA 6904 Australia E: Izgipropertywizards.com.au Property Wizards Pty Ltd atf the Steets Ahaad Unit Trust she address
Proposed Multiple Unit Development at
10 Edeline Street, Spearwood, WA 6163
FLOOR PLANS

designed by:

Dimitrios Troumpetaris erchitectural designer

1:250 (A3) dets
1:250 (A3) 16/06/2014
Issued for planning approval

04 of 14

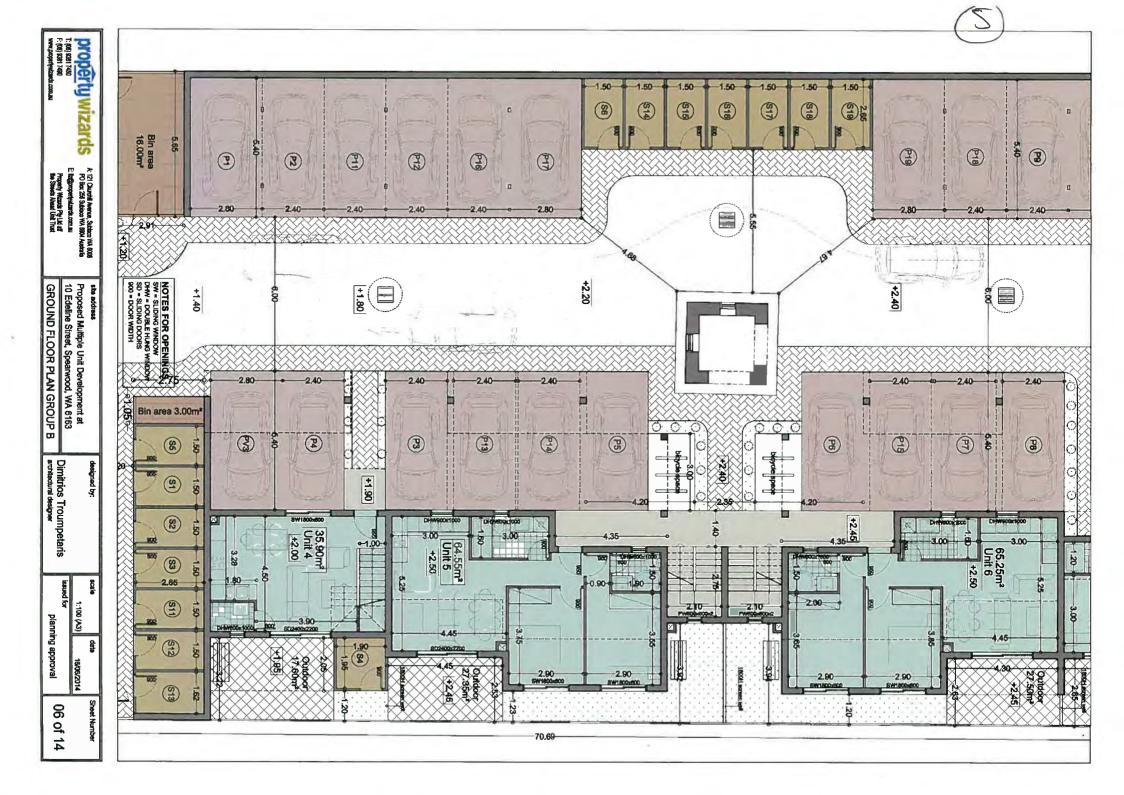


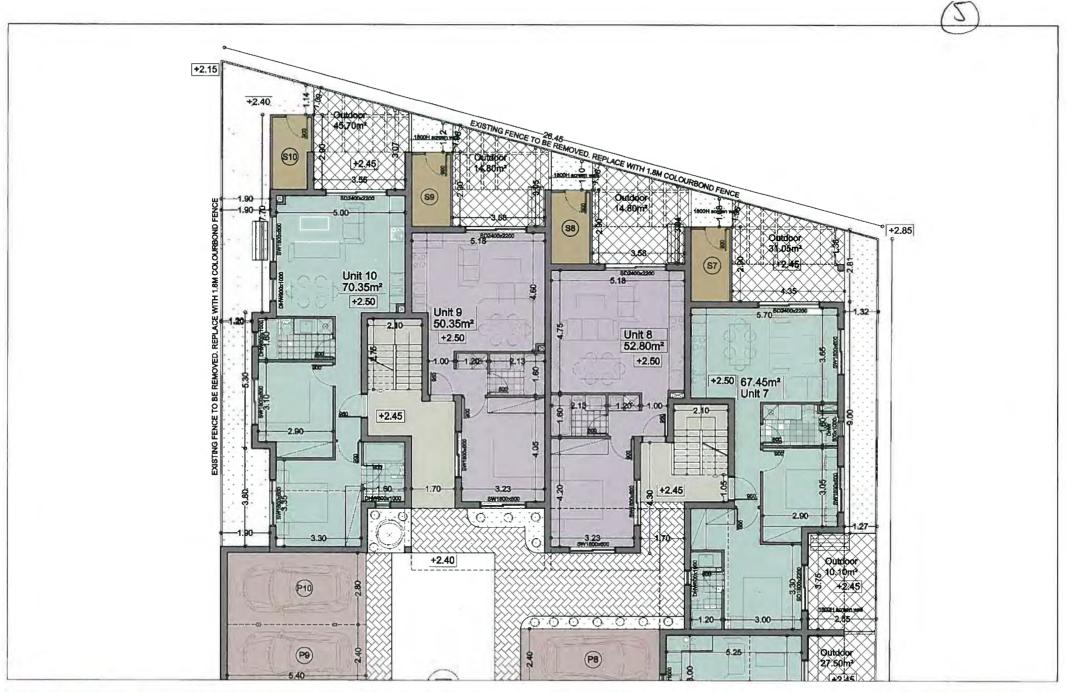


A: 121 Churchill Avenue, Subiaco WA 6008 PO Box 256 Subiaco WA 6004 Australia E: liz@propertywizards.com.au Property Wizards Pty Lld atf the Streets Ahead Unit Trust site address
Proposed Multiple Unit Development at
10 Edeline Street, Spearwood, WA 6163
GROUND FLOOR PLAN GROUP (A)

Dimitrios Troumpetaris

NOTES FOR OPENINGS



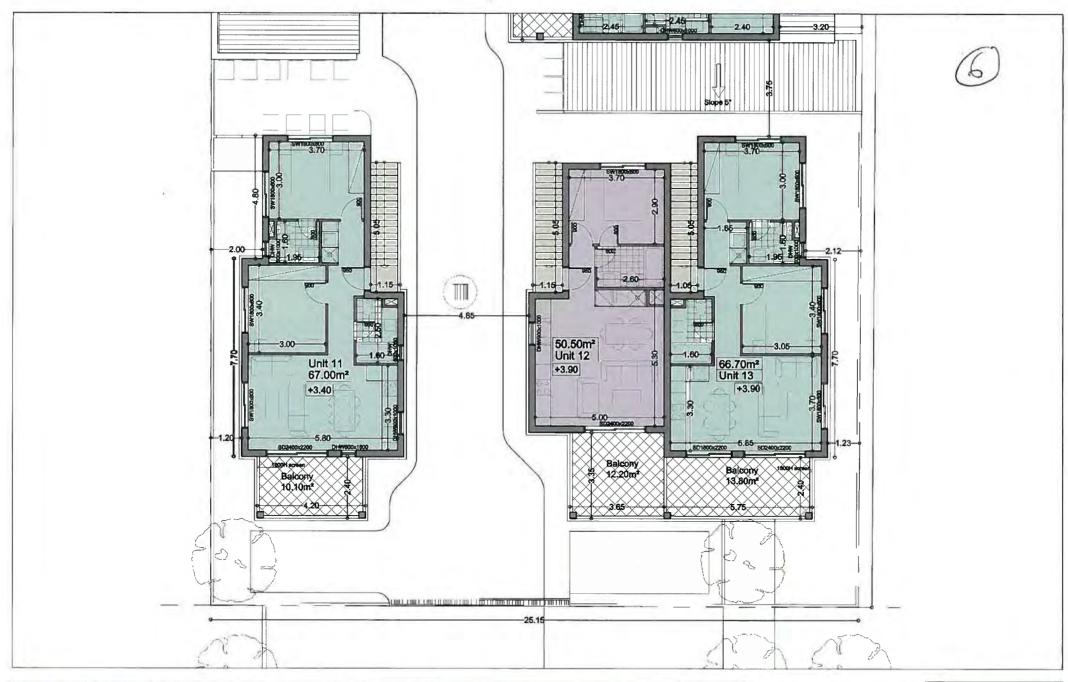




A: 121 Churchill Avenue, Subiaco WA 6008 PO Box 256 Subiaco WA 6604 Australia E: fiz@propertywizards.com.au Property Wizardin Pty Ltd elf the Streets Ahead Unit Tust site address
Proposed Multiple Unit Development at
10 Edeline Street, Spearwood, WA 6163
GROUND FLOOR PLAN GROUP C

designed by:
Dimitrios Troumpetaris
architectural designer

NOTES FOR OPENINGS



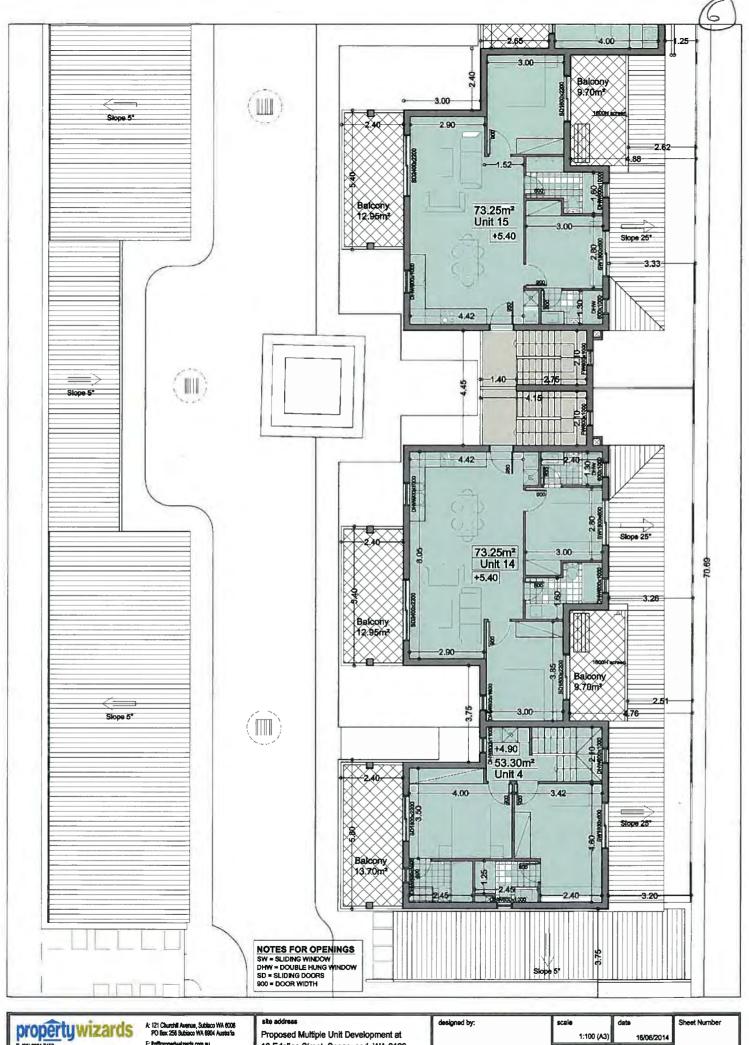


A: 121 Churchill Avenue, Subiaco WA 6008 PO Box 256 Subiaco WA 6004 Australia E: liz@propertywizards.com.u Property Wizards Pty Ltd at/ the Streets Ahead Unit Trusl site address
Proposed Multiple Unit Development at
10 Edeline Street, Spearwood, WA 6163
UPPER FLOOR PLAN GROUP A

designed by:

Dimitrios Troumpetaris architectural designer

NOTES FOR OPENINGS



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Property Wizzeds Pty Ltd atf the Streets Ahead Unit Trust

10 Edeline Street, Spearwood, WA 6163 UPPER FLOOR PLAN GROUP (B)

Dimitrios Troumpetaris architectural designer

planning approval

09 of 14





A: 121 Churchill Avenue, Subisco WA 6008 PO Box 256 Subisco WA 6004 Australia E: liz@propertywizards.com.su Property Wizards Pty Ltd aff the Streets Ahsad Unit Trust site address
Proposed Multiple Unit Development at
10 Edeline Street, Spearwood, WA 6163
UPPER FLOOR PLAN GROUP (C)

designed by:

Dimitrios Troumpetaris architectural designer

NOTES FOR OPENINGS



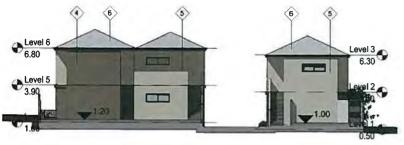




Driveway East 1:200

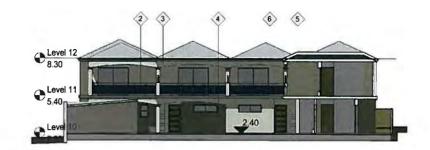


Driveway West 1:200



Inside North 1:200

AHD Level +11.00m = Project 0.00m



Inside South 1:200

16/06/14

Date

propertywizards

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E fiz@propertywzards.com.au Property Wizards Pty Ltd atf the Streets Ahead Unit Trust

site address:

Proposed Multiple Unit Development at 10 Edeline Street, Spearwood, WA 6163

Inside Elevations

Designed by:

Dimitrios Troumpetaris **Architectural Designer**

1:200 Issued for Planning Approval

Scale

12 of 14

Sheet Number

Material Legend

- 1. Retained old Tower
- 2. Steel and glass balustrade
- 3. Rendered brickwork colour light grey
- 4. Rendered brickwork colour dark beige brown
- 5. Rendered brickwork colour light beige
- 6. Colourbond Roof 25 degrees colour Shale Gray
- 7. Screening 1m wall and horizontal timber strips to 1.6m height
- 8. Front Fence 0.40m brickwork with coloumns colour light grey and timber strips 50mm 50% transparent to 1.6m height



Street front elevation 1:100



Street 3D View



West side Tower 3D View 1:1



Designed by: Scale Sheet Number As indicated 16/06/14 Issued for **Dimitrios Troumpetaris** 13 of 14 Planning Approval architectural designer



Inside 3D View 1



Inside 3D View 2



Inside 3D View 3

Material Legend

- 1. Retained old Tower
- 2. Steel and glass balustrade
- 3. Rendered brickwork colour light grey
- 4. Rendered brickwork colour dark beige brown
- 5. Rendered brickwork colour light beige
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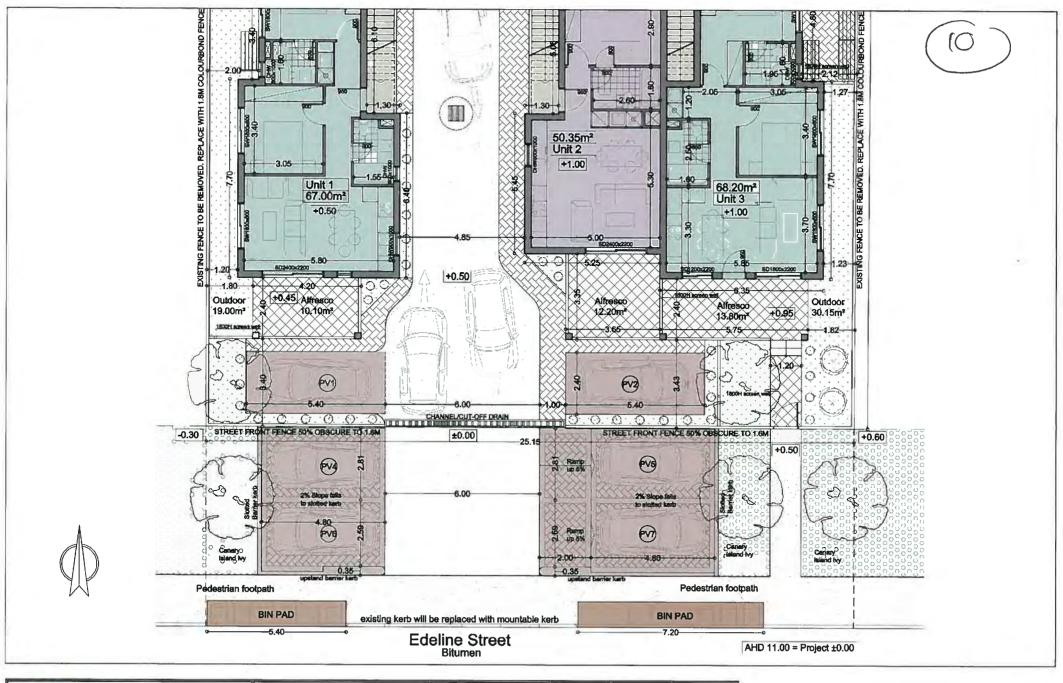
T (08) 9381 7450 F (08) 9381 7490 www.propertywzards.com.au A. 121 Churchill Avenue, Subiaco WA 9008 PO Box 256 Subiaco WA 9904 Australia

E:liz@propertywzards.com.au Property Wizards Pty Ltd atf the Streets Ahead Unit Trust

site address:

Proposed Multiple Unit Development at 10 Edeline Street, Spearwood, WA 6163

Street front Elevation - 3d renderings



A: 121 Churchill Avenue, Subisco WA 6008 PO Box 256 Subisco WA 6004 Australia E: fizigrepertywizerds.com.su Property Wizerds Pty Ltd aff the Streets Ahead Unit Trust alte address
Proposed Multiple Unit Development at
10 Edeline Street, Spearwood, WA 6163
On the verge parking detail

Dimitrios Troumpetaris

1:100 (A3) date 16/08/2014 Sheet Number 16 for planning approval 14 of 14



SCHEDULE OF SUBMISSIONS

DEMOLITION OF HERITAGE DWELLING AND CONSTRUCTION OF 19 MULTIPLE DWELLINGS – REQUEST FROM STATE ADMINISTRATIVE TRIBUNAL (SAT) TO RECONSIDER DECISION – REVIEW MATTER DR 407 OF 2013

NO.	NAME/ADDRESS	CHDMICCION	COUNCIL'S DECOMMENDATION
——		SUBMISSION	COUNCIL'S RECOMMENDATION
1	Rosemary Fielder PO Box 277	OBJECTION	Noted.
	FREMANTLE WA 6959	- Total reversal to previous submissions to retain the dwelling and not demolish it;	The original application lodged for the site was to demolish the existing heritage dwelling on-site. As that application was refused by Council in October 2013, the applicants have lodged an appeal to the State Administrative Tribunal (SAT).
			As part of these proceedings, it was determined that the demolition proposal needs to be assessed and determined in conjunction with a planning application for the future development of the site.
			Palassis Architects who were engaged by the City during SAT proceedings are of the opinion that retention of the tower element is better than complete demolition however that retention of just the tower is not an ideal heritage outcome but may be an acceptable compromise given the site's R40 coding making it suitable for medium density development.

Overall, the City's officers are supportive of using the tower as part of retaining the heritage significance of the site as discussed during the SAT process. Plans have one car bay per unit and 3 visitor Car parking on-site complies with car bays in total which is not enough and extra parking requirements as per the R-Codes cars will park out on the street verge: so no issue. No private playground facilities for children: Not required as each dwelling has and adequate sized outdoor living areas which meet the requirements of the R-Codes. 19 units are too crowded and do not retain Edeline Street provides an eclectic mix of the dwelling which is preference. dwellings including single houses. grouped dwellings and multiple dwellings built over the last century. The recoding that occurred as part of the Phoenix Revitalisation Strategy to a medium density R40 code anticipated replacement of older-style single detached residences with medium density infill development which is close to established infrastructure, services and amenities. The proposed development of two levels is consistent with other dwellings in the vicinity and accords with Council's planning framework. The street includes many other examples of existing grouped dwellings and some multiple dwellings. Given the relatively large lot sizes in the street is there have been recent approvals

			for other multiple dwelling developments in the street of a similar bulk and scale to what is being proposed on this site. As such, the proposed plot ratio is considered to meet the design principle in relation to Building Size. While noted that the application does propose a plot ratio variation, by the proposal retaining the tower element of the site and designing the dwellings in order to ensure the tower is visible from the street, the minor reduction to the
			overall development
2	Betty Shadlust 15/6 Edeline Street SPEARWOOD WA 6163	Concern with limited number of parking bays, in particular small number of visitor bays which will result in car parking on verge areas along Edeline Street.	Not Supported. Response provided under submission number 1, paragraph 2.
3	Rosemary Shepherd 30B Edeline Street SPEARWOOD WA 6163	Object to demolishing 10 Edeline Street as should be retained in order to be dedicated to the pioneers of the Spearwood area.	Noted. Response provided under submission number 1, paragraph 1.
4	Maria De Violas 4/16 Edeline Street SPEARWOOD WA 6163	SUPPORT No comments provided.	Noted.
5	Anthony Svilicich 26 Edeline Street	OBJECTION	Noted.
	SPEARWOOD WA 6163	- Does not comply with plot ratio and therefore	Response provided under submission

		does not complement the current streetscape and traffic will not compliment the immediate area; - Would be happy with a grouped dwelling development instead.	number 1, paragraphs 1 and 4. Noted.
6	Patricia Hickey 10/4 Edeline Street SPEARWOOD WA 6163	- Would like the heritage dwelling to remain.	Noted. Response provided under submission number 1, paragraph 1.
7	Nikola Svilicich 13A Edeline Street SPEARWOOD WA 6163	- The density of the proposal exceeds what is allowed.	Noted. Response provided under submission 1, paragraph 4.

Background

Palassis Architects have been commissioned by the City of Cockburn to provide an independent review of heritage advice provided by the owners of 10 Edeline, Spearwood to support their application to demolish the place. The need for heritage advice arises as the place is listed on the City's Local Government Inventory.

We received the following documentation from the City:

- Property 10 Edeline Street, Spearwood, Heritage Opinion to Assess Cultural Heritage Significance and Photographs, Ronald Bodycoat, Architect, 13 August 2013-09-02
- Demolition Report, Property Wizards, May 2013-09-02
- Diagrammatic sketch plan, undated

The following information was sourced from the Internet:

- City of Cockburn Local Government Inventory, Section Two, updated 2012, and
- Heritage Conservation Design Guidelines, 27 September 2012

This report was prepared using the above documentation only. No site inspection was performed, as agreed with the City.

Heritage listings

10 Edeline Street is listed on the following heritage registers:

Municipal Inventory adopted 15 April 1997 Category C

NB: listed as Spearwood Presbytery (fmr)

The following development control principles apply to Category C places:

The following policy provisions apply to places included on the LGI and identified as management category C (Significant).

2. Demolition

- (a) Retention of the building or place is encouraged, however demolition may be supported, subject to the consideration of heritage significance together with other relevant planning issues.
- (b) An archival record will be required as a condition of development approval for demolition, and the archival record should be prepared in accordance with the Heritage Council of WA guidelines.
- (c) Consideration should be given to the inclusion of interpretation of the heritage place (refer to 7.0).

Statement of Significance (from Local Government Inventory)

Spearwood Presbytery (fmr) has aesthetic value through its distinctive architectural features.

Spearwood Presbytery (fmr) is associated with the Catholic Church in the district and with some well known local families.

The Local Government Inventory has been prepared to meet the guidelines of the *Heritage of Western Australia Act 1990*. Guidelines have been prepared by the State Heritage Office to guide consultants in the preparation and review of Municipal Inventories, and are published as:

- Criteria for the Assessment of Local Heritage Places and Areas, March 2012, and
- Basic Principles for Local Government Inventories, March 2012

Review of Heritage Opinion – Ronald Bodycoat, Architect

The brief for the heritage opinion provided by Ronald Bodycoat, Architect, is stated in his report:

The object of my inspection was to report to you my professional opinion regarding the heritage significance and status of the place in the context of its history and a demolition proposal for development for new housing on the entire lot.

The report comprises

- Description (physical)
- Heritage Listings
- Context
- Condition of the Building
- Renewal
- Public Comment
- Conclusion, and
- Heritage Assessment Summary

Mr Bodycoat concludes that the place 'has little if any relevant cultural heritage significance.'

Comment

Description

The description of the place as stated by Mr Bodycoat, whilst brief, appears to be accurate, although the use of the word 'ordinary' is unclear.

Heritage Listings

The heritage listings of the place as stated by Mr Bodycoat, are correct at the time of writing.

Context

Description of current context as stated by Mr Bodycoat appears to be accurate. However context is not discussed in the Local Government Inventory, nor is context a criterion of significance, and is not a reason in itself to justify the removal of heritage buildings. There are many examples of successfully retained significant heritage buildings in changed contexts

Condition of the Building

We are unable to comment on the condition of the building, not having inspected it. Condition is only relevant where it is 'in relation to the values for which that place has been assessed' (*Criteria for the Assessment of Local Heritage Places and Areas*).

The stated values in the City's Local Government Inventory are:

Spearwood Presbytery (fmr) has aesthetic value through its distinctive architectural features.

Spearwood Presbytery (fmr) is associated with the Catholic Church in the district and with some well known local families.

Neither of these values is changed by the condition of the place.

Renewal

An assessment of cultural heritage significance is based on the criteria established by the State Heritage Office, and relate to the aesthetic, historic, research and social values, the level of which is moderated by rarity, representativeness, condition (where it relates to the value/s), integrity and authenticity. Whilst it is understandable that the condition of a place and the cost to restore and/or conserve it are important issues to the owner/s, they are outside the scope of a heritage assessment, which seeks simply to assess a place on the basis of known and accepted values.

Specifically, in this section, we offer the following opinion:

- 1. condition and amenity are not criteria for the assessment of cultural heritage significance;
- 2. the house contributes to the streetscape, regardless of its setback, as a substantially intact Federation Bungalow with some distinctive architectural features;
- 3. Mr Bodycoat concedes that the place, rather than being an 'ordinary' Federation house, also comprises a stone tower and an unusual timber-louvred enclosure, suggesting that it is not a typical Federation house; and,
- 4. it is noted by Mr Bodycoat that 'there are no surviving stone houses' contemporary with the house at No. 10 Edeline Street, which may well suggest that the place has rarity value as other, similar, places no longer exist.

Public Comment

No comment

Conclusion

Mr Bodycoat concludes that the place should not be conserved because:

- 1. of its advanced deterioration
- 2. the owner seeks to redevelop the place, arguing that 'the existing house is not worthy of retention and conservation where the owner has determined that new residential development will represent a positive contribution.'

Whilst the views and wishes of the owner are important, they are not criteria for assessing the cultural heritage significance of the place, which is described above.

Heritage Assessment Summary

In response to Mr Bodycoat's dot points, it is our professional opinion, based on the documentation stated, that:

- the place is representative of Federation Bungalow style, with some has distinctive architectural features that set it apart from the typical dwellings of similar style constructed in the era;
- the place has historic value as a cottage dating from the Federation period, and for its later association with the Catholic Church;
- the place has social value for its association with a number of well know local families, and is of value to the current community as evidenced by opposition to its proposed demolition;
- the place has little research value;
- the place may have rarity value if, as Mr Bodycoat states, 'there are no surviving stone houses'. This is outside the scope of this report, but may warrant further investigation;

- the place appears to be in a deteriorated condition, but this does not detract from the stated values in the Local Government Inventory;
- the place has high integrity as it continues to be used in its original function as a residence; and
- the place has moderate authenticity.

Opinion

It is our professional opinion that the report does not address the stated values of the place, as expressed in the City of Cockburn's Municipal Inventory, but focuses largely on issues that are not relevant to an assessment of significance and, further, makes comment that could support an argument for the place having rarity as a rather more unusual Federation Bungalow than Mr Bodycoat actually states.

To be of sufficient significance to be placed on a local register, "a place or area will be of significance to the locality if it meets one or more of the criteria in section 2 under the headings of Aesthetic, Historic, Research or Social value. Significance in this context is a question of value for the local government district, and not value for the State or the region." (Criteria for the Assessment of Local Heritage Places and Areas).

