



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

**Meeting Date and Time:** 27 June 2013; 4pm  
**Meeting Number:** MSWJDAP/20  
**Meeting Venue:** City of Fremantle - 8 William Street Fremantle

### Attendance

#### DAP Members

Mr Neil Foley (Presiding Member)  
Ms Rachel Chapman (Deputy Presiding Member)  
Mr Robert Nicholson (Specialist Member)  
Cr Andrew Sullivan (Local Government Member, City of Fremantle)  
Cr Josh Wilson (Local Government Member, City of Fremantle)  
Cr Richard Smith (Local Government Member, City of Rockingham)  
Cr Joy Stewart (Local Government Member, City of Rockingham)  
Mayor Carol Adams (Local Government Member, City of Kwinana)  
Deputy Mayor Ruth Alexander Local Government Member, City of Kwinana)

#### Officers in attendance

Mr Craig Shepherd (DAP Secretariat)  
Ms Rebecca Fuller (Department of Planning)  
Ms Gemma Beasley (Department of Planning)  
Mr Konrad Srokowski (City of Fremantle)  
Ms Natalie Martin Goode (City of Fremantle)  
Mr Paul Neilson (City of Kwinana)  
Mr Brenton Scambler (City of Kwinana)

#### Local Government Minute Secretary

Mr Sam Van Baren (City of Fremantle)

#### Applicants and Submitters

Ms Shannon O'Loughlin (Urbis)  
Mr Kris Nolan (Urbis)  
Ms Tanya Hancock (Urbis)  
Mr Edwin Bollig (Bollig Design Group)  
Ms Edwina Davies Ward (Carnegie Wave)  
Mr Tim Sawyer (Carnegie Wave)  
Mr Jarrod Ross (TBB)  
Mr Chris Hall  
Ms Zoe Walker



## 1. Declaration of Opening

The Presiding Member, Mr Neil Foley declared the meeting open at 4:06pm on 27 June 2013 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

Nil

## 3. Members on Leave of absence

Nil

## 4. Noting of minutes

Minutes of the Metro South-West JDAP meeting no.19 held on 24 May 2013 were noted by DAP members.

## 5. Disclosure of interests

**5.1** Deputy Presiding Member, Ms Rachel Chapman declared an Indirect Pecuniary Interest in item 10.1. Ms Rachel Chapman is employed by Taylor Burrell Barnett, who are the town planners and designers for the application at Item 10.1.

In accordance with section 6.3.1 of the Standing Orders 2012, the Presiding Member resolved that the member listed above, who has disclosed an indirect pecuniary interest, is not permitted to participate in the discussion or voting on the item.

**5.2** Local government member for the City of Kwinana, Mayor Carol Adams declared an Impartiality Interest in item 10.1.

In accordance with section 6.3.1 of the Standing Orders 2012, the Presiding Member resolved that the member listed above, who has disclosed an impartiality interest, is permitted to participate in the discussion and to vote on the item.

## 6. Declaration of Due Consideration

All members declared that they had duly considered the documents.



## 7. Deputations and presentations

- 7.1 Mr Kris Nolan (Urbis) presented for the application at Item 8.1. The presentation addressed concerns with Conditions 2a (i-vi) and the requirement for an additional development application to the City of Fremantle.

*The presentation at Item 7.1 was heard prior to the consideration of the application at Item 8.1*

- 7.2 Mr Edwin Bollig (Bollig Design Group) presented for the application at Item 8.2. The presentation confirmed the Department of Transport and City of Fremantle's recommendation for approval and the consultation process entered into with the City.

*The presentation at Item 7.2 was heard prior to the consideration of the application at Item 8.2*

- 7.3 Ms Edwina Davies Ward and Mr Tim Sawyer (Carnegie Wave Energy) presented for the application at Item 9.1.

*The presentation at Item 7.3 was heard prior to the consideration of the application at Item 9.1*

*Mayor Carol Adams and Deputy Mayor Ruth Alexander rotated on the panel at 4.06pm.*

### PROCEDURAL MOTION

**Moved by:** Mr Nicholson

**Seconded by:** Cr Alexander

That the JDAP resolve to consider Items 8.1, 8.2, 9.1 and 10.1 in reverse order, whereby item 10.1 will be the first item, and so on.