The City's Local Government Inventory concludes that the place has aesthetic value for its distinctive architectural features, which are still extant, and for its association with the Catholic Church and some well-known local families, associations that have not been disputed.

It is our opinion that 10 Edeline Street, Spearwood, is of sufficient cultural heritage significance to warrant its inclusion on the Municipal Inventory at its current level (C).

Conclusion

It is our professional opinion that the place is of at least sufficient significance to warrant its inclusion on the Local Government Inventory. The question of whether it is of sufficient value to be listed on the State Register of Heritage Places is beyond the scope of this report.

10 Edeline Street, Spearwood, as stated by Mr Bodycoat and as shown in the sketch site plan, is located well towards the rear of the lot. There is clearly an opportunity to retain the existing building and still add value to the site through new development on the front portion of the lot which the City may wish to consider granting concessions or bonuses for. If this were to occur, the contribution of the place to the streetscape would be impacted, but the stated values of the place would continue to exist.

Demolition of 10 Edeline Street, Spearwood, would result in the loss of cultural heritage significance to the area which, Mr Bodycoat states, 'has been transformed with residential building', implying that the area has been intensively developed in recent time, and that the removal of this place would add to a diminution of heritage values that has occurred progressively over time. The absence of similar heritage places is not an argument in itself for the removal of an existing heritage place.

If 10 Edeline Street, Spearwood, were to be demolished, a comprehensive archival record should be prepared by an experienced consultant to satisfy the State Heritage Office Guide to preparing an archival record. City planning officers should ensure that any such report satisfies the SHO brief.

In addition to documenting the current condition of the place, if 10 Edeline Street, Spearwood were to be demolished, it is recommended that interpretation of the place be prepared as part of any proposed new development.



Form 2 - Responsible Authority Report

(Regulation 17)

B () ()				
Property Location:	Lot 191 Paparone Road and Lot 191 Leary Road, Baldivis			
Application Details:	Amendment to DAP Planning Approval for Freeway Service Centres			
DAP Name:	Metro South West JDAP			
Applicant:	Greg Rowe Pty Ltd			
Owner:	BP Australia Pty Ltd			
LG Reference:	20.2012.322.002 (D14/110358)			
Responsible Authority:	City of Rockingham			
Authorising Officer:	Mr Bob Jeans, Director Planning & Development Services			
Department of Planning File No:	DP12/01384			
Report Date:	21 October 2014			
Application Receipt Date:	30 September 2014			
Application Process Days:	50			
Attachment(s):	1. Title Sheet, Drawing No.SK06745-A100			
	2. Overall Site Plan - Drawing No.SK-6745- A101			
	3. Site Plan - Southbound, Drawing No. SK-06745-A103			
	4. Site Plan - Northbound, Drawing No. SK- 06745-A104			
	5. Building Floor Plan - Northbound/Southbound, Drawing No. SK-06745-A105			
	6. MID Elevation, Drawing No.SK06745-A111			
	7. Southbound B-Triple Tanker Paths, Drawing No. SK-06745-A113			
	8. Northbound Vehicle Tanker Paths, Drawing No. SK-06745-A112			

OFFICER RECOMMENDATION:

That the Metro South-West JDAP resolves to:

- Accept that the DAP Application reference 20.2012.00000322 as detailed on the DAP Form 2 dated 30 September 2014 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels)* Regulations 2011;
 - 2. Approve the DAP Application reference 20.2012.00000322 as detailed on the DAP Form 2 date 30 September 2014 and accompanying:
 - Title Sheet, Drawing No.SK06745-A100, Revision 7, dated 20 October 2014;

- Overall Site Plan, Drawing No.SK-6745-A101, Revision 5, dated 20 October 2014;
- Site Plan Southbound, Drawing No. SK-06745-A103, Revision 7, dated 20 October 2014;
- Site Plan Northbound, Drawing No. SK-06745-A104, Revision 4, dated 15 September 2014;
- Building Floor Plan Northbound/Southbound, Drawing No. SK-06745-A105, Revision 3, dated 15 September 2014;
- MID Elevation, Drawing No. SK-06745-A111, Revision 5, dated 20 October 2014;
- Southbound B-Triple Tanker Paths, Drawing No. SK-06745-A113, Revision 3, dated 20 October 2014; and
- Northbound Vehicle Tanker Paths, Drawing No. SK-06745-A112, Revision 4, dated 15 September 2014;

in accordance with the provisions of the City of Rockingham Town Planning Scheme No.2 and the Metropolitan Region Scheme, for the proposed minor amendment to the approved Freeway Service Centres at Lot 191 Paparone Road and Lot 192 Leary Road, Baldivis, subject to:

Amended Conditions

- 6. The ground floor level of the Freeway Service Centre on Lot 192 Leary Road and Lot 191 Paparone Road shall be designed and constructed to be at least 5.04m AHD.
- 7. Deleted
- 8. The carpark must:-
 - 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 issue of a Building Permit;
 - (ii) include two car parking spaces dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1-2009, Design for access and mobility, Part 1: General Requirements for access- New building work; and
 - (iii) be constructed, sealed, kerbed, drained, floodlit 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.

- 12. A Sign Strategy must be prepared and include the information required by Planning Policy 3.3.1, Control of Advertisements, to the satisfaction of the City, prior to the issue of a Building Permit and implemented as such for the duration of the development.
- 13. Deleted
- 16. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City, prior to issue of 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;
- (iv) frequency of bin collections; and
- (v) a recycling strategy.

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

- 19. An Acoustic Consultant's report shall be submitted for the City's approval, prior to issue of a Building Permit. The report is to indicate the anticipated sound level measurements for all types of noise associated with the development, indicating plant and equipment noise associated with operational activities. The report must also indicate any specific noise attenuation/mitigation measures to be applied to the development in order to ensure noise emissions comply with the Environmental Protection (Noise) Regulations 1997. Upon approval of that report by the City, any modifications required to the development as a result of its recommendations shall be made to the City's satisfaction prior to the occupation of the development.
- 20. Access to the development during operation must only be from the Kwinana Freeway. All construction traffic access must be from either Paparone Road or Leary Road. Prior to construction works commencing, a Traffic Management Plan must be approved by the City of Rockingham.
- 21. Deleted
- 26. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the 4 year period, the approval shall lapse and be of no further effect.

Advice Notes

- (iii) Deleted
- (xiii) Approval from Main Roads Western Australia is required for all works within the Kwinana Freeway road reserve.

All other conditions and requirements detailed on the previous approval dated 8 February 2013 shall remain unless altered by this application.

BACKGROUND:

Site Details

Insert Property Address:	Lot 191 Paparone Road and Lot 191 Leary Road, Baldivis	
Insert Zoning MRS:	Lot 191 - Urban	
	Lot 192 - Rural	
TPS:	Lot 191 - Special Use (Freeway Service Centre)	
	Lot 192 - Special Use (Freeway Service Centre) & Rural	
Insert Use Class:	Service Station, Convenience Store, Restaurant	
Insert Strategy Policy:	Planning Policy 3.3.1 - Control of Advertisements	
Insert Development Scheme:	City of Rockingham Town Planning Scheme No.2	
Insert Lot Size:	Lot 191 = 5.990ha	
	Lot 192 = 3.821ha	
Insert Existing Land Use:	Vacant	
Value of Development:	\$29 million	

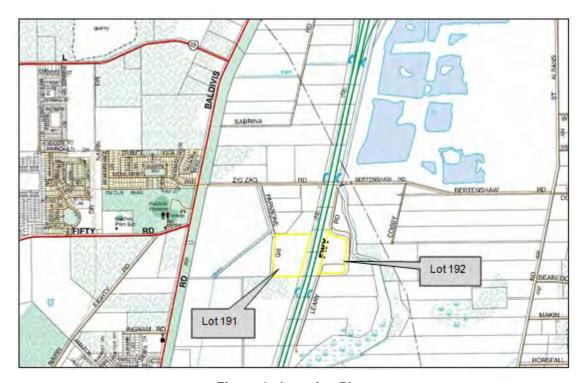


Figure 1 - Location Plan



Figure 2 - Aerial Photo

History

The following outlines the history of Planning Approvals on the site:

- April 2011 TPS2 Amendment No.89 Gazetted Rezoning of portions of Lot 9000 Paparone Road, Baldivis from 'Rural' and 'Special Rural' to 'Special Use - Freeway Service Centre'.
- February 2013 Conditional Planning Approval issued by the Metro South-West JDAP for the Freeway Service Centres.

Through the assessment process of this application to amend the Planning Approval, revised plans were submitted on 16 October 2014 to address the City's concern regarding interface with Leary Road.

DETAILS: OUTLINE OF DEVELOPMENT APPLICATION

The applicant seeks approval to amend the Planning Approval for the Freeway Service Centres granted by the SWJDAP on 8 February 2013. The following outlines the proposed amendments.

1. Amending Conditions

(a) Condition 6

Condition 6 states:

"The ground floor level of the Freeway Service Centre on Lot 192 Leary Road shall be designed and constructed to be at least 6.20m AHD."

The applicant is seeking to amend the condition to insert the words as underlined:

"The ground floor level of the Freeway Service Centre on Lot 192 Leary Road shall be designed and constructed to be at least 6.20m AHD or a lower level as approved by the Department of Water".

The condition was imposed following advice from the Department of Water (DoW) that "building floor levels of 6.20m AHD will provide adequate flood protection".

(b) Condition 7

Condition 7 states:

"The construction of an alternative emergency access route to the Freeway Service Centre at Lot 192 Leary Road, Baldivis, to link with Leary Road, prior to the occupation of the development."

The applicant seeks to amend the condition to insert the words as underlined:

"The construction of an alternative emergency access route to the Freeway Service Centre at Lot 192 Leary Road, Baldivis, to link with Leary Road, shall be provided, if required, to the satisfaction of the Department of Water, prior to the occupation of the development."

(c) Condition 8

Condition 8 states:

"The carpark must:-

- 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;
- (ii) include two car parking spaces dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1-2009, Design for access and mobility, Part 1: General Requirements for access- New building work; and
- (iii) be constructed, sealed, kerbed, drained, floodlit 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."

The applicant seeks to amend part (i) of the condition deleting the struck through text and inserting the underlined text.

"(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 the issue of a Building Permit;"

(d) Condition 12

Condition 12 states:

"A Sign Strategy must be prepared and include the information required by Planning Policy 3.3.1, Control of Advertisements, to the satisfaction of the City, prior to applying for a Building Permit and implemented as such for the duration of the development."

The applicant seeks to amend the condition deleting the struck through text and inserting the underlined text.

"A Sign Strategy must be prepared and include the information required by Planning Policy 3.3.1, Control of Advertisements, to the satisfaction of the City, prior to applying for the issue of a Building Permit and implemented as such for the duration of the development."

(e) Condition 13

Condition 13 states:

"All signs to be erected on the access lanes leading to the Freeway Service Centres shall be provided in accordance with a signage strategy approved by the City and the Western Australian Planning Commission, so as to minimise commercial advertising along the Freeway."

The applicant requests that this condition be deleted as the approval for signage within the access lanes within the freeway reserve will be required from MRWA in accordance with the Access Deed.

(f) Condition 16

Condition 16 states:

- "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;
- (iv) frequency of bin collections; and
- (v) a recycling strategy.

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

The applicant seeks to amend the condition deleting the struck through text and inserting the underlined text.

"A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City, prior to applying for the issue of a Building Permit..."

(g) Condition 19

Condition 19 states:

"An Acoustic Consultant's report shall be submitted for the City's approval, prior to applying for a Building Permit. The report is to indicate the anticipated sound level measurements for all types of noise associated with the development, indicating plant and equipment noise associated with operational activities. The report must also indicate any specific noise attenuation/mitigation measures to be applied to the development in order to ensure noise emissions comply with the Environmental Protection (Noise) Regulations 1997. Upon approval of that report by the City, any modifications required to the development as a result of its recommendations shall be made to the City's satisfaction prior to the occupation of the development."

The applicant seeks to amend the condition by deleting the struck through text and inserting the underlined text.

"An Acoustic Consultant's report shall be submitted for the City's approval, prior to applying for the issue of a Building Permit..."

(h) Condition 20

Condition 20 states:

"Main Roads approval of the final design documentation for the entry and exit ramps, associated infrastructure, access roads, principal shared path realignment, carparks and Traffic Management Plan as detailed in the Access Deed for Freeway Service Centres must be obtained prior to applying for a Building Permit."

The applicant seeks to amend the condition to read as follows:

"All works within the Kwinana Freeway road reserve are to be in accordance with the Access Deed and shall comply with all requirements outlined in that document, in relation to design, construction and commissioning."

(i) Condition 21

Condition 21 states:

"As Easement in accordance with Sections 195 and 196 of the Land Administration Act 1997 for the benefit of the public is to be placed on the Certificate of Title for Lot 191 Paparone Road, Baldivis specifying access rights for the redesigned principal shared path. Notice of this Easement is to be included on the Deposited Plan. The Easement is to state as follows:-

"Public Access Easement- Principal Shared Path"

The applicant seeks to delete this condition as the Principal Shared Path is no longer traversing Lot 191 and thus no easement is required. See 2(b) below.

(j) Condition 26

Condition 26 states:

"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."

The applicant seeks to extend the time period in which the development may be substantially commenced, from two years to four years, thus amending Condition 26 by deleting the struck through text and inserting the underlined text:

"This decision constitutes planning approval only and is valid for a period of $2 \underline{4}$ years from the date of approval. If the subject development is not substantially commenced within the $2 \underline{4}$ year period, the approval shall lapse and be of no further effect."

(k) Footnote (iii)

Footnote (iii) states:

"With respect to Condition No.7, Leary Road is subject to inundation, and thus alternative emergency access routes must be constructed to ensure access in the event of flooding."

The applicant seeks to amend Footnote (iii) by deleting the struck through text and inserting the underlined text:

"With respect to Condition No.7, Leary Road <u>may be</u> subject to inundation, and thus <u>an</u> alternative emergency access routes must be constructed to ensure access in the event of flooding may be required to connect to the northern pre-existing point of Leary Road."

2. Amending Site Layouts

(a) Southbound Site Layout

It is proposed to amend the southbound site layout to accommodate a 36.5m vehicle, which have now been approved to access the Kwinana Freeway. This requires increases to the width of the kerb lines and additional sealed areas as illustrated in Figure 4.

Generally the changes are provided within the existing boundary setback areas, with the exception of the southern and eastern boundaries, as shown in Figure 4.

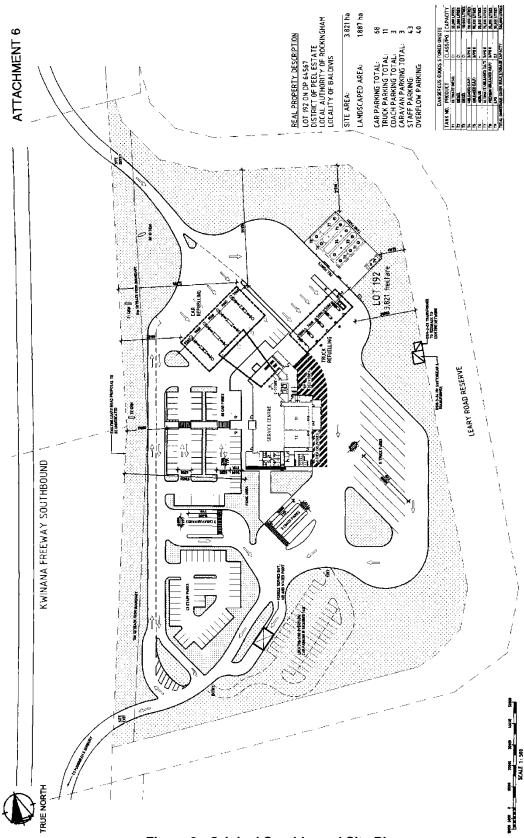


Figure 3 - Original Southbound Site Plan



Figure 4 - Amended Southbound Site Plan

(b) Northbound Site Layout

- (i) It is proposed to amend the northbound site layout to accommodate a 36.5m vehicle, which have now been approved to access the Kwinana Freeway. This requires increases to the width of the kerb lines and additional sealed areas as illustrated in Figure 6. Generally the changes are provided within the existing boundary setback areas, with the exception of the northern and western boundaries, as shown in Figure 6.
- (ii) Retention of bike path in its existing alignment along the road reserve, with overpasses provided for vehicular access to the site.

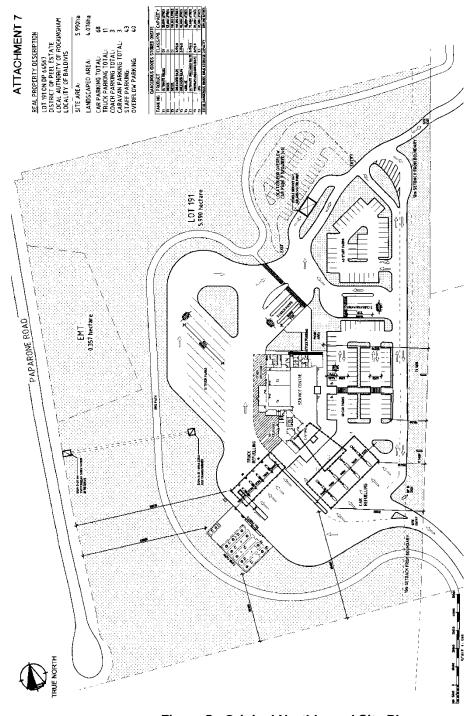


Figure 5 - Original Northbound Site Plan

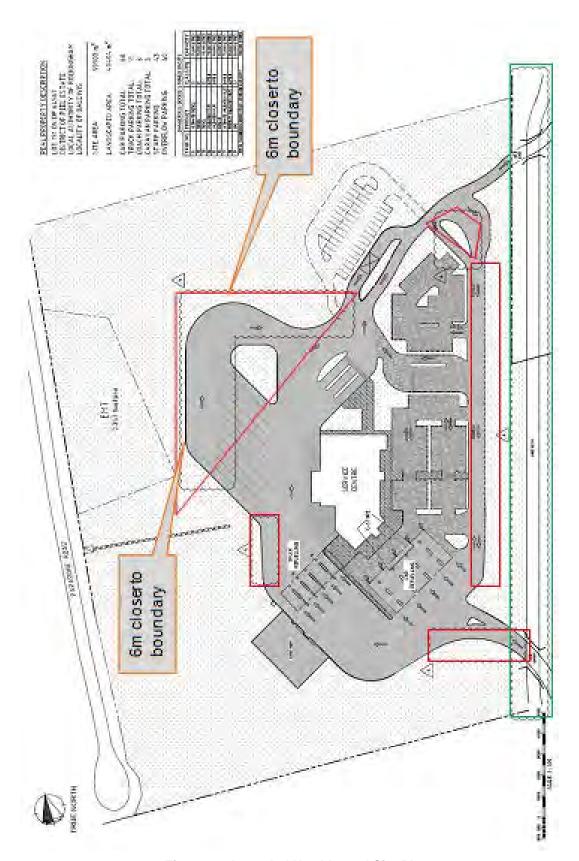


Figure 6 - Amended Northbound Site Plan

(c) Change to Back of House

It is proposed to modify the internal back of house areas within both buildings for improved operational efficiencies.

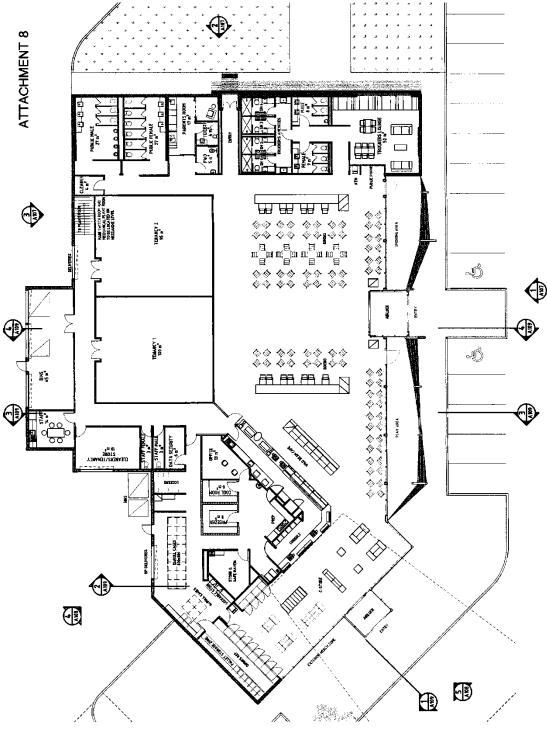


Figure 7 - Existing Building Plan

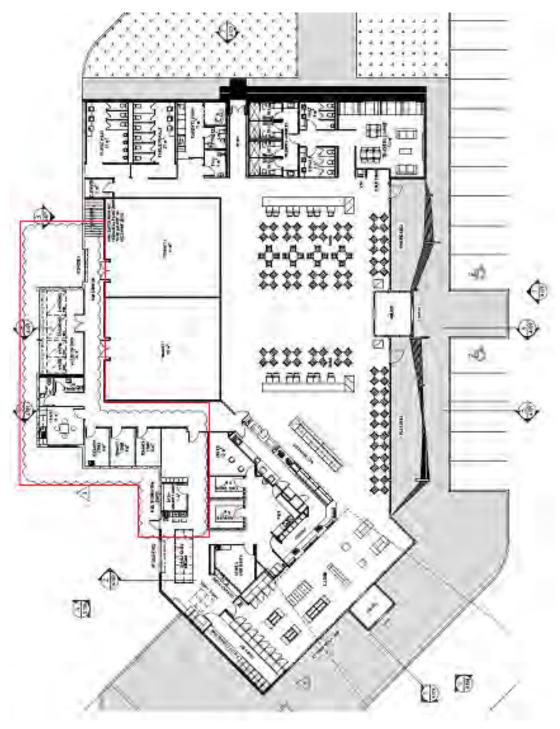


Figure 8 - Amended Building Plan

LEGISLATION & POLICY:

Legislation

Rockingham Town Planning Scheme No.2 (TPS2)

Clause 3.2 - Zoning Table

Lot 191 is zoned 'Special Use' and Lot 192 is zone part 'Special Use' and part 'Rural' under TPS2. The rural portion of Lot 192 relates to the strip of land adjacent to the freeway, which was previously the Leary Road road alignment.

Clause 3.4 - Special Use Zone

The use and development of land in the Special Use Zone is to be in accordance with the purpose for which it is identified in Schedule 3 to TPS2.

Lot 191 is within Special Use No.12 and Lot 192 is within Special Use No.11 of Schedule 3. Both have a Special Use of Freeway Service Centre, which is controlled by a number of special conditions. The following table consider those special conditions against the proposed amendment.

	Special Condition	Comment	Compliance
(a)	The eating area shall not be greater than 240m² (equivalent to approximately 150 sit-down customers) with limited take away food retailing contained within a single building without a drive thru fast-food facility.	No change to original approval.	N/A
(b)	Fuel shall only be sold by retail and there shall be no bulk fuel service.	No change to original approval.	N/A
(c)	Vehicles servicing shall be limited to emergency breakdown repairs and there shall be one only service/lubrication bay for the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles, (excluding premises used for a transport depot, panel beating, spray painting, major repairs or wrecking).	No change to original approval.	N/A
(d)	Shower and toilet facilities for both sexes shall be provided.	No change to original approval.	N/A
(e)	Overnight accommodation is prohibited.	No change to original approval.	N/A
(f)	The aggregate floor space of all retailing facilities shall be no more than 200m².	No change to original approval.	N/A
(g)	Parking for a range of vehicles shall be provided.	No change to original approval.	N/A
(h)	All facilities shall be available on a 24-hour basis.	No change to original approval.	N/A

	Special Condition	Comment	Compliance
(i)	All signs to be erected on the access lanes leading to the Freeway Service Centre sites shall be provided in accordance with a signage strategy approved by the City of Rockingham and the Western Australian Planning Commission so as to minimise commercial advertising along the Freeway.	Compliance with this Special Condition was to be achieved through Condition 13 on the Planning Approval. The applicant is seeking to have this condition deleted, which would be contrary to this Special Condition. See further comments in the Planning Assessment Section	No
(j)	Main Roads truck safety inspection/monitoring facilities and weighbridge are permitted, provided it can be demonstrated to the satisfaction of the Council, that the facility will not have any adverse off-site impacts on rural land.	No change to original approval.	N/A
(k)	The installation of an on-site effluent disposal system to the satisfaction of the Department of Health or if required an effluent holding tank is to be installed for of-site disposal at an approved Water Corporation facility. When a connection is available, the Freeway Service Centre is to be connected to reticulated sewerage.	No change to original approval.	N/A

Clause 6.6 - Matters to be Considered by the Council

Clause 6.6 outlines the matters to which Council is to have due regard when considered relevant to an application. Where relevant, these are discussed in the Planning Assessment section of this report.

State Government Policies

Nil

Local Policies

Nil

CONSULTATION:

Public Consultation

Public consultation is not required pursuant to Town Planning Scheme No.2.

Consultation with other Agencies or Consultants

Department of Water (DoW)

DoW advised that as a result of the revised flood modelling for the area, the minimum floor level for flood protection for both sites is to be 5.04mAHD.

Condition 7, which required the emergency access route, is no longer required.

Main Roads Western Australia (MRWA)

Condition 13

MRWA believes this condition should remain, however it should be modified as follows:

"All signs to be erected on the access lanes leading to the Freeway Service Centres shall be provided in accordance with the Main Roads Deed for Freeway Service Centres."

Condition 20

MRWA agrees in principle with this amendment but would prefer a minor alteration as follows:

"All works within the Kwinana Freeway road reserve are to be in accordance with the Main Roads Access Deed for Freeway Service Centres and shall comply with all requirements outlined in that document in relation to design, construction and commissioning."

Condition 21

MRWA agrees with the deletion of this condition as the existing Principle Shared Path will remain unchanged.

Other Organisations

The original application was also referred to Alinta Energy, APA Group, then Department of Environment and Conservation, Department of Fire and Emergency Services, Department of Health, Department of Mines and Petroleum, Public Transport Authority, Telstra, Water Corporation and Western Power.

The proposed amendment to the application is not deemed to affect the previous comments provided by the above organisations, and thus the application was not re-referred.

PLANNING ASSESSMENT:

Comments on Proposed Amendments

1(a) - Condition 6 - Floor Levels and Flooding

DoW has advised that the development needs to provide a minimum floor level of 5.04mAHD for flood protection for both sites. Given this advice, and to provide finality and certainty on the requirement, it is recommended that the condition be amended as follows:

"The ground floor level of the Freeway Service Centre on Lot 192 Leary Road and Lot 191 Paparone Road shall be designed and constructed to be at least 5.04m AHD."

1(b) - Condition 7 - Emergency Access Route

DoW has advised that given the revised flood modelling, the emergency access route is no longer required. In this regard, the City has no objection to the deletion of this condition.

1(c) - Condition 8 - Change to Timing of Car Park Design

The City has no objection to the proposed modification to the condition requiring provision of the design of the car park prior to the issue of a Building Permit.

1(d) - Condition 12 - Change to Timing of Provision of Signage Strategy

The City has no objection to the proposed modification to the condition requiring preparation of a Signage Strategy prior to the issue of a Building Permit.

1(e) - Condition 13 - Deleting requirement for City and WAPC approval of signs

This condition was imposed as a consequence of Special Condition (i) of Special Uses 11 and 12 contained within Schedule No.3 of TPS2.

Given neither the City nor the WAPC has any approval powers over the freeway road reserve, this requirement is void. Any signage in this area would need to comply with MRWA requirements. All other signage on Lots 191 and 192 would be subject to the signage strategy required by Condition 12. Thus the City would not object to the deletion of this condition.

1(f) - Condition 16 - Change to Timing of Provision of Waste Management Plan

The City has no objection to the proposed modification to the condition requiring preparation of a Waste Management Plan prior to the issue of a Building Permit.

1(g) - Condition 19 - Change to Timing of Provision of Acoustic Report

The City has no objection to the proposed modification to the condition requiring submission of an Acoustic Report prior to the issue of a Building Permit.

1(h) - Condition 20 - Rewording of Condition

The applicant is seeking to simplify this condition and remove timeframes from it as follows:

Condition 20 states:

"Main Roads approval of the final design documentation for the entry and exit ramps, associated infrastructure, access roads, principal shared path realignment, carparks and Traffic Management Plan as detailed in the Access Deed for Freeway Service Centres must be obtained prior to applying for a Building Permit."

The applicant seeks to amend the condition to read as follows:

"All works within the Kwinana Freeway road reserve are to be in accordance with the Access Deed and shall comply with all requirements outlined in that document, in relation to design, construction and commissioning."

MRWA has no objection to the proposed amendment to the condition, subject to insertion of the underlined words:

"All works within the Kwinana Freeway road reserve are to be in accordance with the <u>Main Roads</u> Access Deed <u>for Freeway Service Centres</u> and shall comply with all requirements outlined in that document in relation to design, construction and commissioning.

The intent of the original condition was to ensure that the development was provided with appropriate and timely access. Given MRWA is the approval authority for works within the freeway reserve; all works require MRWA approval.

Given that the plans accompanying the application show the development has access from the freeway, the City has no further concern with the design standards of such. Access to the development during operation is only to be from the freeway. Access for construction works is to be only from the local road network (Leary and Paparone Roads). A Traffic Management Plan is required to be approved by the City prior to any construction works commencing.

In this regard, the City recommends the following:

Amending Condition 20 to read:

"All access to the development during operation must only be from the Kwinana Freeway. All construction traffic access must be from either Paparone Road or Leary Road. Prior to construction works commencing, a Traffic Management Plan must be approved by the City of Rockingham."

A new advice note to read:

"Approval from Main Roads Western Australia is required for all works within the Kwinana Freeway road reserve."

1(i) - Condition 21 - Deletion of Shared Path Easement Condition

Given the retention of the PSP in its existing alignment, this condition becomes redundant. Thus the City supports its deletion.

1(j) - Condition 26 - Change to substantially commenced timing

The applicant is seeking to extend the period in which the development must be substantially commenced. This relates to Condition No.26 which limits the validity of the Planning Approval to two (2) years from the date of approval.

The City has no objection to extending this period to four (4) years from the date of approval.

1(k) - Footnote (iii) - Change to wording

Given the DoW advice relating to Condition No.7, it is recommended that this footnote be deleted.

2(a) - Amending Southbound Site Layout to Accommodate 36.5m Vehicle

Whilst the layout would reduce the proximity of the development to the eastern and southern boundaries, the development would still be required to comply with the *Environmental Protection (Noise) Regulations 1997*. In this regard, the City does not object to the proposed modification to the site layout to accommodate the 36.5m vehicle.

2(b) - Amending Northbound Site Layout

(i) Revising of Site Layout to Accommodate the 36.5m Vehicle

Whilst the layout would reduce the proximity of the development to the northern and western boundaries, the development would still be required to comply with the *Environmental Protection (Noise) Regulations 1997*. In this regard, the City does not object to the proposed modification to the site layout to accommodate the 36.5m vehicle.

(ii) Retention of Principal Shared Path (PSP) in existing alignment

The City supports the retention of the PSP in its current location and consequential deletion of the PSP from circumnavigating the freeway service centre.

2(c) - Change to Back of House

The City has no objection to the proposed minor internal modifications to the back of house for both sites.

Note

The Applicant has advised that a drafting error occurred to the southbound site plans which erroneously relocated a service bay. The service bay should be in the same location as the original approval. The City has no objection to this. The correct revised drawings are referred to in the City's recommendation and are attached to the RAR.

CONCLUSION:

The proposal includes amendments to the conditions of approval and the design of the development as approved under the February 2013 Planning Approval.

The proposed design changes are compliant with TPS2 and PP3.3.1 requirements and would not substantially change the development approved. The City supports the proposed amendments as outlined below:

Revised plans:

- Title Sheet, Drawing No.SK06745-A100, Revision 7, dated 20 October 2014;
- Overall Site Plan, Drawing No.SK-6745-A101, Revision 5, dated 20 October 2014;
- Site Plan Southbound, Drawing No. SK-06745-A103, Revision 7, dated 20 October 2014;
- Site Plan Northbound, Drawing No. SK-06745-A104, Revision 4, dated 15 September 2014;
- Building Floor Plan Northbound/Southbound, Drawing No. SK-06745-A105, Revision 3, dated 15 September 2014;
- MID Elevation, Drawing No. SK-06745-A111, Revision 5, dated 20 October 2014;

- Southbound B-Triple Tanker Paths, Drawing No. SK-06745-A113, Revision 3, dated 20 October 2014; and
- Northbound Vehicle Tanker Paths, Drawing No. SK-06745-A112, Revision 4, dated 15 September 2014.

Condition 6 modified to read:

The ground floor level of the Freeway Service Centre on Lot 192 Leary Road and Lot 191 Paparone Road shall be designed and constructed to be at least 5.04m AHD.

- Condition 7 deleted.
- Condition 8 modified to read:

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 issue of a Building Permit;
- (ii) include two car parking spaces dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1-2009, Design for access and mobility, Part 1: General Requirements for access- New building work; and
- (iii) be constructed, sealed, kerbed, drained, floodlit 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.

• Condition 12 modified to read:

A Sign Strategy must be prepared and include the information required by Planning Policy 3.3.1, Control of Advertisements, to the satisfaction of the City, prior to the issue of a Building Permit and implemented as such for the duration of the development.

- Condition 13 deleted.
- Condition 16 modified to read:

A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City, prior to issue of 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;
- (iv) frequency of bin collections; and
- (v) a recycling strategy.

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

Condition 19 modified to read:

An Acoustic Consultant's report shall be submitted for the City's approval, prior to issue of a Building Permit. The report is to indicate the anticipated sound level measurements for all types of noise associated with the development, indicating plant and equipment noise associated with operational activities. The report must also indicate any specific noise attenuation/mitigation measures to be applied to the development in order to ensure noise emissions comply with the Environmental Protection (Noise) Regulations 1997.

Upon approval of that report by the City, any modifications required to the development as a result of its recommendations shall be made to the City's satisfaction prior to the occupation of the development.

Condition 20 modified to read:

Access to the development during operation must only be from the Kwinana Freeway. All construction traffic access must be from either Paparone Road or Leary Road. Prior to construction works commencing, a Traffic Management Plan must be approved by the City of Rockingham.

- Condition 21 deleted.
- Condition 26 modified to read:

This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the 4 year period, the approval shall lapse and be of no further effect.

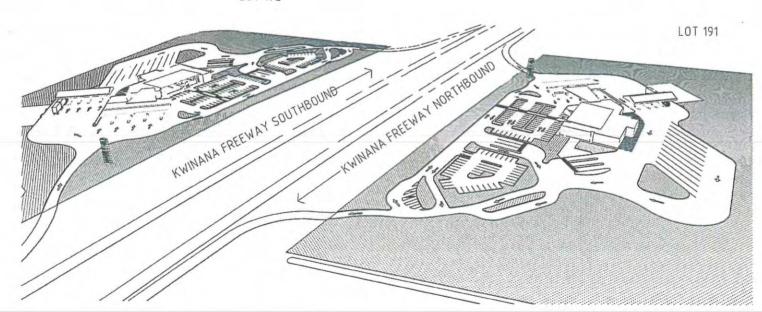
- Footnote (iii) deleted
- New footnote to read:

Approval from Main Roads Western Australia is required for all works within the Kwinana Freeway road reserve.

BP KWINANA SERVICE CENTRE

	DRAWING LIST			
SHEET NUMBER	SHEET NAME	REVISION NUMBER		
SK-06745-A100	TITLE SHEET	7		
SK-06745- A101	OVERALL SITE PLAN	(5 }		
SK-06745-A102	SITE ELEVATIONS - TYPICAL	2		
SK-06745-A103	SITE PLAN - SOUTHBOUND	(7)		
SK-06745-A104	SITE PLAN - NORTHBOUND	5		
SK-06745-A105	BUILDING FLOOR PLAN - NORTHBOUND/SOUTHBOUND TYPICAL	3		
SK-06745-A106	BUILDING SETOUT PLAN - TYPICAL	2		
SK-06745-A107	BUILDING ELEVATIONS - TYPICAL	1		
SK-06745-A108	BUILDING ELEVATIONS - TYPICAL	1		
SK-06745-A109	BUILDING SECTIONS	1		
SK-06745- A110	TRUCK CANOPY ELEVATIONS - TYPICAL	2		
SK-06745- A111	M.I.D ELEVATIONS	(5)		
SK-06745- A112	NORTHBOUND VEHICLE TANKER PATHS	4		
SK-06745- A113	SOUTHBOUND B-TRIPLE TANKER PATHS	(3)		

LOT 192





ISSUED	FOR	DEVELOR	PMENT	APPROVAL	
DD I	DDIA	T 114145	7		

BP	PRINT NAME,	SIG	NATURE
PROJECT MANAGER	. Kathu Bond	710	
LEAD ENGINEER	Imran Karth	fle	
A	В	C	D

REV DATE		AMENDMENTS	DRN	DSM
1	21/06/12	UPDATED PRELIMINARY ISSUE	JC	
3	19/11/12	REVISED ISSUE FOR COUNCIL APPROVAL)C	
4	15/09/14	REVISED ISSUE FOR COUNCIL APPROVAL	CRT	
5	02/10/14	REVISED ISSUE FOR COUNCIL APPROVAL	AB	
6	15/10/14	REVISED ISSUE FOR COUNCIL APPROVAL	CRT	
7	20/10/14	REVISED ISSUE FOR COUNCIL APPROVAL	CRT	

BP KWINANA SERVICE CENTRE

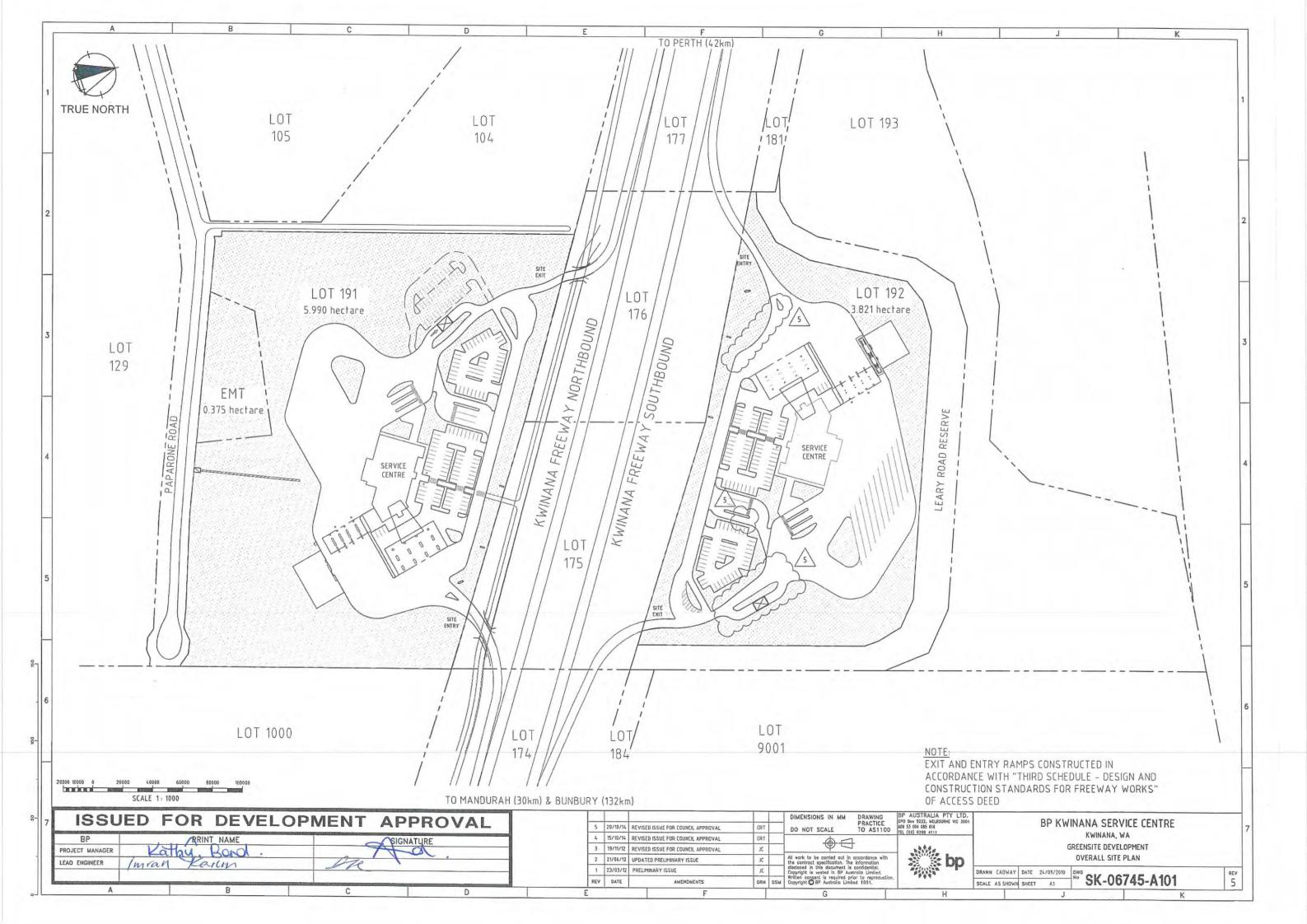
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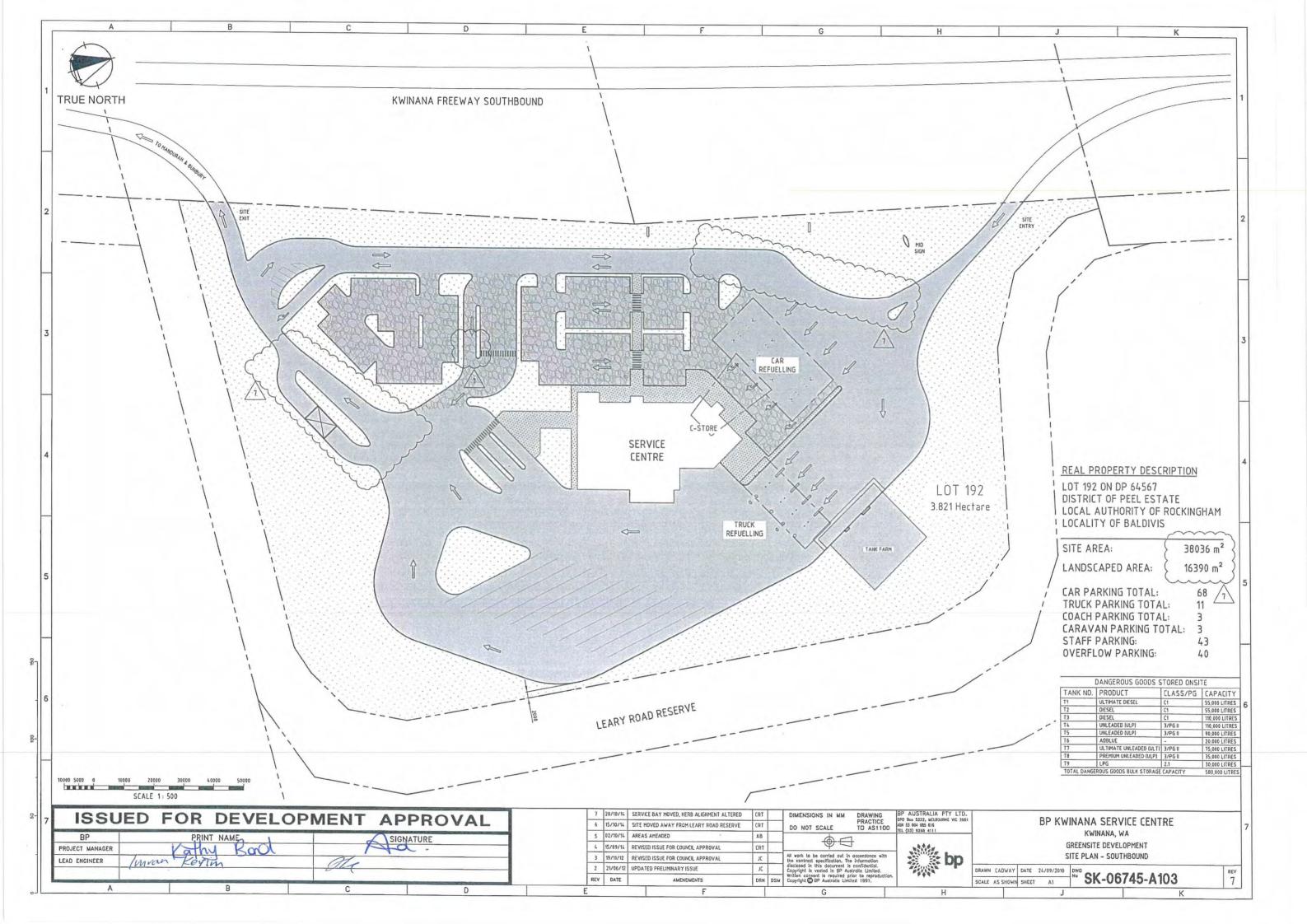
GREENSITE DEVELOPMENT

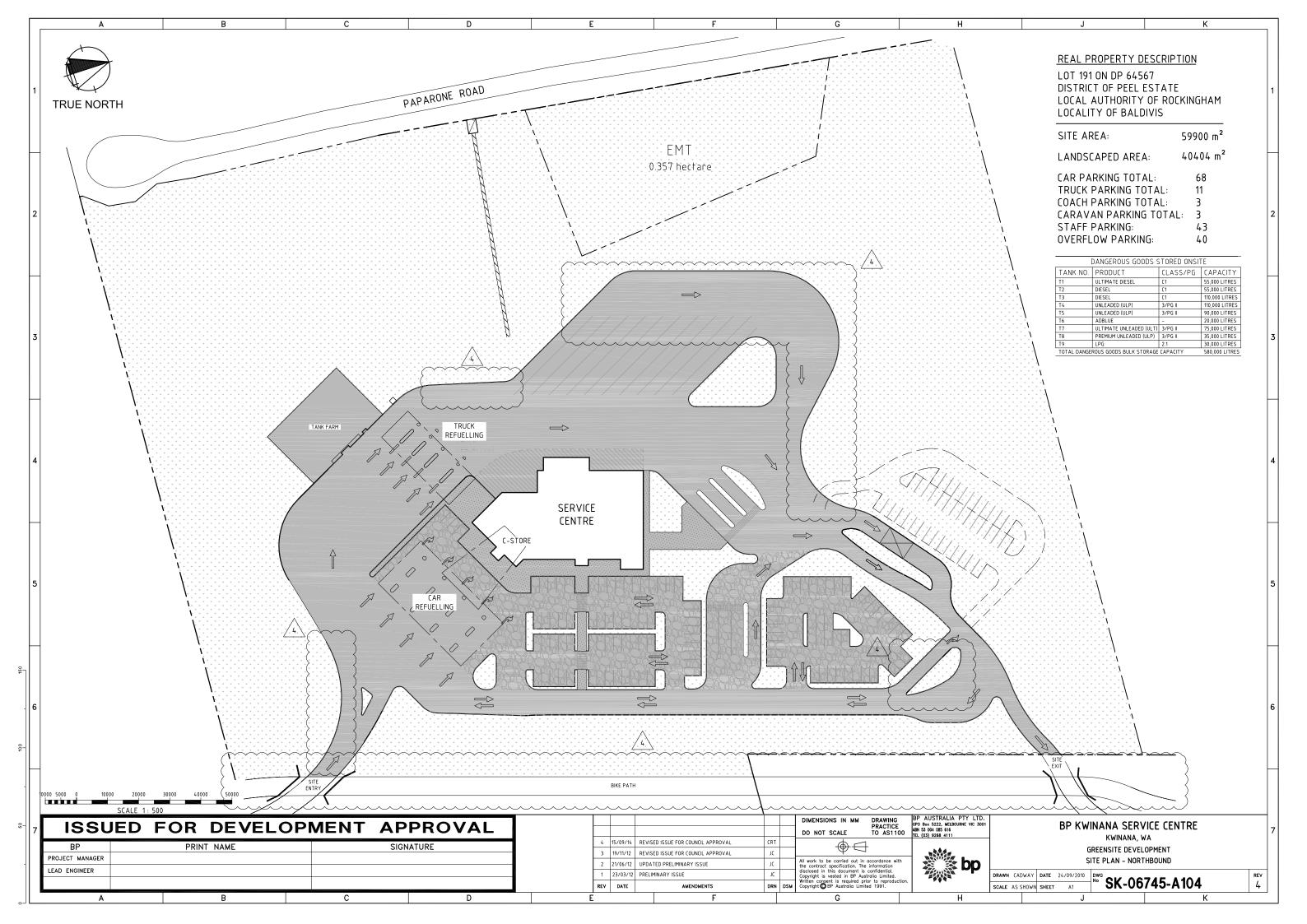
TITLE SHEET

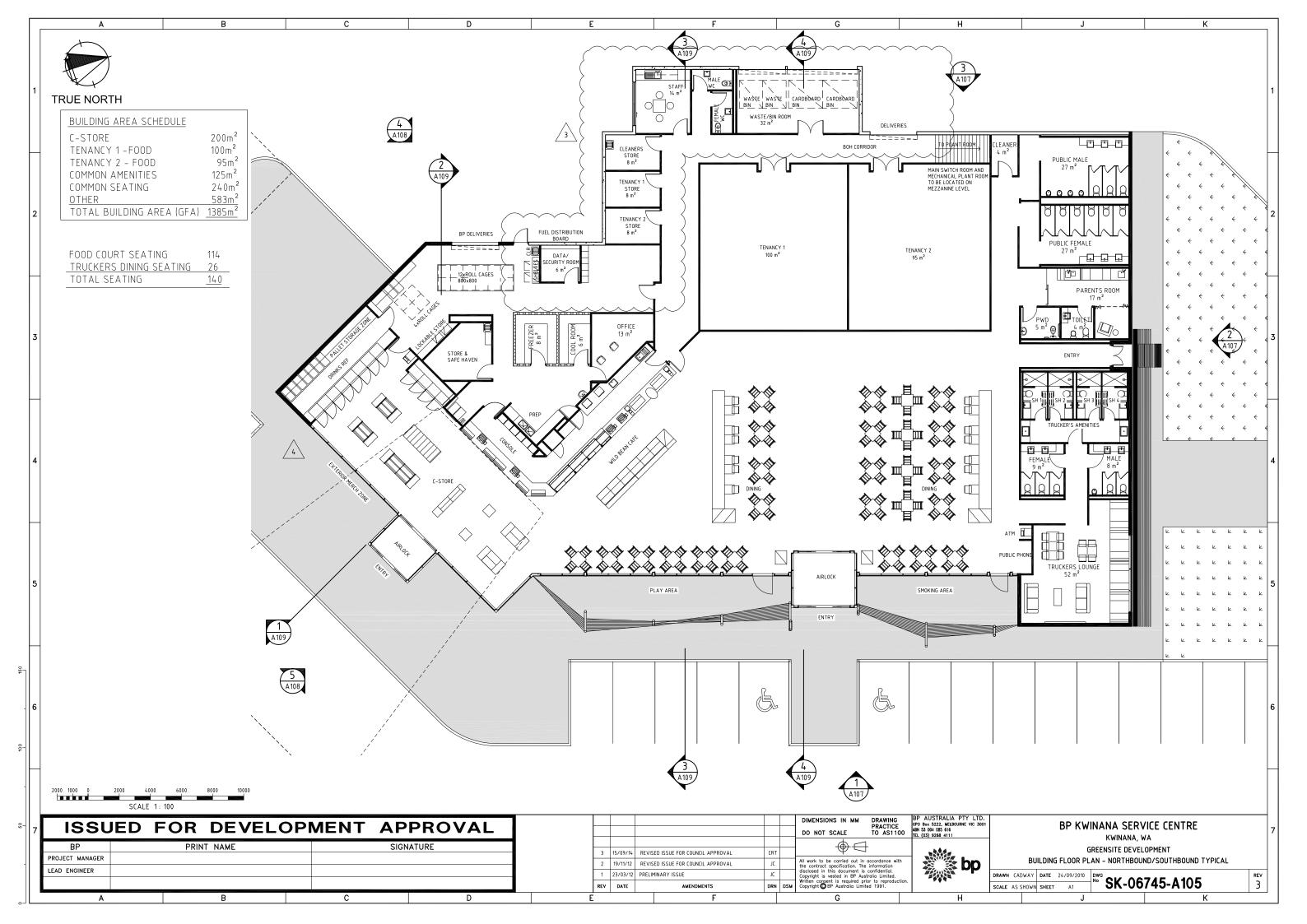
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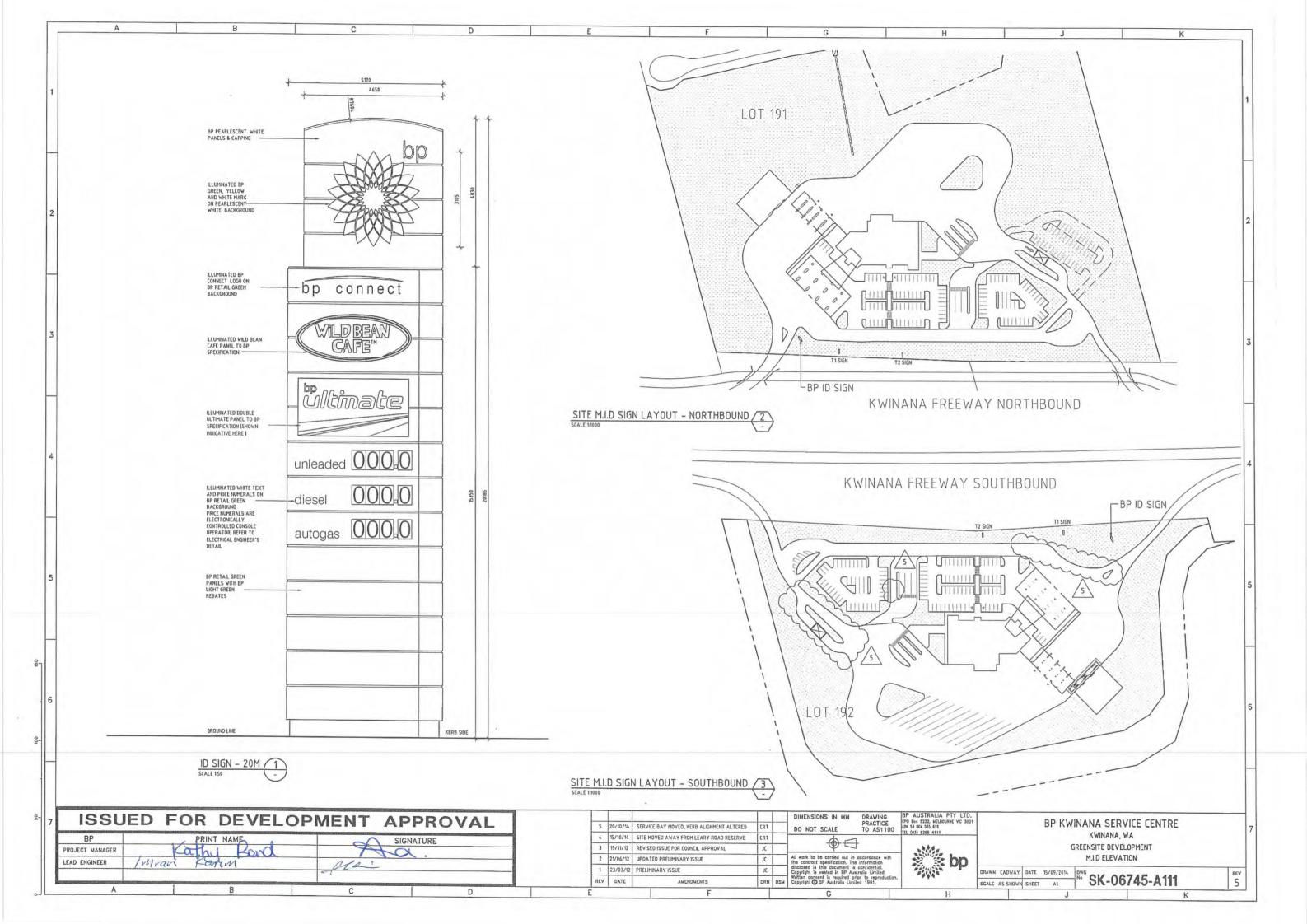
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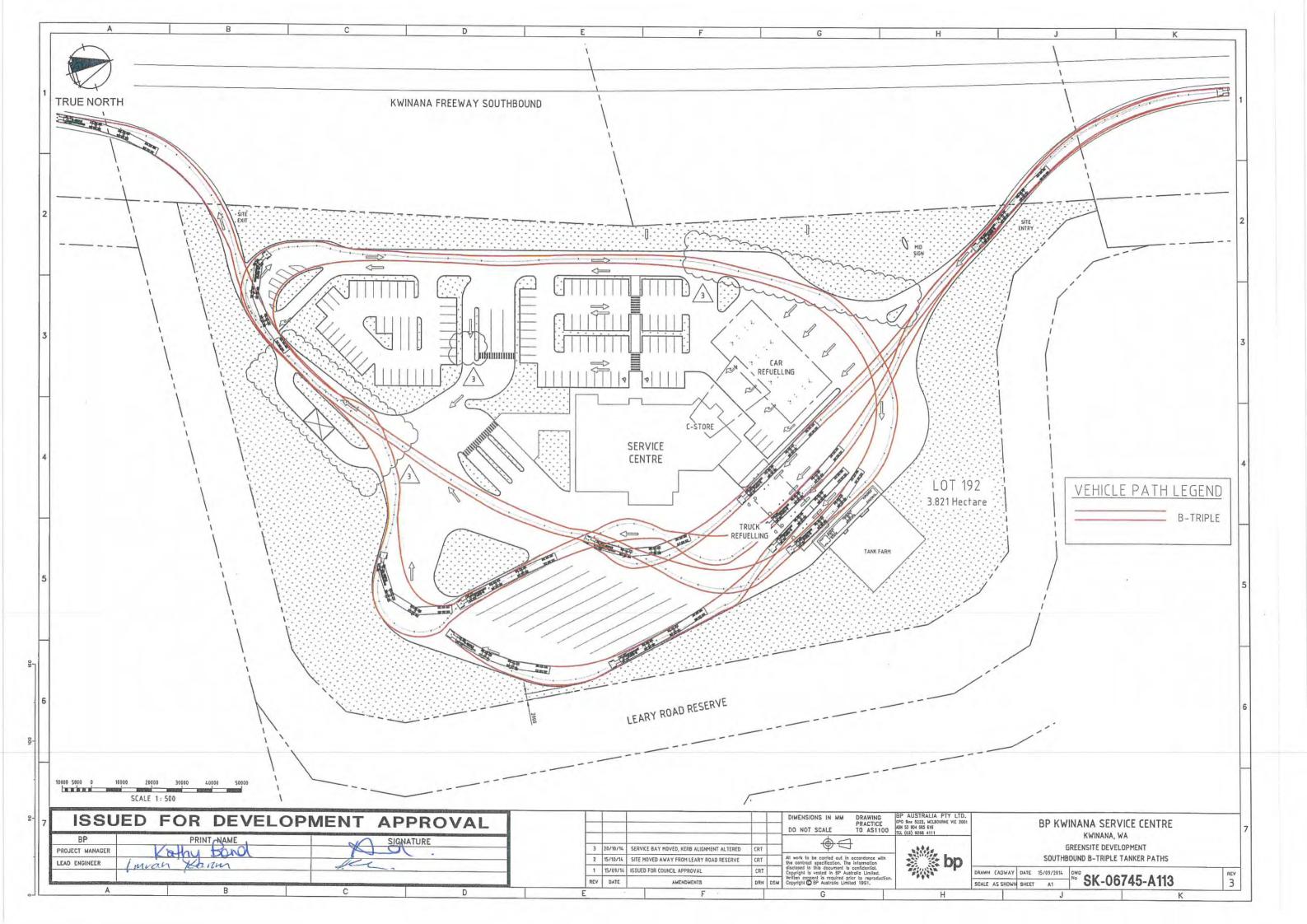


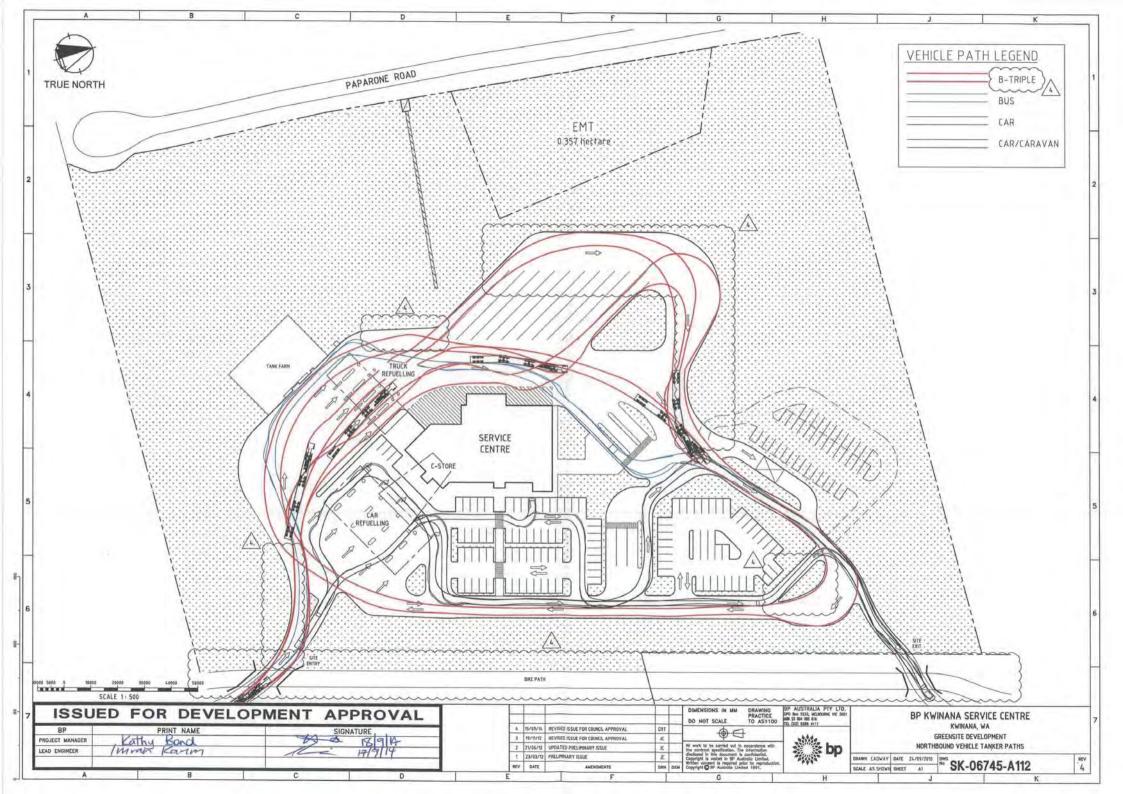














Planning and Development Act 2005

City of Rockingham Town Planning Scheme No.2

Metro South-West Joint Development Assessment Panel

Determination on Development Assessment Panel Application for Planning Approval

Location: Lot 191 Paparone Road and Lot 192 Leary Road, Baldivis **Description of proposed Development**: Proposed Freeway Services Centres

In accordance with Regulation 8 of the *Development Assessment Panels Regulations 2011*, the above application for planning approval was **granted** on 8 February 2013, subject to the following resolution and conditions:

Approve DAP Application reference DP/12/01384 and accompanying plans dated 24/9/2012, DWG No's SK-06745-A100 to SK-06745-A112 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 as follows:

- 1. Prior to applying for a Building Permit, the landowner/applicant is to provide a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development. This should include the water table profile and in the event that remediation works are required, the landowner/applicant is to provide a post geotechnical report certifying that all works have been carried out in accordance with the pre-works geotechnical report.
- 2. An acid sulphate soils self-assessment form and, if required as a result of the self-assessment, an acid sulphate soils report and an acid sulphate soils management plan shall be submitted to and approved by the Department of Environment and Conservation and submitted to the City before any development is commenced. Where an acid sulphate soils management plan is required to be submitted, all works shall be carried out in accordance with the approved management plan.
- 3. All stormwater being contained and disposed of on-site to the satisfaction of the City.
- 4. Potentially contaminated stormwater must pass through a well maintained litter and silt trap, and then a regularly maintained fuel and oil trap (such as a coalescing plate separator or the equivalent), to the satisfaction of the City.
- 5. The construction and maintenance of an appropriate bunding or damming system to prevent the discharge of stormwater into the Peel Main Drain, for the duration of the development.



- 6. The ground floor level of the Freeway Service Centre on Lot 192 Leary Road shall be designed and constructed to be at least 6.20m AHD.
- 7. The construction of an alternative emergency access route to the Freeway Service Centre at Lot 192 Leary Road, Baldivis, to link with Leary Road, prior to the occupation of the development.
- 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;
 - (ii) include two car parking spaces dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access— New building work; and
 - (iii) be constructed, sealed, kerbed, drained, floodlit 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. Materials, sea containers, goods or bins must not be stored within the carpark at any time.
- 10. Access of service vehicles or operation of forklifts must be restricted to the hours of 7:00am to 7:00pm Monday to Saturday and 9:00am to 7:00pm Sunday and public holidays, for the duration of the development.
- 11. All illumination must be confined to the sites (Lot 191 Paparone Road and Lot 192 Leary Road) in accordance with the requirements of Australian Standard AS 4282—1997, Control of the obtrusive effects of outdoor lighting, at all times, for the duration of the development.
- 12. A Sign Strategy must be prepared and include the information required by Planning Policy 3.3.1, Control of Advertisements, to the satisfaction of the City, prior to applying for a Building Permit and implemented as such for the duration of the development.
- 13. All signs to be erected on the access lanes leading to the Freeway Service Centres shall be provided in accordance with a signage strategy approved by the City and the Western Australian Planning Commission, so as to minimise commercial advertising along the Freeway.
- 14. Male and female secure hot-water showers and change rooms and must be provided within both Freeway Service Centres.

The showers and change rooms must be constructed prior to the occupation of each development, and must be retained and maintained in good condition at all times.

- 15. Dining facilities within each Freeway Service Centre shall be provided for a maximum of 150 sit-down customers.
- 16. 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:
 - (iv) frequency of bin collections; and
 - (v) a recycling strategy.

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

- 17. Design, construction and maintenance of petroleum storage systems must be consistent with recommendations for sensitive environments given in Australian Standard 4897: The design, installation and operation of underground petroleum storage systems.
- 18. Landscaping is to be established and reticulated in accordance with a detailed Landscape Plan approved by the City, prior to the occupation of the development. Landscaped areas are to be maintained thereafter in good order to the satisfaction of the City.
- 19. An Acoustic Consultant's report shall be submitted for the City's approval, prior to applying for a Building Permit. The report is to indicate the anticipated sound level measurements for all types of noise associated with the development, indicating plant and equipment noise associated with operational activities. The report must also indicate any specific noise attenuation/mitigation measures to be applied to the development in order to ensure noise emissions comply with the Environmental Protection (Noise) Regulations 1997. Upon approval of that report by the City, any modifications required to the development as a result of its recommendations shall be made to the City's satisfaction prior to the occupation of the development.
- 20. Main Roads approval of the final design documentation for the entry and exit ramps, associated infrastructure, access roads, principal shared path realignment, carparks and Traffic Management Plan as detailed in the Access Deed for Freeway Service Centres must be obtained prior to applying for a Building Permit.

21. As Easement in accordance with Sections 195 and 196 of the Land Administration Act 1997 for the benefit of the public is to be placed on the Certificate of Title for Lot 191 Paparone Road, Baldivis specifying access rights for the redesigned principal shared path. Notice of this Easement is to be included on the Deposited Plan. The Easement is to state as follows:-

"Public Access Easement - Principal Shared Path"

- 22. Both Freeway Service Centres must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use, being subject to the approval of the Water Corporation.
- 23. A detailed Dust Management Plan must be submitted to and approved by the City prior to the commencement of any works on-site and all measures identified in the plan shall be implemented to the satisfaction of the City.
- 24. Earthworks and batters must be stabilised to prevent sand blowing and dust nuisance, for the duration of development.
- 25. This approval does not authorise or approve the use of the commercial tenancies. A separate Planning Approval must be obtained for the occupation of any tenancy, prior to the occupation of the development.
- 26. 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.
- 27. Prior to the commencement of development works, an Urban Water Management Plan shall be submitted to and approved by the Department of Water, and lodged with the City, consistent with approved District and Local Water Management Strategies. The development must be carried out in accordance with the approved Urban Water Management Plan.
- 28. Prior to the commencement of development works, a Notice of Intent (NOI) with details of the proposal shall be submitted to and approved by the resources safety division of the Department of Mines and Petroleum and the Department of Water, and lodged with the City. The NOI shall include an Environmental Management Plan, in accordance with the Water Quality Protection Note 49 Service Stations (DOW, 2009). The development must be carried out in accordance with the approved NOI and Environmental Management Plan.
- 29. All facilities shall be provided at all times, on a 24 hour daily basis.
- 30. At least three short-term (customer) bicycle parking spaces and two long-term bicycle parking spaces must be designed in accordance with AS2890.3-1993, Parking facilities, Part 3: Bicycle parking facilities, and constructed prior to occupation of the development.

Advice Notes

- (i) The applicant shall be responsible for all costs involved in the design and construction of the entry and exit ramps as detailed in the Access Deed for Freeway Services Centres. These costs include the engagement of a Main Roads nominated surveillance officer for the duration of the entry and exit ramp construction works.
- (ii) The disposal of wastewater into the Water Corporation's sewerage system must be with approval of the Water Corporation; the applicant should liaise with the Water Corporation in this regard.
- (iii) With respect to Condition No.7, Leary Road is subject to inundation, and thus alternative emergency access routes must be constructed to ensure access in the event of flooding.
- (iv) With respect to Conditions 10, 11, 18 and 19, it is the applicant's responsibility to ensure that the operation of the Western Freeway Service Centre on Lot 191 Paparone Road, will not adversely affect future residential development on the western side of the Kwinana Freeway.
- (v) A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the applicant should liaise with the City's Building Services in this regard.
- (vi) A separate approval from the City's Health Services is required under the Food Act 2008 and Food Safety Standards. This is required prior to the lodgement of an application for a Building Permit. The applicant should liaise with the City's Health Services in this regard.
- (vii) With respect to Condition No.18, the applicant and owner should liaise with the City's Parks Services to confirm requirements for landscaping plans.
- (viii) The applicant is advised that the development needs to comply with the provisions of the Building Code of Australia and AS3500.
- (ix) The applicant is advised that the Department of Health has recommended the following:-
 - (a) A sign should be erected in a visible location on both sites incorporating the following message:-
 - "Visitors and patrons are made aware of the risk of mosquito-born diseases and the potential for nuisance mosquitoes within the vicinity"
 - (b) Built form measures (including screening on doors and windows and screened outdoor enclosures) should be incorporated into the design to protect patrons against mosquitoes.

- (x) The applicant is reminded of the need to comply with the Special Conditions contained within Schedule No.3 (Special Use Zones) of the City's Town Planning Scheme No.2.
- (xi) The landowner/applicant is advised to liaise with the Department of Transport (BikeWest) and Main Roads WA regarding the alignment of the Principal Shared Path relative to its location, design and geometry, which allows for the convenient and safe movement of cyclists. Prior to the commencement of construction, public access must be provided around the development for pedestrians and cyclists.
- (xii) In relation to Condition 22, the applicant is advised that the ability of the Water Corporation to accept additional wastewater into the North Baldivis system will be subject to further approval from the Water Corporation. This will depend on the availability of a spare capacity at the North Baldivis Waste Water Pump Station and the discharge point into the Kwinana Sewer district, at the time the proponent applies to the Corporation for connection.

Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the Development Assessment Panel Regulations 2011.

DEVELOPMENT ASSESSMENT PANELS

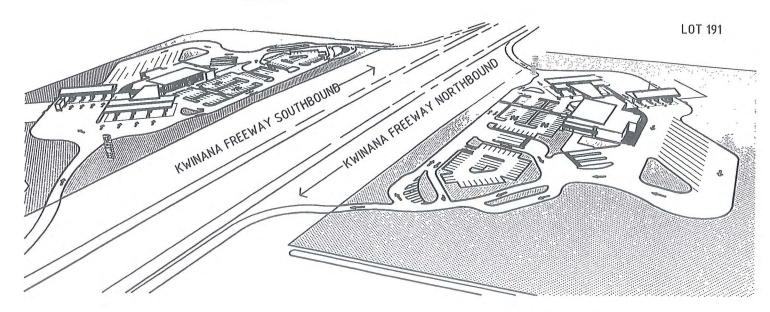
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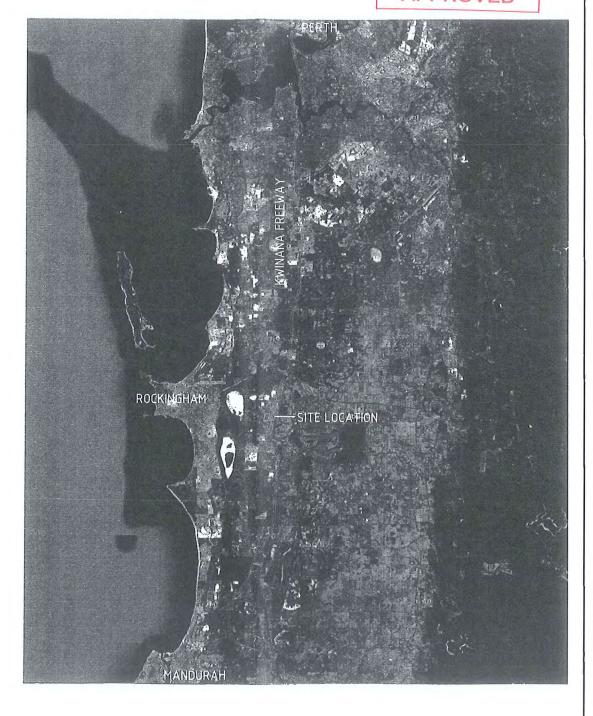
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BP KWINANA SERVICE CENTRE

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SHEET NUMBER	REVISION NUMBER	
SK-06745-A100	TITLE SHEET	3
SK-06745- A101	OVERALL SITE PLAN	3
SK-06745-A102	SITE ELEVATIONS - TYPICAL	2
SK-06745-A103	SITE PLAN – SOUTHBOUND	3
SK-06745-A104	SITE PLAN - NORTHBOUND	3
SK-06745-A105	BUILDING FLOOR PLAN - NORTHBOUND/SOUTHBOUND TYPICAL	3
SK-06745-A106	BUILDING SETOUT PLAN – TYPICAL	1
SK-06745-A107	BUILDING ELEVATIONS – TYPICAL	1
SK-06745-A108	BUILDING ELEVATIONS – TYPICAL	1
SK-06745-A109	BUILDING SECTIONS	1
SK-06745- A110	TRUCK CANOPY ELEVATIONS - TYPICAL	1
SK-06745- A111	M.I.D ELEVATIONS	2
SK-06745- A112	CIRCULATION PLAN - TYPICAL	2

LOT 192





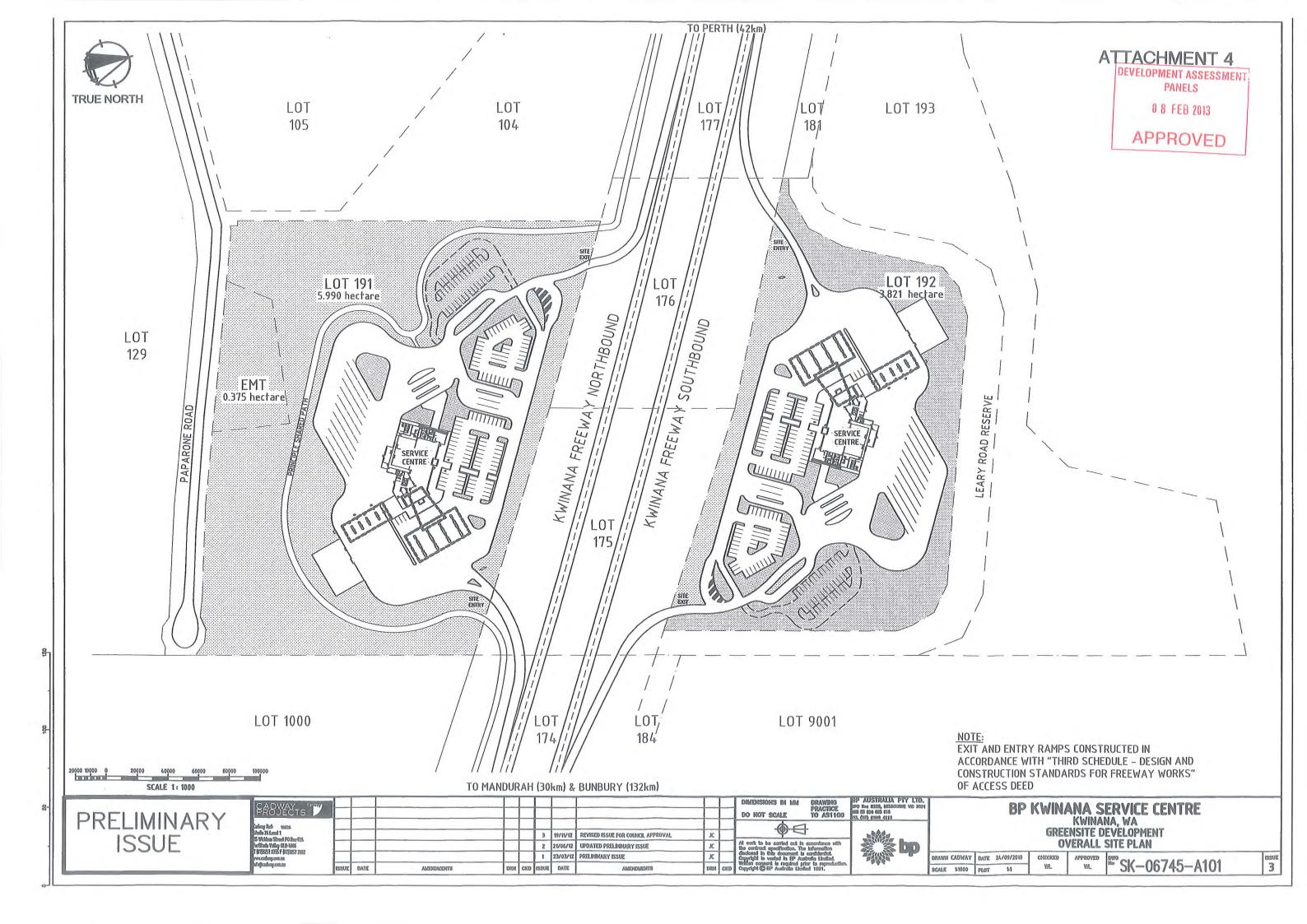
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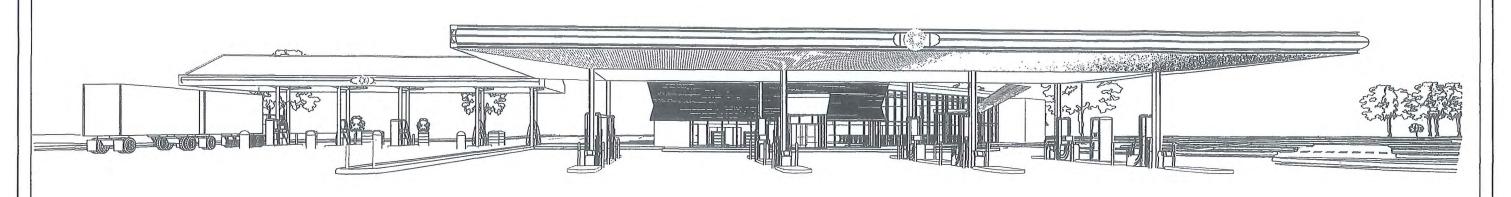
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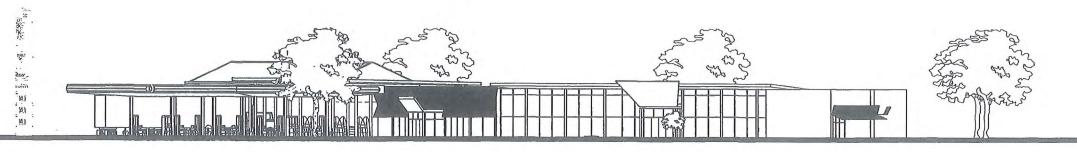
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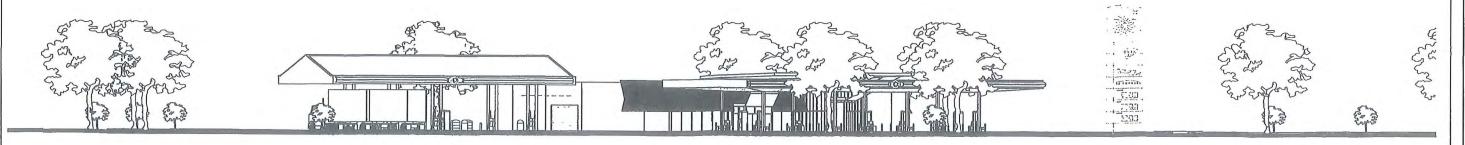




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CONCEPT INICATIVE SITE ELEVATION 1



CONCEPT INICATIVE SITE ELEVATION 2

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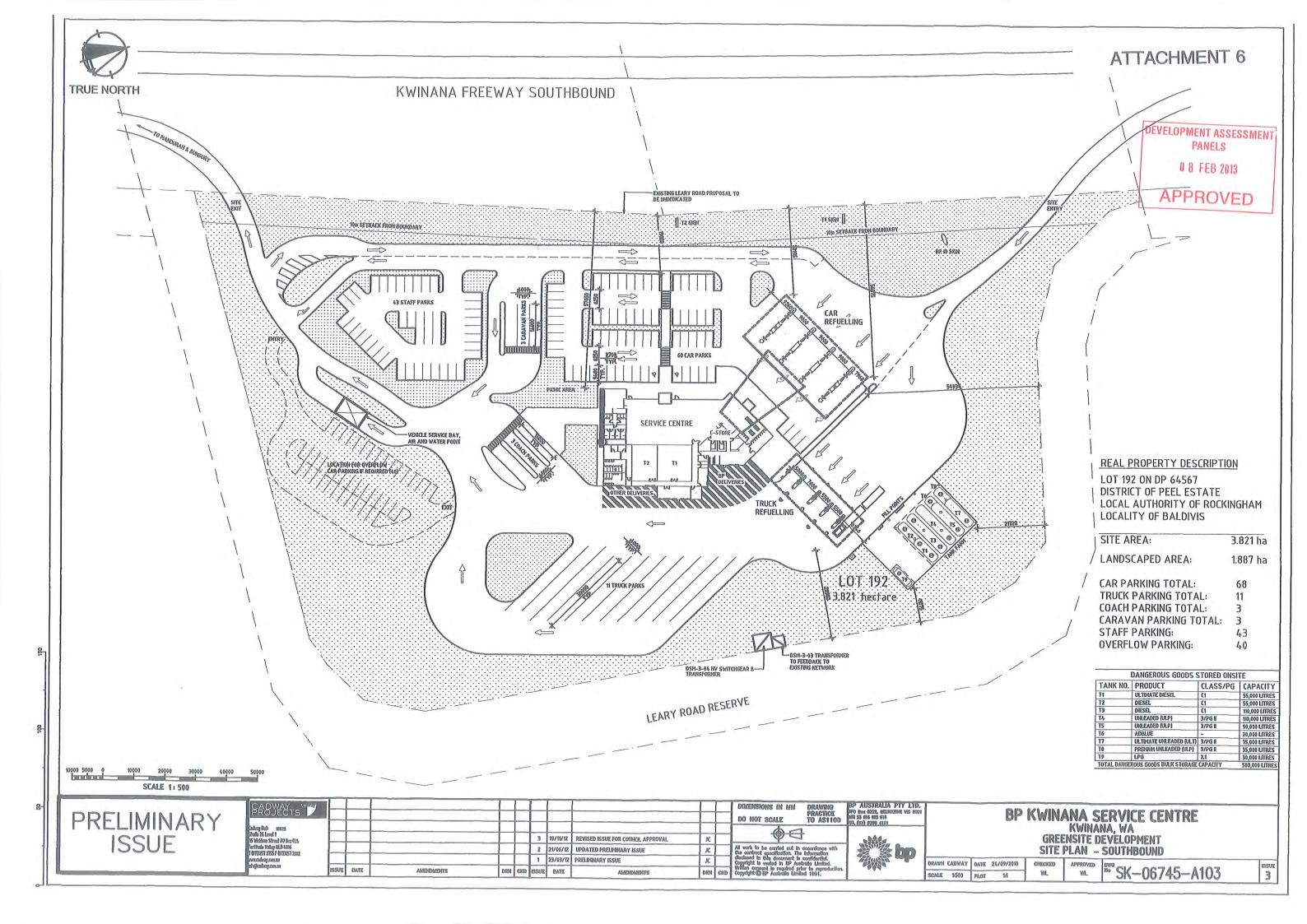
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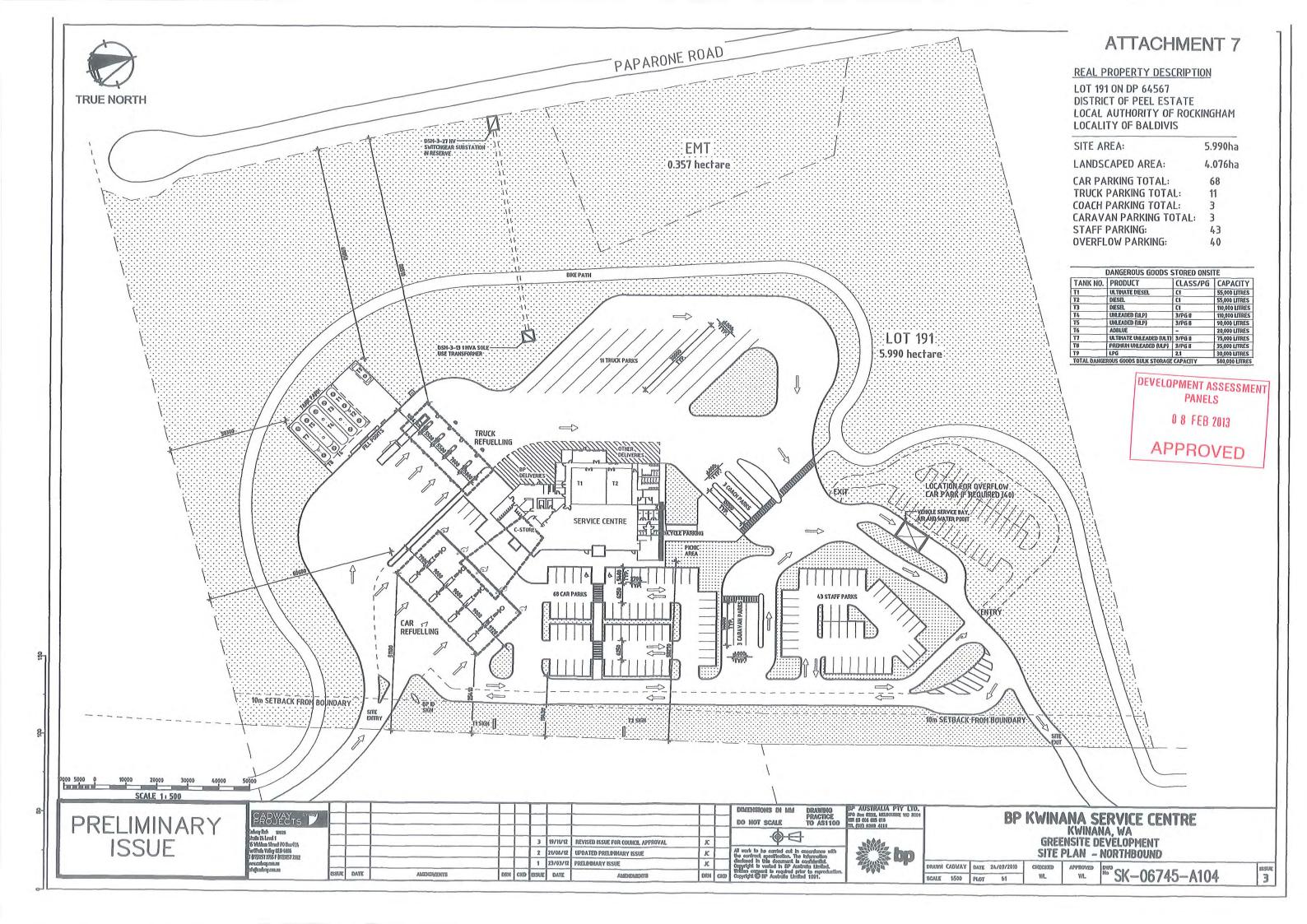
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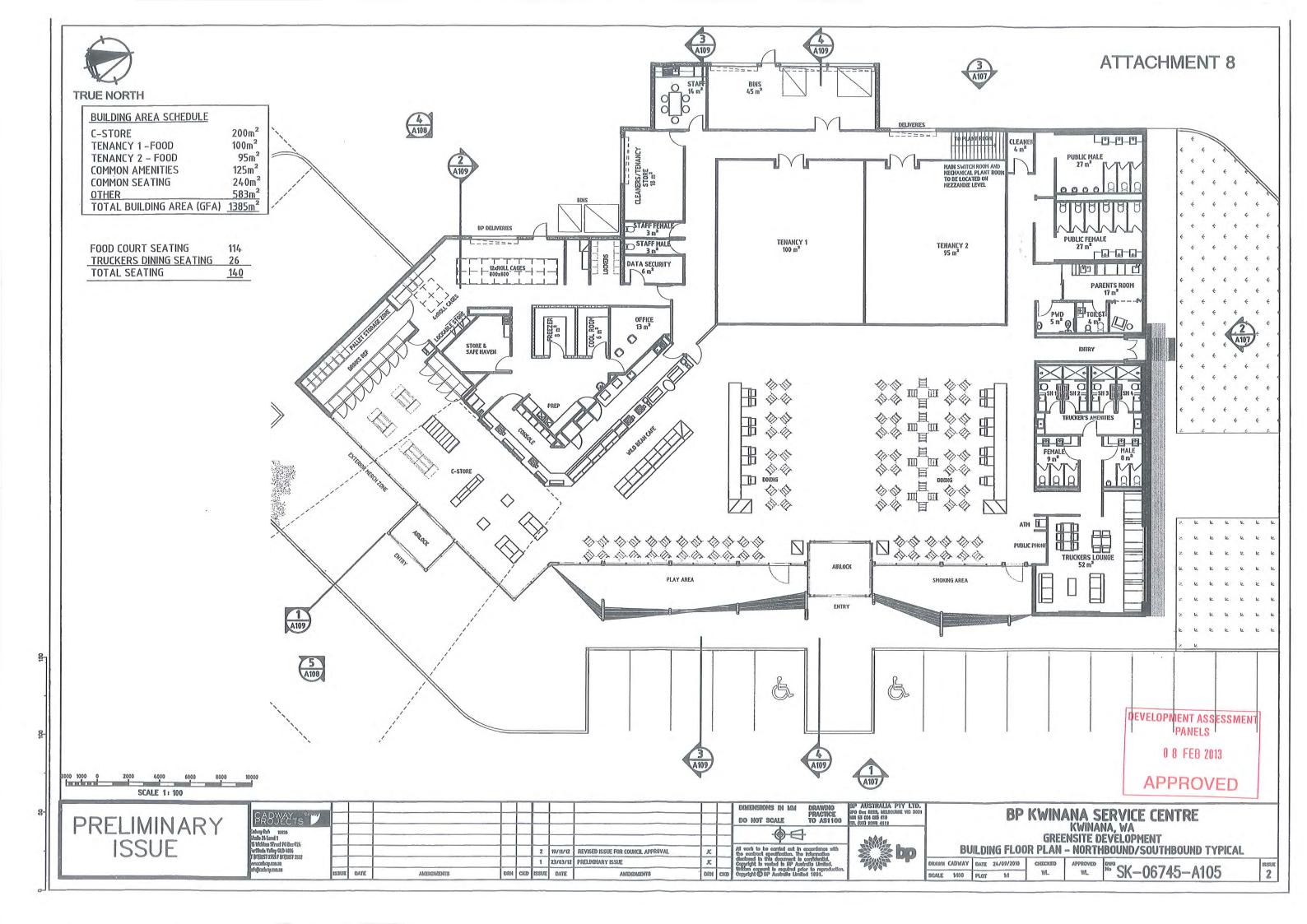
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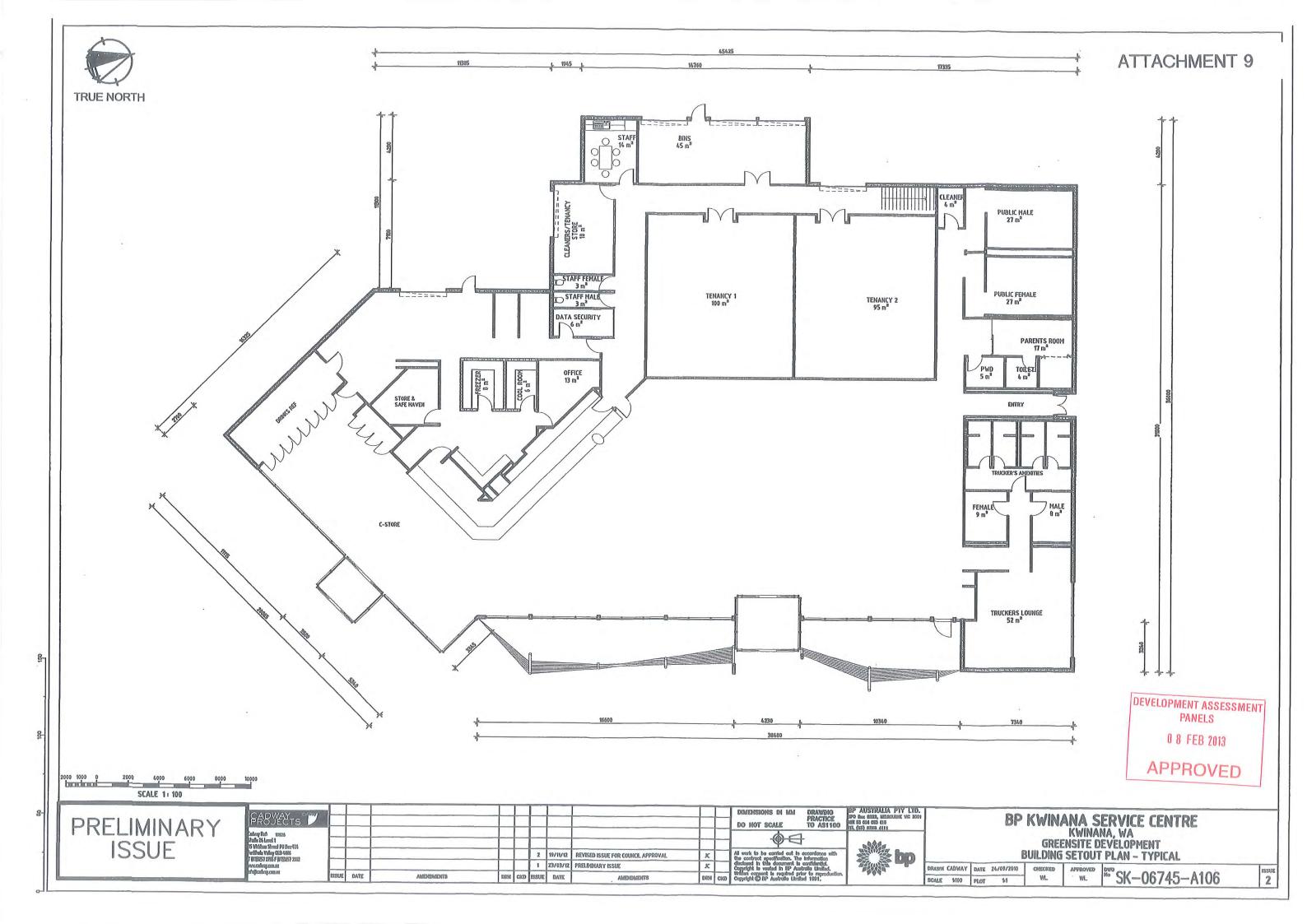
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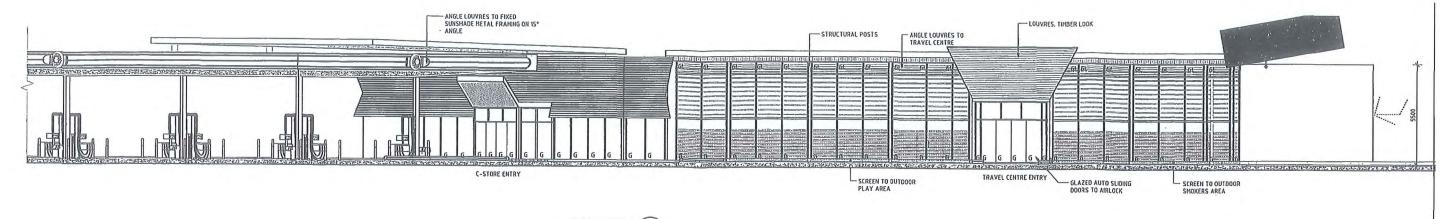
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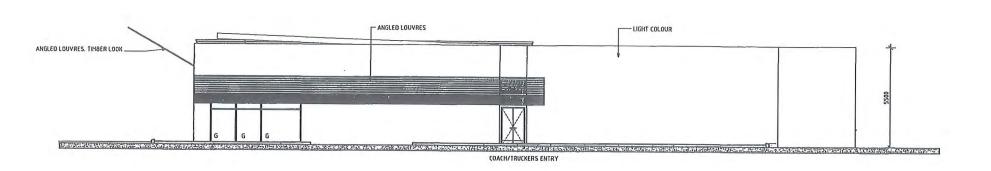




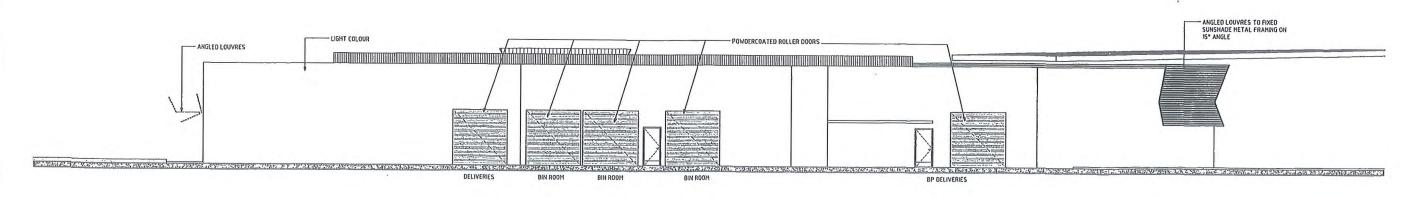




ELEVATION 1 SCALE 1:100 A105



ELEVATION 2 SCALE 1:00 A105



ELEVATION 3 SCALE 1:100 A105

DEVELOPMENT ASSESSMENT PANELS

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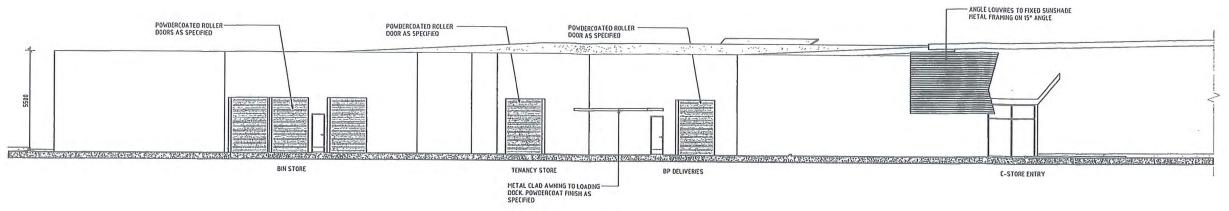
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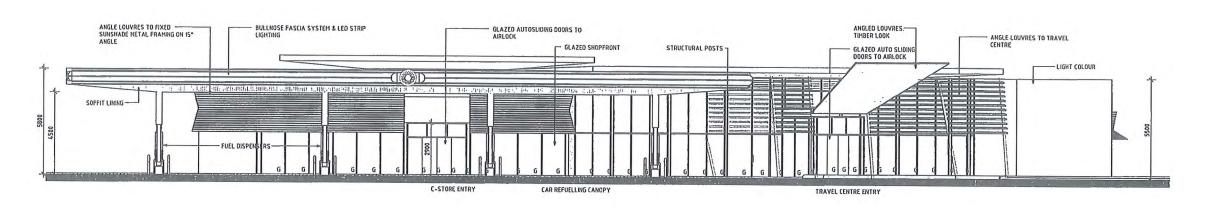
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BP KWINANA SERVICE CENTRE KWINANA, WA GREENSITE DEVELOPMENT **BUILDING ELEVATIONS - TYPICAL**

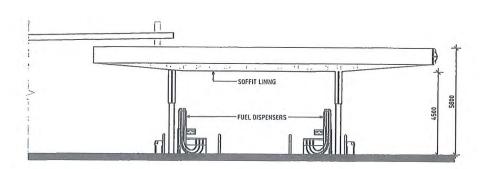
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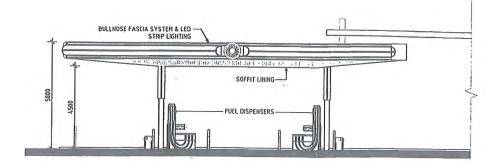
ELEVATION 4 SCALE 1:100 105



ELEVATION 5



ELEVATION 6



ELEVATION 7
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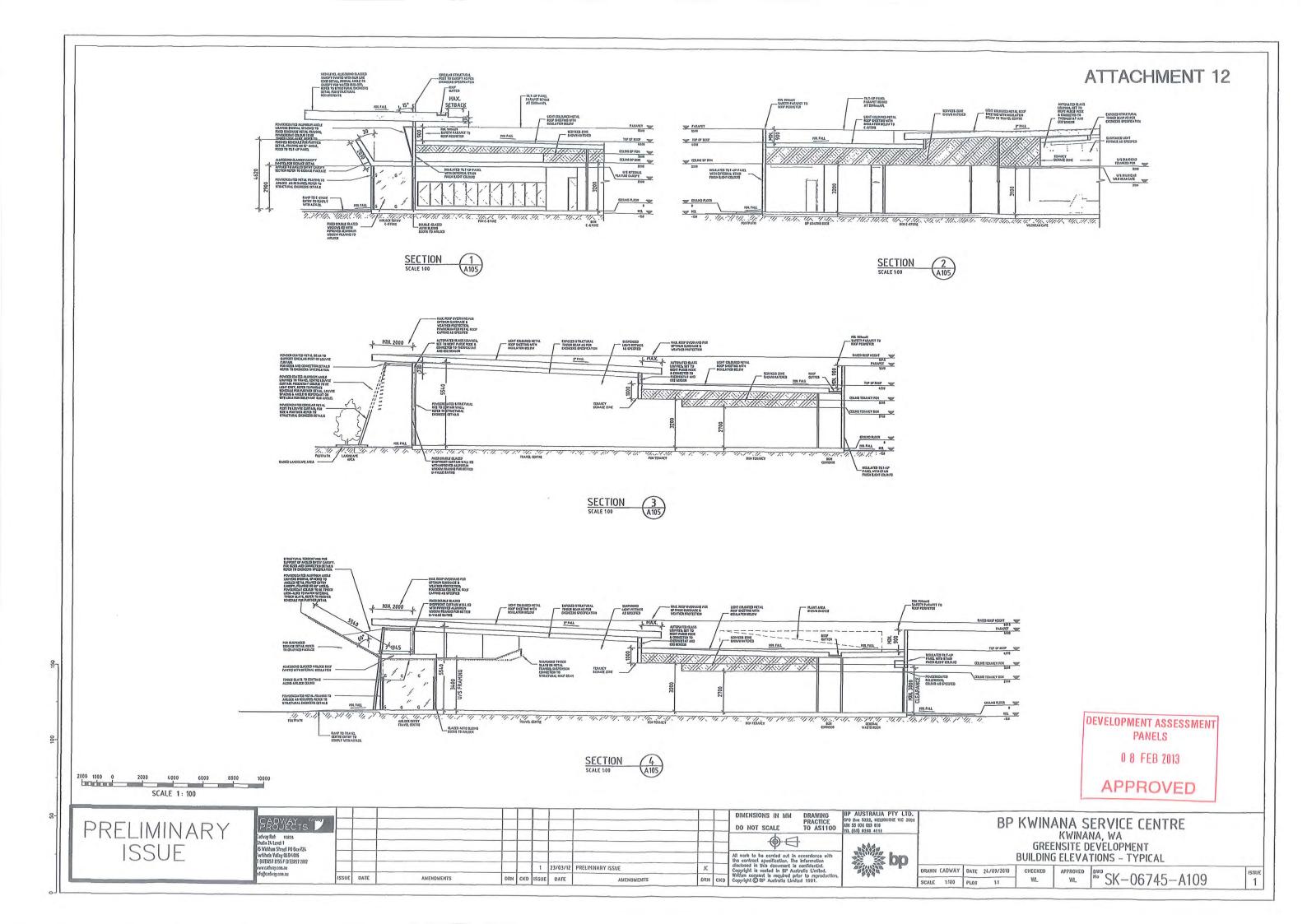
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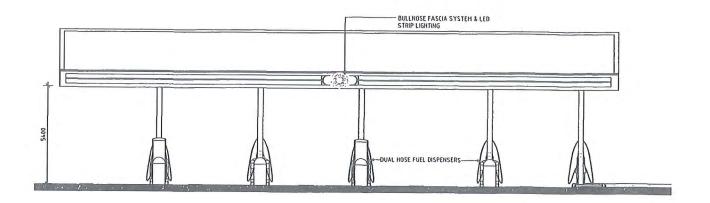
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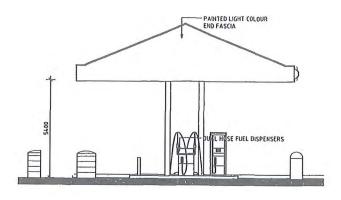
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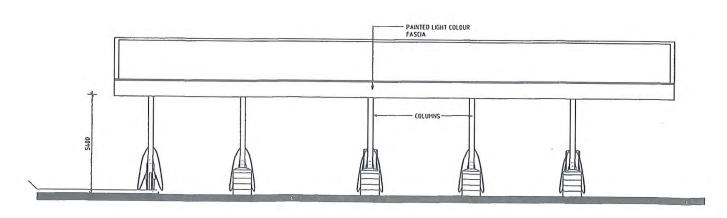






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ELEVATION 3

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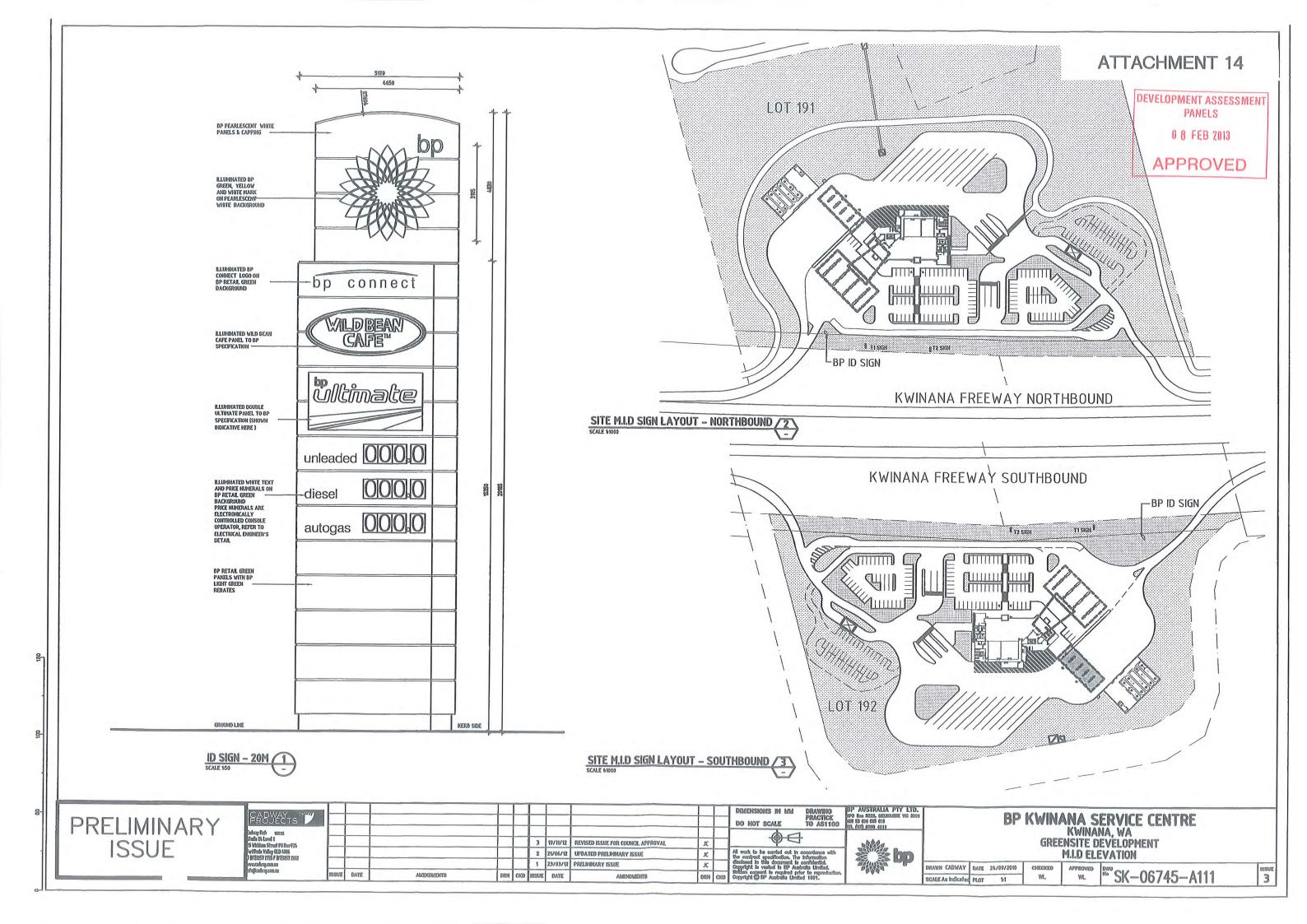
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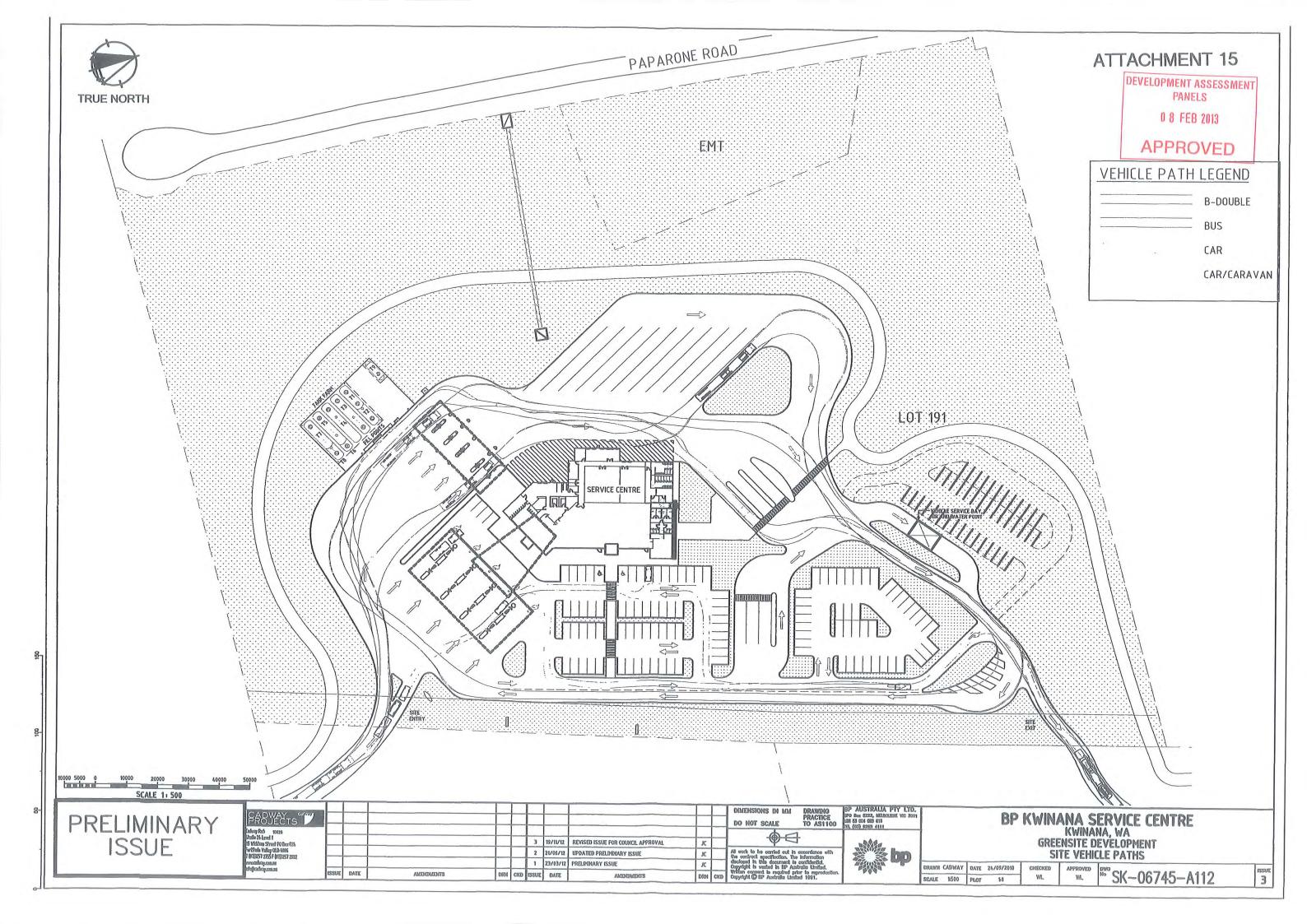
KWINANA, WA

GREENSITE DEVELOPMENT

TRUCK CANOPY ELEVATIONS - TYPICAL

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TITLE

POINT STREET, NO. 2 (LOT 34), FREMANTLE - VARIATION TO PREVIOUS PLANNING APPROVAL FOR DAP80008/13 (DP/13/00872) (DEMOLITION OF EXISTING BUILDINGS AND PUBLIC CAR PARK AND CONSTRUCTION OF A SEVEN (7) STOREY MIXED USE DEVELOPMENT (AD DAPV50002/14)

Form 2 - Responsible Authority Report (Regulation 17)

Property Location:	No. 8 (Lot 34) Point Street, Fremantle				
Application Details:	Variation to previous Planning Approval				
	for DAP80008/13 (DP/13/00872)				
	(currently proposed - Demolition of				
	existing Buildings and Public Car park				
	and Construction of a Seven (7) Storey				
	Mixed Use (152 Hotel Rooms, 111				
	Multiple Dwellings, Shop & Restaurant)				
	with 3 Basement s of Car park				
5451	Development)				
DAP Name:	Metropolitan South-West Joint				
	Development Assessment Panel				
Applicant:	Design Inc Perth				
Owner:	Sks Land Pty Ltd				
LG Reference:	DAPV50002/14				
Responsible Authority:	City of Fremantle				
Authorising Officer:	Manager Statutory Planning				
Department of Planning File No:	DP/13/00872				
Report Date:	5 November 2014				
Application Receipt Date:	4 September 2014				
Application Process Days:	60 days				
Attachment(s):	1: Original Determination Notice				
	2: Locality Plans				
	3: Development Plans				

Officer Recommendation:

That the Metro South-West Joint Development Assessment Panel resolves to:

1. Accept that the DAP Application reference DP/13/00872 as detailed on the DAP Form 2 dated 4 September 2014 is appropriate for consideration in accordance with regulation 17 of the Planning and Development (Development Assessment Panels) Regulations 2011;

plans dated 8 October 2014 (Plan reference: SK01 (site plan); SK02 (floor plan – basement level 3); SK03 (floor plan – basement level 2); SK04 (floor plan - basement level 1); SK05 (floor planground); SK06 (floor plan - level 1); SK07 (floor plan - level 2); SK08 (floor plan - level 3); SK09 (floor plan - level 4); SK10 (floor plan - level 5); SK11 (floor plan - level 6); SK12 (floor plan -roof); SK13 (sections A-A & section D-D); SK14 (section B-B & section C-C); SK15 (section E-E & section F-F); SK16 (Point Street and Adelaide Street elevations); SK17 (Princess May Park and Cantonment Street Elevations); SK18 (Cantonment Street and Princess May Park corner perspective); SK19 (hotel entry -Cantonment Street perspective); SK20 (hotel entry - Adelaide Street perspective); SK21 (Point Street and Adelaide Street corner perspective); SK22 (Princess May Park and Adelaide Street corner perspective); SK23 (reference images (1)); SK24 (reference images (2)) in accordance with the provisions of the City of Fremantle Local Planning Scheme No. 4 and the Metropolitan Region Scheme, for the proposed minor amendment to the approved demolition of existing Buildings and Public Car park and Construction of a Seven (7) Storey Mixed Use (173 Hotel Rooms, 77 Unit Multiple Dwellings, Restaurant & Shops) with Basement Car park Development at No. 8 (Lot 34) Point Street, Fremantle, subject to:

Amended Conditions

It is recommended that the following conditions of the planning approval for DAP80008/13 dated 31 January 2014 be amended so as to read:

- 1. This approval relates only to the development as indicated on the approved plans dated 6 October 2014. It does not relate to any other development on this lot and must be substantially commenced within four years from the date of this decision. If the subject development is not substantially commenced within the 4 year period, the approval shall lapse and be of no further effect.
- 3. 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 DAP80008/13, for the development of public art works and/or heritage works to enhance to public realm to the satisfaction of the Chief Executive Officer, City of Fremantle. Based on the estimated cost of the development being \$65,000,000.00, the contribution to be made is \$650,000.00.

- 10. The design and construction of the development is to meet the 4 star green star standard as per Local Planning Policy 2.13 or alternatively to an equivalent standard as agreed upon by the Chief Executive Officer, City of Fremantle. Any costs associated with generating, reviewing or modifying the alternative equivalent standard is to be incurred by the owner of the development site. Twelve (12) months after practical completion of 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 certifying that the development achieves a Green Star Rating of at least 4 Stars.

17. Prior to the issue of a Building Permit:

- (i) the applicant shall submit additional details relating to colour, texture and material arrangement for final facade finishes to the satisfaction of the Chief Executive Officer, City of Fremantle on the advice of the Design Advisory Committee;
- (ii) the plans hereby approved being modified and supporting details being provided to the satisfaction of the Chief Executive Officer City of Fremantle having regard to advice of the Design Advisory Committee relating to:
 - (a) Further architectural resolution of the ground floor elevations to all 4 frontages. This will not require a major redesign but further detailing acknowledged by the applicant. This detailing will enable the ground floor entry points and the subdivision of the plinth to respond more positively to the upper floor subdivisions, , and also allow a more richly detailed brick shopfront to help overcome the 'flatness' and lack of a coherent composition of the current plinth design. relation to this final point, the architects were encouraged to draw on successful precedents such as Louis Sullivan's Guaranty Building and its use of a major and secondary 'order' of shopfront subdivision and, through consultation with the City's heritage architect, Alan Kelsall, about Fremantle precedents in which commercial brick buildings used exposed steel lintels openings. Consideration should also be given to

- the width and height of the awning above street level in terms of the level of weather protection offered and also how the awning works compositionally with the brick plinth.
- (b) Pedestrian awnings on the ground floor plans as indicated on the elevation.
- (c) The plant rooms being reduced in size to be more than 10% of the roof area as required by clause 5.8.1.3 of the scheme.
- (d) Details of the proposed landscaping to Princes May Park immediately abutting the subject site.
- (e) Minimum 200mm recess of the faceted hotel room elevation windows to create articulation.
- (f) The setback of the first floor glazing above the brick plinth needs to be read as a real 'break' between the two storeys so that it is able to be understood as a negative setback, and not flush with the brickwork and the storey above.

Additional Conditions

It is recommended that the following conditions be imposed on the planning approval for DAP80008/13 dated 31 January 2014:

- 19. Prior to the issue of a Building Permit, the cumulative area of the rooftop plant (as a minor projection) be amended so as to be no more than 10 per cent of the total roof area of the building, in accordance with Clause 5.8.1.3 of the City of Fremantle's Local Planning Scheme No. 4, to the satisfaction of the Chief Executive Officer, City of Fremantle.
- 20. The 'liquor store' land use as contained within the ground floor does not form part of this planning approval and is hereby deleted.
- 21. Prior to occupation, a minimum of:
 - (a) 49 bicycle racks be provided for the proposed Multiple Dwellings;
 - (b) 13 class 1 bicycle racks be provided (7 x for Shop; 3 x for Hotel; and 3 x for Restaurant land uses); and
 - (c) 13 class 3 bicycle racks be provided (7 x for Shop; 3 x for Hotel; and 3 x for Restaurant land uses);

and be thereafter maintained, to the satisfaction of the Chief Executive Officer, City of Fremantle.

22. Prior to the issue of a Building Permit, plans being modified such that the Princess May Park setback to the windows of level 2 and above be setback a minimum of 15.0m (not including architectural fin walls), to the satisfaction of the of the Chief Executive Officer, City of Fremantle.

Background:

Property Address:	No. 8 (Lot 34) Point Street, Fremantle
Zoning MRS:	Central City Zone
LPS:	City Centre Zone
Use Class:	A – Hotel
	P – Shop
	P - Restaurant
	D – Multiple Dwelling
Strategy Policy:	N/A
Development Scheme:	City of Fremantle Local Planning Scheme
	No. 4
Lot Size:	Lot 34 – 5015m ²
Existing Land Use:	Public Car park, Shop & office
Value of Development:	\$65 million

The development site is located within and subject to Schedule 12 – Local Planning Areas of LPS4. Specifically, the site is within Local Planning Area Sub Area 1.3.2 of Schedule 12.

The subject site is not individually listed on the City's Heritage List, but abuts two places being Princess May Reserve and Film and Television institute (Former Fremantle's Boy School) that are on the State Heritage Register.

The existing site is improved by a three level public car parking building (308 car bay) which encompasses approximately 3000m² of floor area and is located on the corner of Point Street and Cantonment and a one and two storey Retail building to Adelaide Street which encompasses approximately 1720m² of floor area which fronts Adelaide Street.

At its meeting held on 23 January 2014, the JDAP granted conditional planning approval for the Demolition of existing Buildings and Public Car park and Construction of a Seven (7) Storey Mixed Use (173 Hotel Rooms, 77 Unit Multiple Dwellings, Restaurant & Shops) with Basement Car park Development at No. 2 (Lot 34) and No. 64-86 (Lot 34) Adelaide Street, Fremantle (refer DP/13/00872; DAP80008/13).

It is noted that since the latest JDAP approval on 23 January 2014, the subject site has undergone a number of changes in relation to its street address. It has since been known as No. 64-86 (Lot 34) Adelaide Street, Fremantle, and is now known as No. 8 (Lot 34) Point Street, Fremantle.

Details: outline of development application

On 9 September 2014, the City received an application seeking a variation to previous Planning Approval for DAP80008/13 (DP/13/00872) (Demolition of existing Buildings and Public Car park and Construction of a Seven (7) Storey Mixed Use (173 Hotel Rooms, 77 Multiple Dwellings, Shop & Restaurant) with Basement Car park Development).

On 8 October 2014, and in response to comments made by the City's Design Advisory Committee (DAC), the City received amended development plans from the applicant.

Key differences between the development approved as part of DP/13/00872; DAP80008/13 and that of what is proposed is detailed in the table below:

	Approved	Proposed
Hotel rooms	173	152
Multiple Dwellings	77	111
Car parking bays	161	208
No. basement levels	1	3

Summary of complete development

- Demolition of existing buildings;
- Construction of a seven storey mixed use building with three-level basement car park
 - 152 room Hotel, bar lounge / function and venue rooms area and associated amenities incidental to such use;
 - 111 Multiple Dwellings;
 - o 1,210m² Supermarket (Shop);
 - o 10 smaller shop tenancies equating to 649m² area; and
 - o 215m² Restaurant.

Legislation & policy:

The legislative framework and policy base providing for the assessment and determination of the subject application is as follows:

1) City of Fremantle Local Planning Scheme No. 4 (LPS4) – application for development on the site is to be determined in accordance with provisions of Part 10 of LPS4.

City of Fremantle LPS4 Provisions:

The following Scheme provisions are considered the most relevant in the consideration of the planning application:

- Table 2 Zoning;
- Table 3 Vehicle Parking requirements;
- Clause 4.2.1(b) Objectives for the City Centre Zone;

- Clause 5.7.3 Relaxation of Parking requirements;
- 5.8.1.3 Minor projections permitted above the highest part of the development;
- Clause 5.8.2 Discretionary clause to vary other requirements (except for height);
- Clause 5.8.4 Additional criteria that must be taken into consideration by Council in excising its powers under clause 5.8.1.1;
- Clause 5.16 End of Trip Facilities
- Clause 11.8 Design Advisory Committee;
- Schedule 1 Dictionary of Defined Words and Expressions; and
- Schedule 12 Local Planning Area 1 City Centre Sub Area 1.3.2

State Government Policies

Nil

Local Planning Policies

The site is subject to the following relevant Local Planning Policies:

- DBM7 Cash-in-lieu of Car Parking Policy (DBM7);
- Local Planning Policy 1.3 Public Notification of Planning Proposals (LPP 1.3)
- Local Planning Policy 1.6 Preparing Heritage Assessment (LPP 1.6)
- Local Planning Policy 1.9 Design Advisory Committee & Principles Of Design
- Local Planning Policy 2.3 Fremantle Port Buffer Area Development Guidelines (LPP2.3)
- Local Planning Policy 2.13 Sustainable Buildings Design Requirements (LPP2.13);
- Local Planning Policy 2.18 New Residential Developments in the City Centre Zone – Noise from an existing Source (LPP2.18);
- Local Planning Policy 2.19 Contribution for Public Art/and or Heritage Works (LPP2.19); and
- Local planning Policy 3.1.5 Precinct 5 (LPP3.1.5)

Consultation:

Public Consultation

The planning application was not considered to require public advertising as set out in Clause 6(b) of Council's Local Planning Policy *LPP1.3 - Public Notification of Planning Proposals* (LPP1.3) as it was not proposing any new discretions to what was previously approved as part of DP/13/00872.

Consultation with Fremantle Port Authority (FPA)

The application was previously referred to FPA as part of assessment of DP/13/00872. The conditions imposed as part of the approval for

DP/13/00872 are considered relevant to this proposal, and as such the City determined there was no requirement to refer the application back to the FPA in this instance.

Consultation with State Heritage Office (SHO)

The application relates to a place that abuts a place (being Princess May reserve) which is registered on the Heritage Council of Western Australia's Register of Heritage Places. Accordingly the application was referred to the SHO for assessment with SHO providing the following comments on 20 October 2014:

"Findings

. The current referral is a variation to a previous development application considered by the State Heritage Office in November 2013. While there are some stylistic differences and changes to the proposed materials palette, the current proposal retains a similar bulk and scale and provides similar setbacks to the Princess May Reserve elevation.

Advice

The proposed development does not significantly impact on the identified cultural significance of the adjacent registered places. This advice is given from a heritage perspective to assist the City of Fremantle in its determination of this proposed development. There has been no assessment on the merits or otherwise of the development, which should be determined by the decision making authority."

Design Advisory Committee (DAC)

The proposal has been presented to the City's Design Advisory Committee (DAC) on 3 occasions:

- 8 September 2014 Concept Designs only (prior to lodgement of variation application);
- 23 September 2014 Workshop addressing DAC comments raised at its 8 September 2014 meeting;
- 13 October 2014 Amended proposal, based on development plans dated 8 October 2014.

A summary of the comments from those DAC meetings are reproduced below:

8 September 2014 DAC Meeting

SUMMARY RECOMMENDATION

"1. CABE DESIGN PRINCIPLES

a. CHARACTER

As evidenced by the previous DAC minutes documenting the 8 times this project was considered, the Committee worked hard to resolve the significant character issues associated with previous designs to a position where they could support the design that was approved by DAP in January 2014.

The proposed modifications represent significant negative departures from the design that was approved. Such changes include:

- 1. A lack of a clear and legible hotel entrance from Adelaide Street;
- 2. Residential lift lobbies that are not well defined to the streets and are convoluted in use:
- 3. Bin stores on the ground floor street edge that reduce active ground floor frontage;
- 4. Apartments with Internal bedrooms that have no access to natural light;
- 5. Apartments that directly overlook roof areas below to PMP rather than open terraces;
- 6. Highly visible location of the travelators to assist with commercial viability of adjacent tenancies;
- 7. Façade design modifications that lose the important sense of architectural continuity between the ground and upper floors.

b. CONTINUITY AND ENCLOSURE

The reduced height of the façade facing Princess May Park, specifically the area abutting Units 101 – 105 of level ,1 are a concerns as they propose an even greater variation to the minimum 10m façade height required by the scheme than did the previous design.

The purpose of the minimum façade height is to establish edges of consistent scale and massing that create a strong sense of urban enclosure as well as framing and reinforcing views to major Fremantle landmarks that provide legibility and contribute to the city's distinctive qualities.

c. QUALITY OF PUBLIC REALM

The above issue did not arise during the presentation

d. EASE OF MOVEMENT

The deletion of the designed hotel access from Adelaide to Cantonment Street which ran on the south side of the bar restaurant, function and café area adjacent to the Princess May Park edge, is a concern. The proposed creation of a dog leg shown adjacent to the 'show kitchen and patisserie retail' area reduces both the legibility of the previous entry and access way and decreases the ease of movement.

e. LEGIBILITY

See above comments relating to ease of movement.

f. ADAPTABILITY

The above issue did not arise during the presentation

g. DIVERSITY

The above issue did not arise during the presentation

h. OVERALL DESIGN QUALITY AND FUNCTIONALITY

See comments relating to character

i. APPROPRIATNESS OF MATERIALS AND FINISHES

See comment relating to character.

i. GENERAL COMMENTS

While it is acknowledged that the applicant may consider that the proposed façade changes are minor, as stated in the character section, the Committee has significant concerns about the changes having regard to the previous DAC comments.

2 DESIGN ASSESSMENT

a. WHAT ARE THE STRENGTHS

The majority of the design remains unchanged from the originally approved design which was previously supported by the Committee.

b) HOW CAN THE PROPOSAL BE IMPROVED

- i. Reinstate a clear and legible hotel entrance from Adelaide Street;
- ii. Reconfigure the Residential lift lobbies such that they are well defined and non convoluted;
- iii. Relocate bin stores and other introduced solid portions of frontage away from the street edge so that maximum active ground floor frontage is achieved;
- iv. Modify the layout of apartments so that all bedrooms have access to natural light;

- v. Reinstate minimum frontage heights and open terraces facing Princess May Park so that apartments do not overlook roof areas below
- vi. Relocate the travelators so that they are highly visible from retail frontages and within major circulation aisles;
- vii. Modify the façade design such that the sense of architectural continuity between the ground and upper floors is reinstated

3. RECOMMENDATION

The amended design is not supported. As the concerns are numerous and the issues complex, it is recommended that a workshop be held (approx 1.5 hours) to address the above issues more fully."

23 September 2014 – Workshop

On 23 September 2014, the DAC held a workshop with the applicant to discuss issues raised in the DAC meeting of 8 September 2014. This subsequently led to the submission of amended development plans to the City on 8 October 2014 and was presented before the DAC meeting that same day, discussed below.

13 October 2014 DAC Meeting

SUMMARY RECOMMENDATION

"1. CABE DESIGN PRINCIPLES

Refer to previous minutes for detailed CABE design principle comment.

DESIGN ASSESSMENT

a. What are the strengths?

The majority of issues raised at the Workshop have been addressed. These issues included:

- Reinstating a clear and legible hotel entrance from Adelaide Street;
- ii. Reconfiguring the Residential lift lobbies such that they are well defined and less convoluted;
- iii. Modifying the layout of apartments so that all bedrooms have access to natural light;
- Reinstatement of minimum frontage heights and open terraces facing Princess May Park so that apartments do not overlook roof areas below;
- v. Relocating the travelators so that they are highly visible from retail frontages and within major circulation aisles and the introduction of centralised casual commercial tenancies within this space,

- designed so that there is a minimum width of 3m circulation on both sides;
- vi. Modifying the façade design such that the sense of architectural continuity between the ground and upper floors is reinstated
- vii. Improved cross ventilation of units;
- viii. Modification of upper floor designs such that units are not looking onto blank metal deck roofs.
- ix. Consideration of the location of air-conditioners within the roof plant area or within screened area on balconies;

Matters raised in the workshop that have not yet been fully addressed include items vi. and viii above. Comment on item vi. appears under b. below. It is acknowledged that planter boxes have been introduced to upper floor rooms to reduce the view onto metal deck roofs, but their narrow width only partially addresses the problem. In addition, there was encouragement to relocate the bin store away from the street edge. It is acknowledged that bins stores are most conveniently located on the street edge for ease of pick up and that the applicant has located the bin store on the most appropriate frontage, being Cantonment Street.

b. How can the proposal be improved?

- i Further architectural resolution of the ground floor elevations to all 4 frontages. This will not require major redesign but more considered detailing as acknowledged by the applicant. This detailing will enable the ground floor entry points and the subdivision of the plinth to respond more positively to the upper floor subdivisions, as in point vi. above, and also allow a more richly detailed brick shopfront to help overcome the 'flatness' and lack of a coherent composition of the current plinth design. In relation to this final point, the architects were encouraged to draw on successful precedents such as Louis Sullivan's Guaranty Building and its use of a major and secondary 'order' of shopfront subdivision and, through consultation with the City's heritage architect, Alan Kelsall, about Fremantle precedents in which commercial brick buildings used exposed steel lintels over openings. Consideration should also be given to the width and height of the awning above street level in terms of the level of weather protection offered and also how the awning works compositionally with the brick plinth.
- ii Full awnings are not shown on the ground floor plans, however they are shown on the elevations. This drafting error needs correction;
- iii. The plant rooms on the roof are too large, as they are more than 10% of the roof area as required by clause 5.8.1.3 of the scheme. The area is required to be reduced.
- iv. Subject to advice from the Development Assessment Panel, the deletion of the proposed liquor store from the plans is required and may be subject to a separate planning application.

The above modifications, important and required, can be included as conditions of planning approval.

3. RECOMMENDATION

It is recommended that the application be supported subject to the following planning approval condition:

Prior to the issue of a Building Permit, plans hereby approved being modified and supporting details being provided to the satisfaction of the Chief Executive Officer - City of Fremantle having regard to advice of the Design Advisory Committee relating to:

- Further architectural resolution of the ground floor elevations to all 4 frontages. This will not require a major redesign but further detailing as acknowledged by the applicant. This detailing will enable the ground floor entry points and the sub-division of the plinth to respond more positively to the upper floor subdivisions, as in point vi. above, and also allow a more richly detailed brick shopfront to help overcome the 'flatness' and lack of a coherent composition of the current plinth design. In relation to this final point, the architects were encouraged to draw on successful precedents such as Louis Sullivan's Guaranty Building and its use of a major and secondary 'order' of shopfront subdivision and, through consultation with the City's heritage architect, Alan Kelsall, about Fremantle precedents in which commercial brick buildings used exposed steel lintels over openings. Consideration should also be given to the width and height of the awning above street level in terms of the level of weather protection offered and also how the awning works compositionally with the brick plinth.
- 2. Pedestrian awnings on the ground floor plans as indicated on the elevation.
- 3. The plant rooms being reduced in size to be more than 10% of the roof area as required by clause 5.8.1.3 of the scheme.
- 4. Details of the proposed landscaping to Princes May Park immediately abutting the subject site.
- 5. Minimum 200mm recess of the faceted hotel room elevation windows to create articulation.
- 6. The setback of the first floor glazing above the brick plinth needs to be read as a real 'break' between the two storeys so that it is able to be understood as a negative setback, and not flush with the brickwork and the storey above."

Accordingly, it is recommended that the above be imposed as a condition of planning approval.

Planning Services Committee (PSC)

This proposal was considered at Council's PSC meeting held on 5 November 2014, whereby Council resolved to adopt the Officers recommendation and recommended conditions as is recommended to JDAP.

Planning assessment:

Building height

The table below outlines the general changes between the heights of the development approved as part of DAP80008/13 and what is now proposed as part of the variation application.

Area	Element	Approved	Proposed	Change
3A	Permitted	7.50m	7.80m	+0.30m
	Min facade height	7.50m	7.80m	+0.30m
	Discretionary	0.00m	0.00m	-
3B	Permitted	24.50m	24.50m	-
	Min facade height	21.00m	21.00m	-
	Discretionary	24.50m	24.50m	-

The development site is located within Local Planning Area 1 – City Centre (Schedule 12 of LPS4) and is subject to the specific building height controls set out in Sub Area 1.3.2 of that local planning area for area 3A and 3B.

Application of the height controls is shown below in the Building Height Table:

Building Height Table:	Required	Provided	Discretion Sought	
Permitted Building Height	Area 3A - 17.5m	Area 3A – 7.8m	Complies	
	Area 3B – 21m	Area 3B - 24.5m	Discretion (1) sought	
Minimum Façade Height (metres) that fronts a public street(s) and/or public open space(s)	Area 3A – 10m Area 3B – 10m	Area 3A - 7.8m Area 3B - 21m	2.2m Discretion (2) sought Complies	
Discretionary Height which may be permitted subject to development satisfying parts (i) and	,	Area 3A – 0m	Complies	
(ii) of Sub Area 1.3.1	Area 3B – (additional to	Area 3B -	Discretion (3)	

permitted) 3 (24.5m)	3.5m	24.5m	sought
,			

The applicant is seeking the additional discretionary heights which are prescribed within sub area 1.3.2 of Schedule 12 of LPS4. The additional discretionary building height prescribed in Schedule 12 for the portion of the site within Area 3B is up to 24.5 metres subject to the proposal meeting the prescribed two criteria of schedule 12 for sub area 1.3.1. The applicable discretionary criterion of sub area 1.3.2 of Schedule 12 is as follows:

- (1) The portion of building exceeding the Permitted Building Height being sufficiently set back from the street façade so as to not be visible from the street(s) and/ or public open space(s) adjoining the site; and
- (2) The design of the portion of building exceeding the Permitted Building Height being integrated with the design of the overall building.

In relation to discretions (1) and (3), the proposal has been assessed against and complies with the setting back requirements of LPS4 and the design of the portion of building exceeding the Permitted Building Height requirements are considered to be appropriately integrated with the design of the overall building as reinforced by DAC's comments outlined above. Therefore the portion of building that exceeds the permitted building height is considered to adequately address the discretionary criteria and consequently the proposed additional building height is supported under Schedule 12 of LPS4.

In relation to the discretion sought for (2), the applicant is seeking discretion in relation to not meeting the minimum façade heights to Area 3A of the sub area. The applicable assessment against clause 5.8.2 of LPS4 is provided below:

Typically clause 5.8.1.1 Variation to height requirements would be sought to vary maximum height requirements as prescribed in Schedule 12, but given the applicant seeks discretion to vary the minimum façade height for Area 3A as specified in Schedule12 – Sub Area 1.3.2, it's considered an assessment against the provisions of clause 5.8.2.1 of LPS4 is required.

This clause specifically allows Council to consider the other site and development requirements variations provided all criterion of this clause are met. The clause is reproduced below:

The Council may vary other requirements of the Scheme subject to being satisfied in relation to all of the following:

a) The variation will not be detrimental to the amenity of adjoining properties or with the locality generally;

- b) Conservation of the cultural heritage values of buildings onsite and adjoining; and
- c) Any other relevant matter outlined in Council's local planning policies.

The following assessment under the requirements of Clause 5.8.2 and 5.8.4 are provided below.

In relation to (a), generally, when additional building height is sought potential detrimental impacts arise, however in this case given the applicant seeks discretion to reduce the minimum building height requirements. A reduction in building height requirements typically is considered to be advantageous for development particularly in terms of reducing building bulk, scale, overshadowing and other general amenity impacts and as such part (a) is considered satisfied.

In relation to (b), the subject site abuts several heritage significant places being Princess May Reserve, St Patricks Basilica, Woolstores and the Film and Television institute building (Former Fremantle's Boy School). Overall a reduction to the external wall height of the northern façade, north east and north west corners of the development is considered to be a positive outcome for these heritage significant properties, for similar reasons outlined above as the development would create less building bulk and scale impacts on these adjoining significant properties.

Furthermore, considering the development includes cohesive land uses (Hotel and Restaurant floor area) which will positively contribute to the activation of Princess May Park, the existing cultural heritage significance of this reserve would be significantly enhanced by the overall development.

In relation to (c), numerous concepts and development plans have been presented before the City's Design Advisory Committee (DAC) of which these individual presentations and DAC's recommendations to these presentations have been included above. The current design has been conditionally supported by the DAC, subject to a number of design changes and as such is considered to satisfy Council's *Local Planning Policy 1.9 – Design Advisory Committee & Principles of Design* (LPP1.9). It is further considered to comply with Council's *Local Planning Policy 3.1.5 – Precinct 5* (LPP3.1.5).

Building height (minor projections)

Clause 5.8.1.2 of LPS4 permits a minor projection (includes plant rooms) above the highest part of a development subject to the development satisfying both of the following criteria:

- "(a) The minor projection being no more than 4 metres above the highest part of the main building structure; and
- (b) The cumulative area of the minor projection being no more than 10 per cent of the total roof area of the building."

The proposed plant room as contained within the roof level is not more than 4 metres above the highest part of the main building structure, therefore is considered to satisfy (a) above. Notwithstanding, (b) requires that the cumulative area of the minor projection be no more than 10 per cent of the total roof area of the building. The roof area total is approximately 5,010.76m², therefore the cumulative area of the minor projection (roof plant) permitted is up to 501.07m². The applicant is proposing a cumulative area of the minor projection (roof plant) of 743.5m² (14.84%).

It is considered that this is excessive and accordingly, it is recommended that a condition of planning approval be imposed requiring that the minor projection (roof plant) be no more than 10% of the roof area.

Car parking

		Approved P		Proposed		Difference (Approved v Proposed)	
Land Use	Bay Type	Req	Prov	Req	Prov	Req	Prov
Multiple Dwellings	• Car	66	66	97	97	31	31
	• Visitor	20	24	28	3	8	-21
Hotel	• Car	409	20	283	42	-126	22
	• Delivery	1	1	1	1	0	0
Shop	• Car	83	50	93	65	10	15
	• Delivery	2	0	0	0	-2	0
Restaurant	• Car	43	0	43	0	0	0
	• Delivery	1	0	1	0	0	0
	TOTAL	625	161(464 discretion)	546	208 (338 discretion)	-79	47

The table above demonstrates that in terms of car parking demand, the proposed development requires less bays than what was required as part of the approval for DAP80008/13 (was 625, now 546). In addition to this reduction in car parking requirement, there has been an increase in the provision of on-site car parking as part of the amended proposal (was 161, now 208).

In this regard, this change results in a net increase in car bays provided on site to the car parking discretion approved as part of DAP80008/13. It is noted that whilst the proposal does still not comply with the on-site car parking requirement of LPS4, it represents a significant improvement.

Notwithstanding the above, Clause 5.7.3 of LPS4 outlines circumstances may waive or reduce the standard parking requirement specified in Table 3, and states:

"Council may—

- (a) Subject to the requirements of Schedule 12*, waive or reduce the standard parking requirement specified in Table 3 subject to the applicant satisfactorily justifying a reduction due to one or more of the following—
 - (i) the availability of car parking in the locality including street parking,
 - (ii) the availability of public transport in the locality,
 - (iii) any reduction in car parking demand due to the sharing of car spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces,
 - (iv) any car parking deficiency or surplus associated with the existing use of the land,
 - (v) legal arrangements have been made in accordance with clause 5.7.5 for the parking or shared use of parking areas which are in the opinion of the Council satisfactory,
 - (vi) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use that existed before the change of parking requirement,
 - (vi) the proposal involves the restoration of a heritage building or retention of a tree or trees worthy of preservation,
 - (viii) any other relevant considerations.
- Note: *In some sub areas identified in Schedule 12 reduction of parking bays is not permitted. The requirements of Schedule 12 prevail over this clause.
- (b) Council may require an applicant to submit a report completed by a suitably qualified person or persons justifying any of the points cited above.

Note: Provides greater flexibility to vary car-parking requirements based upon alternative transport opportunities.

Notwithstanding the above, Schedule 12 – City Centre Local Planning Area 1 – sub area 1.3.2(I) states:

"(I) The provisions of clause 5.7.3 (a) (i) and (ii) of the Scheme do not apply in Sub Area 1.3.2."

Therefore, only Clause 5.7.3 (a) (iii – viii inclusive), are only applicable in the assessment of this application.

Whilst it is acknowledged that the proposal would result in the loss of 308 public car bays with the demolition of Point Street car park being proposed, it is considered that the proposed on-site car parking shortfall could be supported against Clause 5.7.3 (viii) above.

In summary, discretion relating to onsite parking provisions is sought for the Multiple Dwelling, Hotel, Shop and Restaurant uses components of the development. The Multiple Dwelling car parking discretion is separate to LPS4 and is discussed later in this report against the relevant provisions of the R-Codes.

In regards to the proposed Hotel and Restaurant uses these are not anticipated to significantly demand the provision of such car parking requirements as it is reasonable to expect that future guests of the Hotel will not bring their own vehicles to the hotel during their stay and the majority of future occupants of the restaurant tenancy would consists of City working personnel, nearby residential occupants and general City shopping visitors.

Furthermore, the ability to share on site bays may arise given the 65 allocated Shop bays within the basement could be occupied after business hours for Hotel and Restaurant guests should this need arise in the future.

Additionally, the provision of 1 onsite delivery bay isn't considered unreasonable as this bay could be managed appropriately for all delivery services to all retail and commercial tenancies of the development when required.

Clause 5.7.4 of LPS4 outlines circumstances may waive or reduce the standard parking requirement specified in Table 3, and states:

"The Council may require a cash payment in lieu of the provision of paved car parking spaces, subject to—

- (a) a cash-in-lieu payment shall be not less than the estimated cost to the owner of providing and constructing the car parking spaces required by the Scheme including variations thereto.
- (b) the Council having adopted a local planning policy pursuant to clause 2.6 detailing the costs for the provision of car parking in that local planning area and detailing the purposes to which the funds are to be allocated,
- (c) payments under this clause shall be paid into a special fund to be used to provide public car parking stations within the locality from which it was collected or for the provision of transport infrastructure (which includes, but is not limited to, infrastructure for cyclists, pedestrians and public transport uses and users) in

accordance with a Local Planning Policy adopted under Part 2 as a Transport Infrastructure Strategy."

On 6 September 1999, Council adopted Local Planning Policy D.B.M7 – Cash-in-lieu of Car Parking Policy. Notwithstanding:

"At its Ordinary Meeting of Council on 25 September 2013, Council resolved to:

- 1. Temporarily suspend for a period of twelve months the application of cash payments in lieu of onsite car parking as provided for by clause 5.7.4 of Local Planning Scheme No. 4 and local planning policy, D.B.M7 Cash in lieu of Car Parking Policy, for development applications within the Fremantle Activity Centre* for the following land uses:
 - Office;
 - Retail/Shop with active frontages to the adjacent public realm;
 - Hotel:
 - Restaurant;
 - Small bar; and
 - Tourist Accommodation

And communicate to landowners and the development industry that the temporary suspension is intended to act as an incentive to stimulate development activity in the immediate future, and there is no certainty that the Council will suspend the application of the policy beyond September 2014.

2. Continue to apply the planning provisions regarding cash payments in lieu of onsite car parking as provided for by clause 5.7.4 of Local Planning Scheme No. 4 and local planning policy, D.B.M7 Cash in lieu of Car Parking Policy, within the Fremantle Activity Centre* for all other land uses not listed in Part 1 of this resolution."

In accordance with Council's resolution above, as the development proposes 'Hotel', Restaurant' and 'Shop' land uses, it is not recommended that cash-in-lieu of onsite car parking be requested as part of this development which is consistent with the objective of stimulating development in the immediate future.

In regards to the proposed Multiple Dwelling use this has to be assessed against the 'design principles' of the R-Codes. The proposal complies in relation to car parking provision for the dwellings themselves, but not in terms of visitor bays. The proposal is considered to satisfy the 'design principles' for the following reasons.

The highest percentage of proposed dwellings (56%) are considered to be 'small' by the R-Codes as they are either less than 75m2 or only 1 bedroom and in this regard it is reasonable to anticipate that some occupants may not have a requirement for a car. There is provision of on-street and off-street

parking facilities in the vicinity of the development, and it is located in close proximity to public transport facilities such as the Fremantle train and bus stations and associated routes.

Furthermore, as there is a mix of land uses on-site, it is reasonable to anticipate that the majority of visitors to occupants of the dwellings will be at night time, when it could be expected that the demand for on-site car parking for the other uses is less than day time (particularly for the shops).

Bicycle parking

		Proposed		
Land use	Class 1	Class 3	No class	
Shop	7	7	-	Not specified
Hotel	3	3	-	Not specified
Restaurant	3	3	-	Not specified
Multiple Dwellings	-	-	49	Not specified
Total	13	13	49	Not specified

Given the proposed shortfall of on-site car parking, it will be recommended that a condition of approval be imposed requiring that the required number of bicycle racks be provided for the commercial land uses proposed, in accordance with the above table.

Further, it will be recommended that a condition of approval be imposed in regards to the provision of on-site bicycle racks as required by the 'deemed-to-comply' standards.

Local Planning Policies

There are no new discretionary decisions being sought from what was previously approved as part of DAP80008/13, with exception of the following:

Local Planning Policy 2.19 - Contribution for Public Art and/or Heritage Works (LPP2.19)

The development approved as part of DAP80008/13 had an estimated cost of \$60,000,000.00. In accordance with clauses 1 and 2 of LPP2.19, a condition of that planning approval required a contribution of a monetary amount equal in value to one (1) per cent of the estimated total cost of the development for the development of public art works and/or heritage works to enhance the public realm. The amount required was therefore \$600,000.00.

The estimated cost of the development has increased up to \$65,000,000.00. Accordingly, condition 3 of the planning approval for DAP80008/13 is

recommended to be amended to reflect the increased requirement, from \$600,000.00, up to \$650,000.00.

• Local Planning Policy 2.13 – Sustainable Buildings Design Requirements

Since the imposition of condition 17 of the planning approval for DAP80008/13, the City has encountered a number of instances where there have been issues with the effective and efficient enforcement of the condition due to its wording. Subsequently, the City has made a slight adjustment to the standard condition pertaining to LPP2.13.

The old condition offered two options as part of that standard condition, being:

- (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

The issue related to (b) above, and the updated part of this condition now reads:

(b) a copy of agreed equivalent documentation certifying that the development achieves a Green Star Rating of at least 4 Stars.

The updated condition is considered to reinforce the requirements of part (a), and provide greater flexibility through (b) as it allows the development to achieve a Green Star Rating of at least 4 stars through alternative means, other than through the Green Building Council of Australia.

Accordingly, it is recommended that condition 17 of the planning approval for DAP80008/13 be amended to reflect this change.

Miscellaneous

Minor drafting inconsistencies between the floor plans and sections were identified regarding the Princess May Park setback of Level 2 and above. The previously approved plans and current sections show the windows setback in accordance with the Scheme requirements at 15.0m however the floor plans show windows setback at 14.0m. Minor architectural features such as fin walls are permitted to project into this 15.0m setback requirement. It has been discussed and agreed with the applicant that this can be dealt with via the imposition of a planning approval condition.

Conclusion:

The proposed variation to previous Planning Approval for DAP80008/13 (DP/13/00872) (Demolition of existing Buildings and Public Car park and Construction of a Seven (7) Storey Mixed Use (173 Hotel Rooms, 77 Multiple Dwellings, Shop & Restaurant) with Basement Car park Development) at No. 8 (Lot 34) Point Street, Fremantle has been assessed against the provisions of the City's LPS4, the R-Codes and relevant Local Planning Policies.

The proposal has been assessed against and is considered to comply with the provisions of LPS4 with regards to the additional discretionary building height matters relating to Schedule 12. Whereby the planning assessment has identified non compliance with LPS4 provisions (being Schedule 12 - minimum façade heights, and relaxation of on-site car parking and bicycle racks), relevant assessments have been undertaken against the relevant discretionary clause of LPS4 and the development is considered to appropriately address the specific criteria, or can otherwise be made to comply via conditions of planning approval.

It is also considered that the proposal complies with the requirements of Council's Local Planning Policies, subject to the imposition of a number of conditions so as to satisfy the requirements of a number of those policies.

Accordingly, it is recommended that the application be approved, subject to appropriate conditions.

ATTACHMENT 1: Original Determination Notice



Government of Western Australia Development Assessment Panels

DoP Ref: Enquiries:

DAP80008/13 DP/13/00872

Telephone:

Development Assessment Panels

(08) 6551 9919

Mr Andrew Campion Campion Designs 65 Hay Street SUBIACO WA 6008

CITY OF FREMANTLE DOCUMENT RECEIVED 0 5 FEB 2014 INFORMATION MANAGEMENT DOC# : RES:

Dear Mr Campion

Metro South-West JDAP - City of Fremantle - DAP Application DAP80008/13 No.2 (Lot 34) Point Street and No.64-86 (Lot 34) Adelaide Street, Fremantle Demolition of existing Buildings and Public Car park and Construction of a Seven (7) Storey Mixed Use (173 Hotel Rooms, 77 Unit Multiple Dwellings, Restaurant & Shops) with **Basement Car park Development**

Thank you for your application and plans submitted to the City of Fremantle on 31 October 2013 for the above development at the above mentioned site.

This application was considered by the Metro South-West JDAP at its meeting held on 23 January 2014, where in accordance with the provisions of the City of Fremantle Local Planning Scheme No 4, it was resolved to approve the application as per the attached notice of determination.

Should the applicant not be satisfied by this decision, a DAP Form 2 application may be made to amend or cancel this planning approval in accordance with Regulation 17 of the Development Assessment Panel Regulations 2011.

Also be advised that there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the Planning and Development Act 2005. An application must be made within 28 days of the determination in accordance with the State Administrative Tribunal Act 2004.

Should you have any enquiries in respect to the conditions of approval please contact Mr Justin Lawrence at the City of Fremantle on 9432 9742.

Yours sincerely

DAP Secretariat

Varun Juman

3/ // /2014

DAP Determination Notice Encl.

Approved plans

Cc:

Mr Justin Lawrence City of Fremantle PO Box 807

FREMANTLE WA 6959





Planning and Development Act 2005

City of Fremantle Local Planning Scheme No 4

Metro South-West Joint Development Assessment Panel

Determination on Development Assessment Panel **Application for Planning Approval**

Location: No.2 (Lot 34) Point Street and No.64-86 (Lot 34) Adelaide Street,

Fremantle

Description of proposed Development: Demolition of existing Buildings and Public Car park and Construction of a Seven (7) Storey Mixed Use (173 Hotel Rooms, 77 Unit Multiple Dwellings, Restaurant & Shops) with Basement Car park Development

In accordance with Regulation 8 of the Development Assessment Panels Regulations 2011, the above application for planning approval was granted on 23 January 2014, subject to the following:

APPROVE DAP Application reference DP/13/00872 (City of Fremantle reference DAP80008/13), having been received by the City of Fremantle on the 18 December 2013 Site Plan (DA01 Rev B), Basement Floor Plan (DA02 Rev C), Ground Floor Plan (DA03 Rev C), Level One Floor Plan (DA04 Rev C), Level Two -Five Floor Plan (DA05 Rev C), Level Six Floor Plan (DA06 Rev C), Roof Plan (DA07 Rev C), Adelaide Street and Point Street Elevations (DA08 Rev C), Princess May Park and Cantonment Street Elevations (DA09 Rev C), in accordance with the City of Fremantle Local Planning Scheme No. 4 and the Metropolitan Region Scheme, subject the following conditions:

Conditions:

- This approval relates only to the development as indicated on the approved plans dated 18 December 2013. It does not relate to any other development on this lot and must be substantially commenced within four years from the date of this decision. If the subject development is not substantially commenced within the 4 year period, the approval shall lapse and be of no further effect.
- All storm water discharge shall be contained and disposed of on-site or as otherwise approved by the Chief Executive Officer at the City of Fremantle.
- 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 DAP80008/13, for the development of public art works and/or heritage works to the enhance to the public realm to the satisfaction of the Chief Executive Officer, City of Fremantle. Based on the estimated cost the development being \$60,000,000.00, the contribution to be made is \$600,000.00.
- Prior to the issue of a Building Permit, the owner is to submit a waste management plan of the waste generated by the development to be



implemented to the satisfaction of the Chief Executive Officer, City of Fremantle and maintained thereafter

- 5 Prior to the issue of a Building Permit, the owner is to submit further details of the sixth storey floor plan outlining access and what area is to be used for each separate Multiple Dwelling exclusive outdoor living area to the satisfaction of the Chief Executive Officer, City of Fremantle
- 6 Prior to the
 - a) Issue of a Building Permit, the owner shall submit further detailed plans outlining proposed verge paving treatments, verge tree removal and species reinstatement, bicycle rack specification and installation and awning specifications and installation and any other road reserve works to the satisfaction of the Chief Executive Officer, City of Fremantle, and
 - b) Occupation of the development, the approved road reserve works outlined in part (a) above shall be undertaken to the satisfaction of the Chief Executive Officer, City of Fremantle
- 7 Prior to the issue of a Building Permit, the owner is to submit further details of the design measure requirements of L P P2 18 – New Residential Developments in the City Centre Zone – Noise From An Existing Source policy to the satisfaction of the Chief Executive Officer, City of Fremantle
- 8 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 to Fremantle addressing the following matters
 - a) Use of City car parking bays for construction related activities,
 - b) Protection of infrastructure within the road reserve,
 - c) Protection of street trees,
 - d) Security fencing around construction sites,
 - e) Gantries,
 - f) Access to site by construction vehicles.
 - g) Contact Details,
 - h) Site offices,
 - i) Noise Construction Work and Deliveries,
 - i) Sand drift and dust management,
 - k) Waste management,
 - I) Dewatering,
 - m) Traffic management, and



n) 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

- 9 Prior to the commencement of development, a detailed landscaping plan, including information relating to species selection, reticulation, details of existing vegetation to be retained, and treatment of landscaped surfaces (i.e. mulch, lawn, synthetic grass etc.), shall be submitted to and approved by the Chief Executive Officer, City of Fremantle Within 60 days of occupation the landscaping is to be installed in accordance with the approved landscaping plans and maintained thereafter to the satisfaction of the Chief Executive Officer, City of Fremantle
- The design and construction of the development is to meet the 4 star green star standard as per Local Planning Policy L P P2 13 or alternatively to an equivalent standard as agreed upon by the Chief Executive Officer, City of Fremantle when a green star rating tool is not available. 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
 - 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
- 11 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
- Prior to occupation of the development, the car parking and loading area(s), and vehicle access and circulation areas shown on the approved site plan, including the provision of disabled car parking, shall be constructed, drained, and line marked and provided in accordance with Clause 5.7.1(a) of the City of Fremantle Local Planning Scheme No.4, and maintained on an ongoing basis to the satisfaction of the Chief Executive Officer, City of Fremantle
- 13 Prior to occupation a Notification pursuant to Section 70A of the Transfer of Land Act 1893 shall be prepared to the satisfaction of the City of Fremantle and registered against the Certificate of Title of every residential dwelling, to notify owners and prospective purchasers of any dwelling that the land is located in or adjacent to, an area where non-residential uses may exist or be approved and, as a result, the land may be affected by activities and noise not normally associated with residential development. All costs and incidentals relating to the



preparation of and registration of the Section 70A notification, including related City of Fremantle Solicitors' costs, shall be met by the owner of the land

- Prior to occupation, a Notification pursuant to Section 70A of the Transfer of Land Act 1893 shall be registered against the Certificate of Title to the land the subject of the proposed development advising the owners and subsequent owners of the land that the subject site is located in close proximity to the Fremantle Port and may be subject to noise, odour and activity not normally associated with residential use. The notification is to be prepared by the City's solicitors at the expense of the owner and be executed by all parties prior to occupation.
- 15 Prior to the occupation of the development, vehicle crossovers shall be constructed in concrete paving block and thereafter maintained to the satisfaction of the Chief Executive Officer, City of Fremantle
- 16 Prior to occupation any redundant crossovers and kerbs shall be removed and the verge reinstated to the satisfaction of the Chief Executive Officer, City of Fremantle and at the expense of the applicant
- 17 Prior to application of building permit, the applicant shall submit additional details relating to colour, texture and material arrangement for final facade finishes to the satisfaction of the Chief Executive Officer, City of Fremantle on the advice of the Design Advisory Committee
- 18 Prior to occupation, the design and materials of the development of the new building portions shall adhere to the requirements set out within City of Fremantle policy L P P2 3 - Fremantle Port Buffer Area Development Guidelines for properties contained within Area 2 Specifically, the new annex 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
 - Roof insulation in accordance with the requirements of the Building Codes of Australia

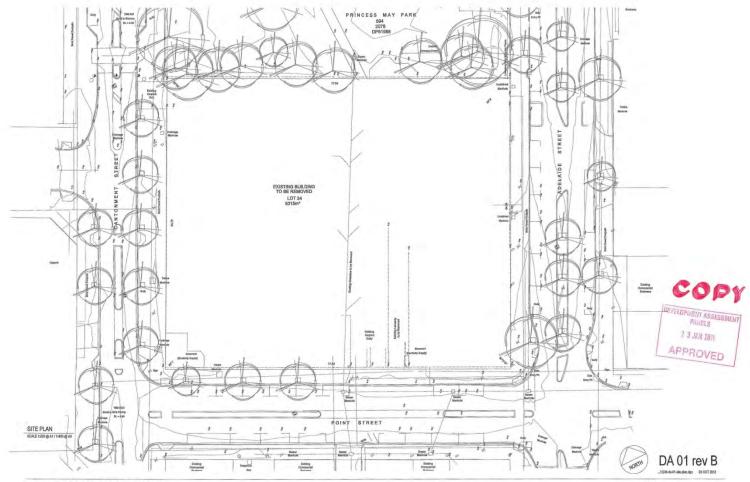
Advice Note:

- 1 The applicant is advised of the specific obligations required that under clause the 'Tender Document', particularly clauses 11.2 (Minimum 5 Star Green star rating using the Green Building Council Australia's current rating tools as appropriate to a mixed use development) and 15.1 (Time for Commencement and Completion of Development)
- No noisy work on a construction site shall be carried out between 7pm and 7am Monday to Saturday, and not at all on Sunday or Public Holidays If work is to be done outside these hours a noise management plan must be submitted and

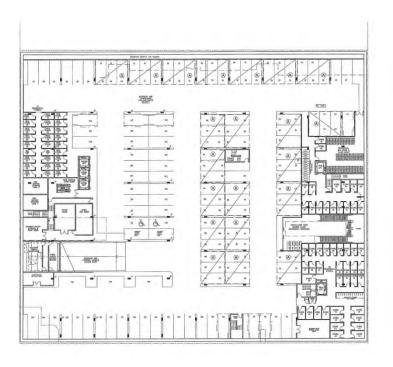


approved by the Chief Executive Officer, City of Fremantle at least 30 days prior to the noisy work commencing

- The proponent must make application during the Building Permit application stage to the City's Environmental Health Services via Form 1 Application to construct, alter or extend a public building as a requirement of the Health (Public Buildings) Regulations 1992 For enquiries and a copy of the application form contact the City's Environmental Health Services by email health@fremantle wa gov au or telephone 9432 9999
- 4 The proponent must make application to the Executive Director Environmental Health WA for any new public aquatic facility under regulation 5 of the Health (Aquatic Facilities) Regulations 2007 for policy and regulation enquiries contact the Environmental Health Directorate by email <a href="mailto:ehenlith
- The proponent must make application to establish the food business so that the premises comply with the Food Act, Regulations and the Food Safety Standards incorporating AS4674-2004 Design, construction and fit-out of food premises Submit detailed architectural plans and elevations to the City's Environmental Health Services for approval prior to construction. The food business is required to be registered under the Food Act 2008 For enquiries and a copy of the application form contact the City's Environmental Health Services by email health@fremantle.wa.gov.au or telephone 9432 9999
- 6 Allocation of coach parking, taxi and general drop off area for hotel to be investigated by the City
- 7 Median strip in Cantonment Street to be upgraded and modified to allow access into basement area
- 8 The applicant is advised that the significant car parking discretion is supported on the basis that the hotel component of the development is provided. Should a use other than hotel been proposed, it is not likely that Council would have supported such a significant car parking discretion.
- 9 The applicant is advised to contact Western Power regarding the surrendering of existing electrical easements



POINT STREET DEVELOPMENT RETAIL - HOTEL - OFFICE - RESIDENTIAL POINT STREET Campion Design Group
65 Hay Street, Sublaco WA 6008
www.camplondesign.com.au
08 9489 7066









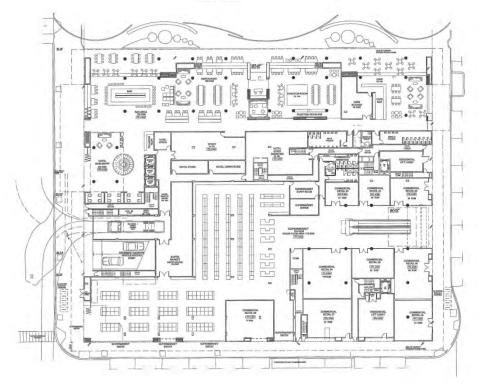
DA 02 rev C

BASEMENT FLOOR PLAN SCALE 1:200 @ A1 / 1:400 @ A2

POINT STREET DEVELOPMENT RETAIL - HOTEL - OFFICE - RESIDENTIAL POINT STREET

Campion Design Group 65 Hay Street, Sublaco WA 6008 www.camplondesign.com.au 08 9489 7068







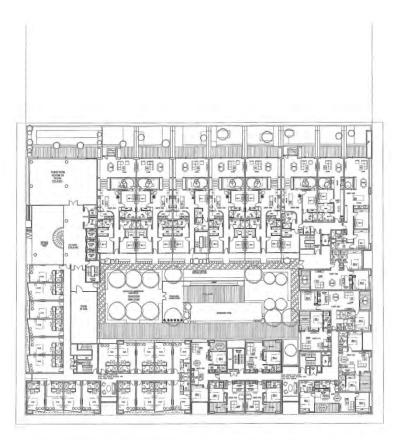


DA 03 rev C

GROUND FLOOR PLAN

POINT STREET DEVELOPMENT
RETAL-HOTEL-OFFICE - RESIDENTIAL
POINT STREET

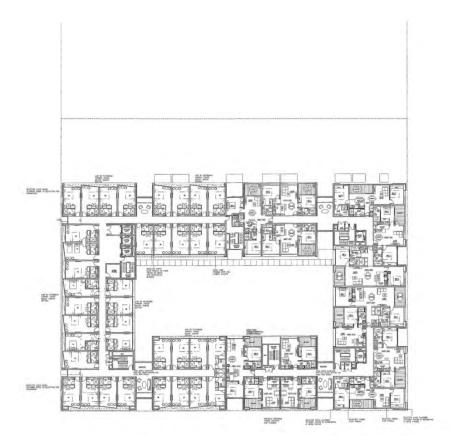
Campion Design Group 85 Hay Street, Sublaco WA 800.8 www.campiondesign.com. 08 9489 7068







LEVEL ONE BOALE 1200 @ A1/1400 @ A3

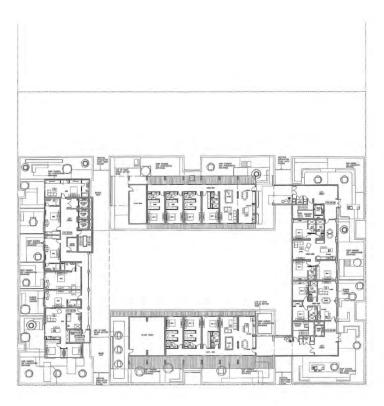






DA 05 rev C

LEVEL TWO - FIVE FLOOR PLAN

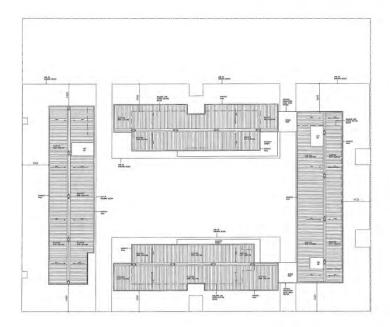






DA 06 rev C

LEVEL SIX FLOOR PLAN







DA 07 rev c

ROOF PLAN SCALE 1:00 @ A1 / 1:x00 @ A5

POINT STREET DEVELOPMENT RETAIL - HOTEL - OFFICE - RESIDENTIAL POINT STREET Campion Design Group 65 Hay Street, Sublaco WA 6008 www.camplondesign.com.au 08 9489 7086





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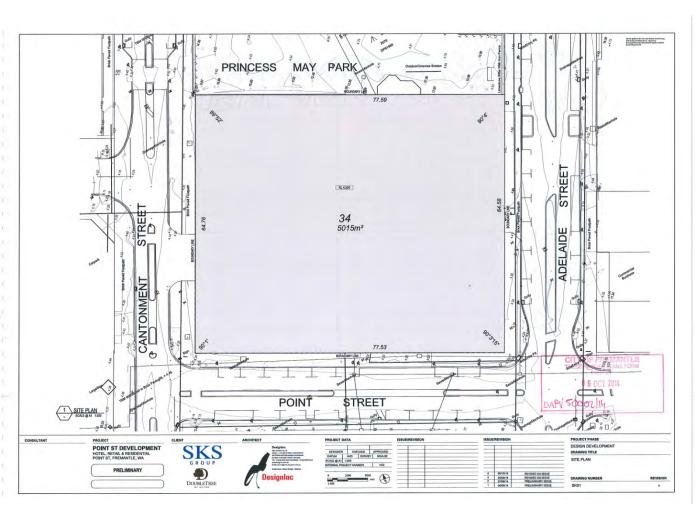


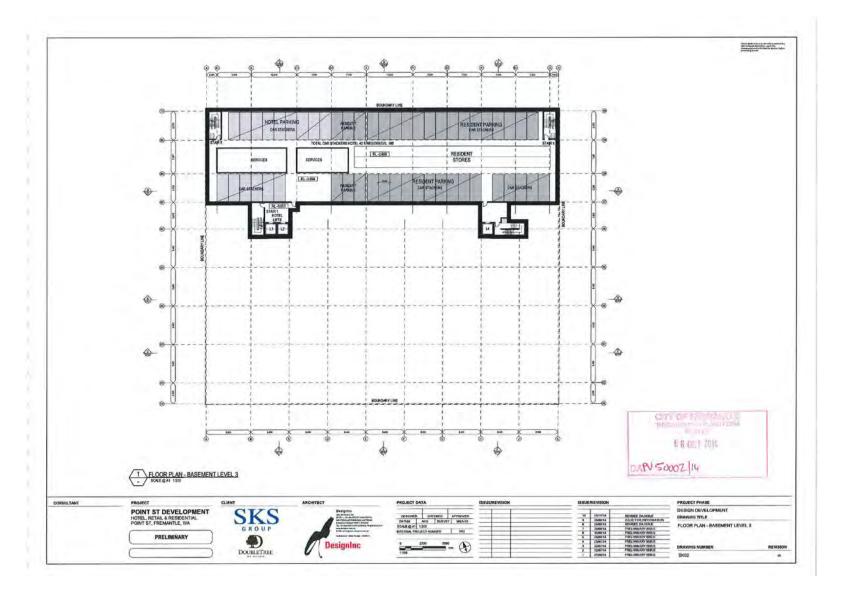
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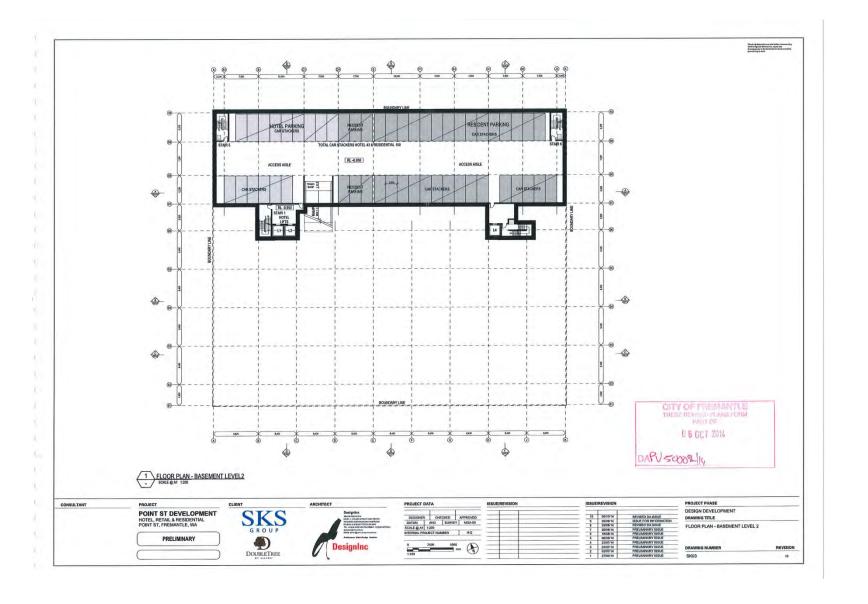
ATTACHMENT 2: Locality Plans

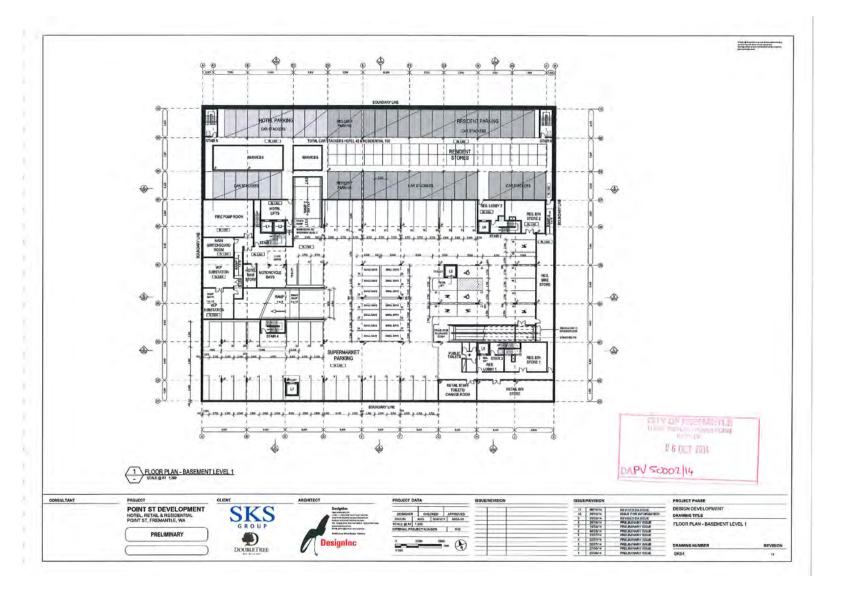


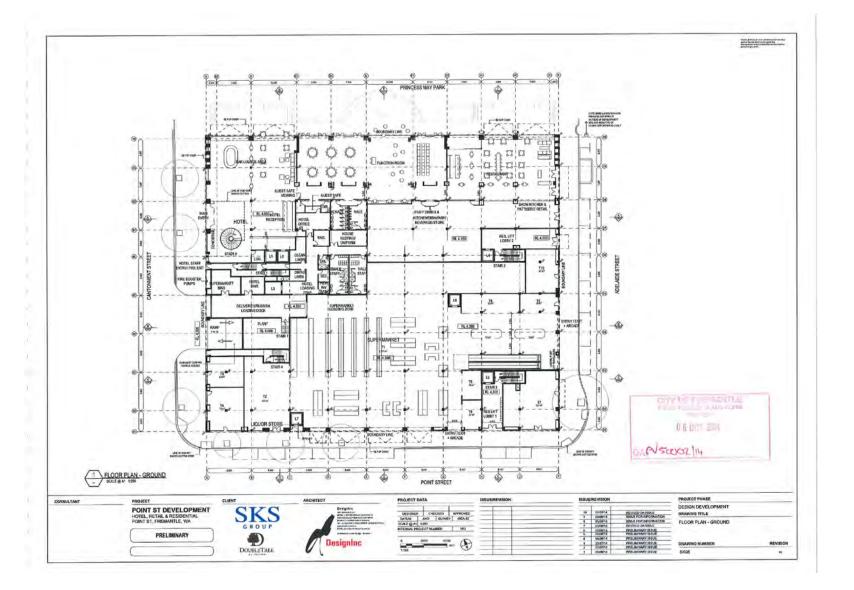
ATTACHMENT 3: Development Plans

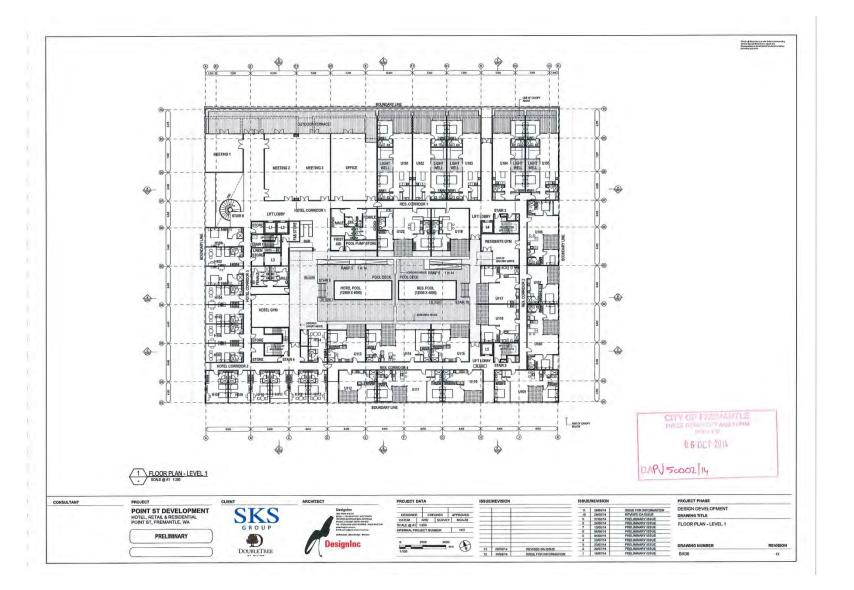


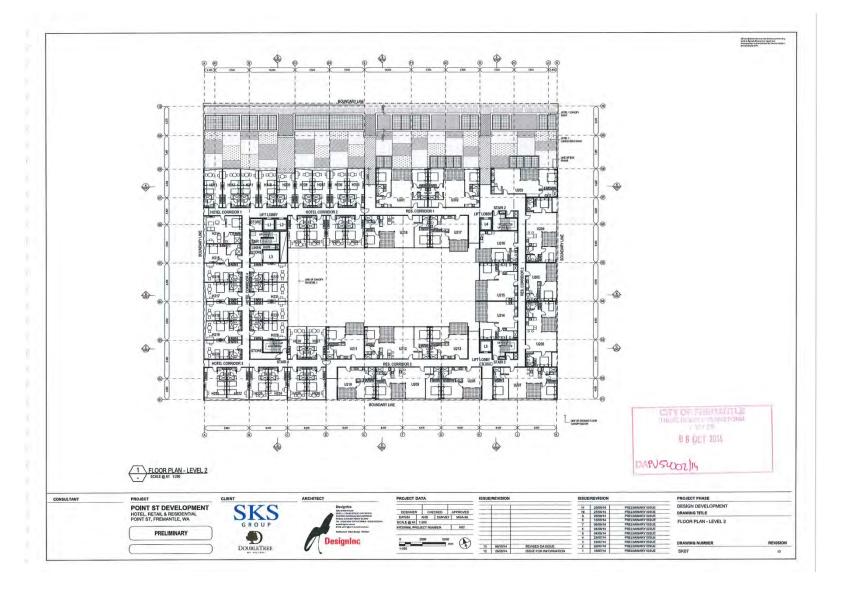


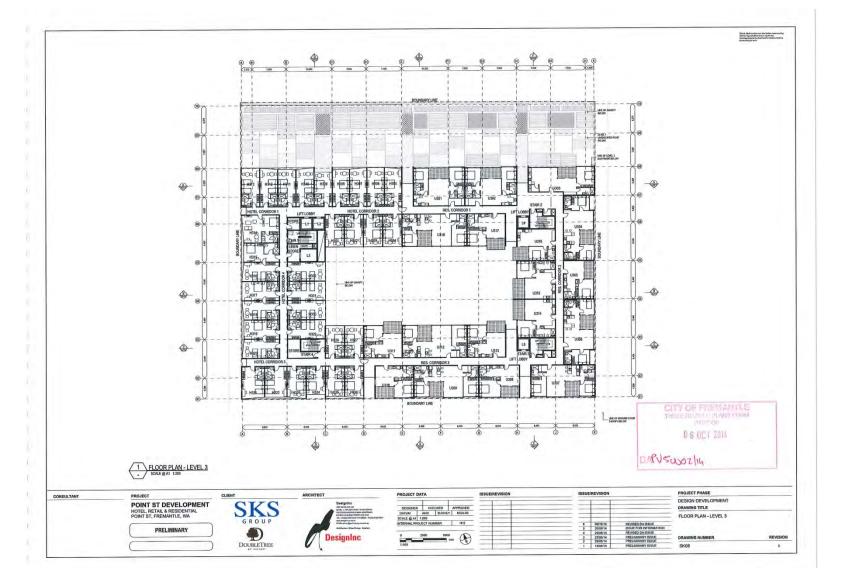


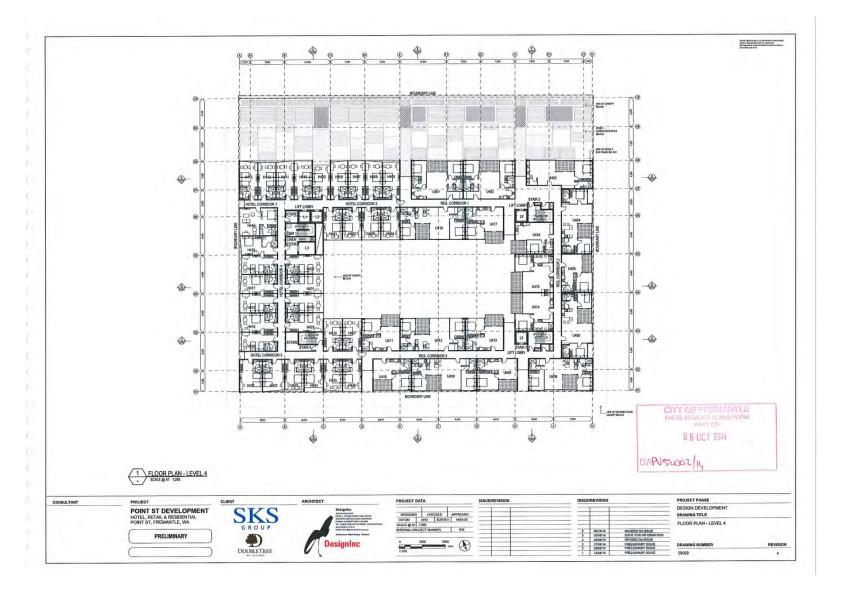


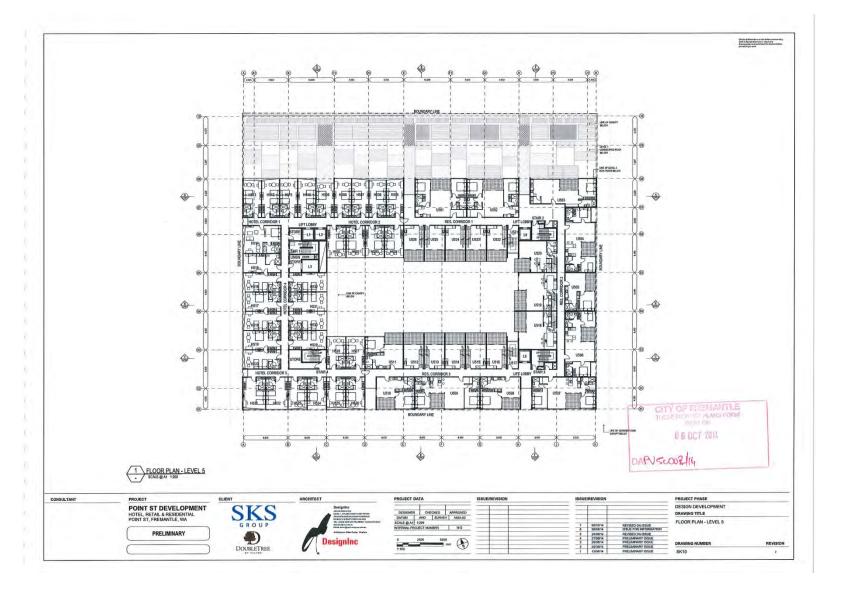


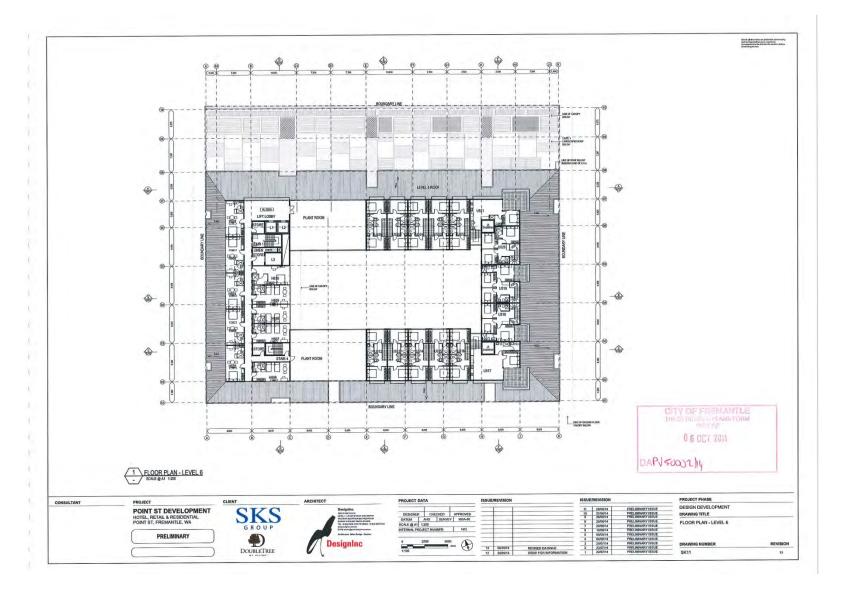


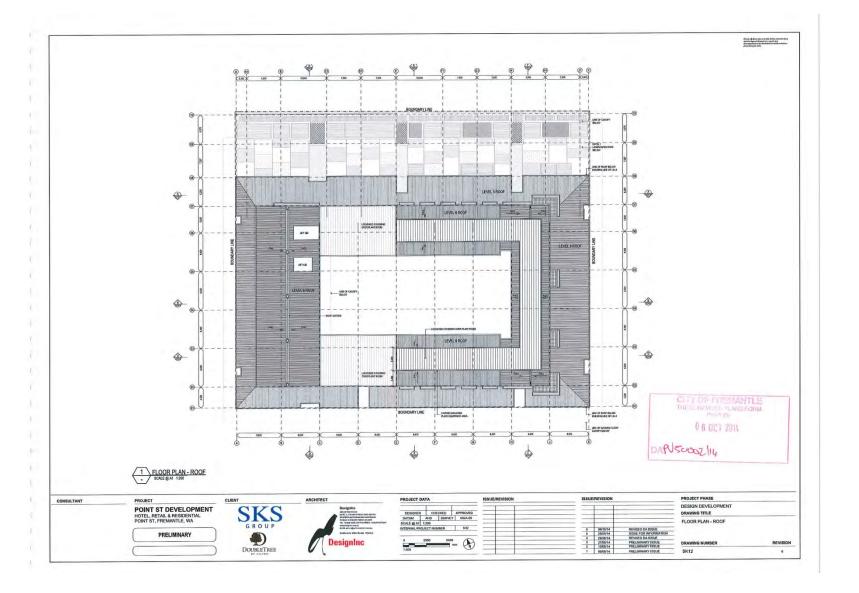


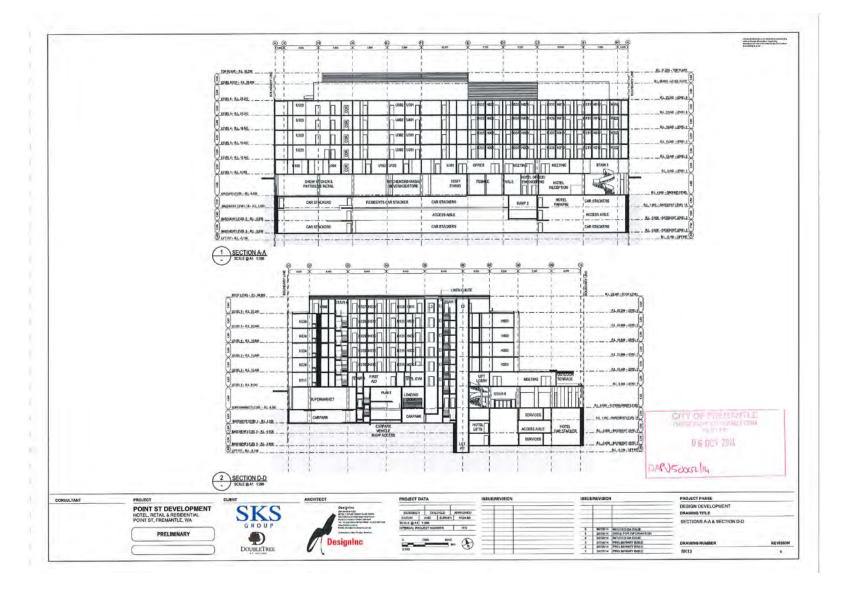


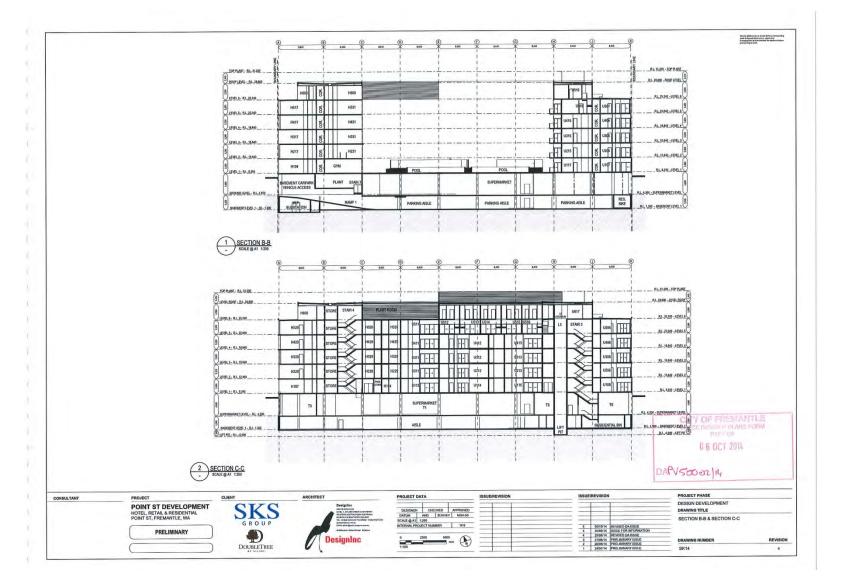


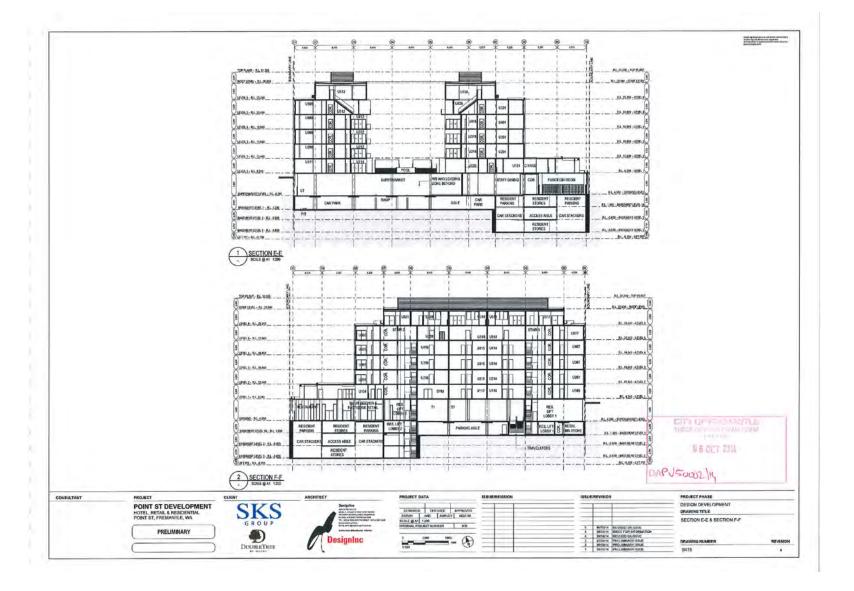




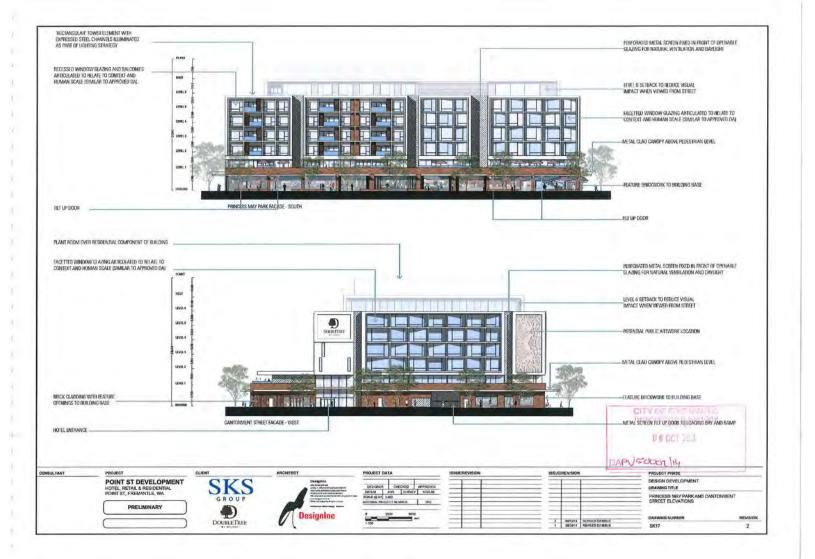
















DRAWING NUMBER SK19

DOUBLETREE







PRINCESS MAY PARK AND ADELAIDE STREET CORNER PERSPECTIVE



COMBULTANT

PROJECT

POINT ST DEVELOPMENT
HOTEL RETAIL RESOURCENTIAL
POINT ST, FREMANTLE, WA

PRELIMINARY

PRELIMINARY

PRELIMINARY

DESIGNING

THE PERSON OF PLANS FORM

0 B DCT 70W.

DAPVSODOZIIY







FEATURE BRICKWORK

HOTEL LOBBY STAIRCASE

TILT UP DOOR

PROJECT CLERT ACCITECT PROJECT DATA SBUERRYMINON INSUERCYMINON PROJECT PHANE
POINT ST DEVELOPMENT
HOTE, RETAL & RESCRIFTAL
POINT ST, PREMARKE, WA
POINT ST, PREM

OF OF PROBABILE





HOTEL RESTAURANT