**The motion was put and CARRIED UNANIMOUSLY**

*Cr Andrew Sullivan and Cr Josh Wilson rotated on to the panel at 4.18pm*

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

- |     |                        |   |
|-----|------------------------|---|
| 8.1 | Application Details:   | Demolition of existing commercial building and replacement 5-7 storey (plus 2 basements) multiple dwellings (54) with restaurant (1) development. |
|     | Property Location:     | No. 81 (Lots 9 & 10) Queen Victoria Street, Fremantle   |
|     | Applicant:             | Urbis Pty Ltd   |
|     | Owner:                 | Chris Hall & Helen Hall   |
|     | Responsible authority: | City of Fremantle   |
|     | Report date:           | 20 June 2013  |
|     | DoP File No:           | DP/13/00297   |



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## REPORT RECOMMENDATION / PRIMARY MOTION

**Moved by:** Mr Robert Nicholson

**Seconded by:** Ms Rachel Chapman

A. That the Metro South-West JDAP resolves to:

Approve DAP Application reference DP/13/00297 and accompanying plans DA-00-01; DA-01-01; DA-01-02; DA-01-03; DA-01-04; DA-01-05; DA-01-06; DA-01-07; DA-01-08; DA-01-09; DA-01-10; DA-01-11; DA-02-01; DA-02-02; DA-02-03; DA-02-04; DA-02-05; DA-03-02; and DWR No001 in accordance with Clause 10.2 of the City of Fremantle Local Planning Scheme No. 4, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans, dated 3 April 2013. 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. In accordance with the provisions of Clause 10.8 of Local Planning Scheme No. 4 and prior to the submission of a Building Permit application, the applicant shall submit a further application for planning approval to be determined by the City of Fremantle, to address the following matters:
  - a. Details shall be submitted to be determined by the Chief Executive Officer, City of Fremantle on advice of the Design Advisory Committee, to address the following matters:
    - i. The level 5 dwellings and balconies associated with APT 52, APT 54, APT 55 and APT 56 being redesigned to ensure compliance with the Schedule 12 height requirements of sub area 2.3.1. The redesign of the dwellings shall also ensure compliance with the Performance Criteria of Design Elements 7.3.1 and 7.4.3 of the Residential Design Codes;
    - ii. Details of materials, colours and textures;
    - iii. Elevations that depict the internal elevations of the two portions of building as viewed from the internal courtyard;
    - iv. The design of the building fronting Queen Victoria Street being modified with regard to fire rating requirements to ensure the expressed main bulk of the building is located on the 3.3m front setback alignment and that any projections forward of the setback are of a well articulated and lighter construction and/or do not substantially weaken the establishment of a strong urban form on the primary building alignment;
    - v. The grade of the ground floor entry level from Queen Victoria Street is integrated with the ground level of the verge/footpath on Queen Victoria Street without barriers of steps and ramps; and
    - vi. That a minimum of 25 bicycle racks be provided on site in accordance with Australian Standard AS2890.3-1993 Parking facilities – Part 3 Bicycle parking facilities.



3. Prior to the submission of a Building Permit application, 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 DAP0001/13, 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.
4. That any landscaping proposed within 1.5m of where the vehicle access adjoins Queen Victoria Street be maintained to a height of no greater than 0.75 metres above ground level to ensure adequate sightlines for vehicles entering and exiting onto Queen Victoria Street in accordance with Design Element 7.3.6 of the Residential Design Codes to the satisfaction of the Chief Executive Officer, City of Fremantle.
5. That an insurance policy be arranged, in the joint names of the local government and the owner, indemnifying the local government against any claim for damages which may arise out of the planter boxes and landscaping located within the Quarry Street verge in front of the subject site to the satisfaction of the Chief Executive, Officer City of Fremantle.
6. 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 when a green star rating tool is not available. Any costs associated with generating, reviewing or modifying the alternative equivalent standard are to be incurred by the owner of the development site. Within 12 months of an issue of a certificate of Building Compliance for the development, the owner shall submit either of the following to the City to the satisfaction of the Chief Executive Officer, City of Fremantle:
  - a. A copy of documentation from the Green Building Council of Australia certifying that the development achieves a Green Star Rating of at least 4 Stars, or
  - b. A copy of agreed equivalent documentation for instances where there is no green star rating tool available certifying that the development achieves a Green Star Rating of at least 4 Stars.
7. 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.
8. All storm water discharge shall be contained and disposed of on-site.
9. 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 a Primary Regional Road (Queen Victoria Street) and the Fremantle Port and therefore may be subject to noise, vibration, odour and activity not normally associated with residential use.



10. Prior to occupation, the design and materials of the development shall be constructed in accordance with the requirements set out in the City of Fremantle policy L.P.P.2.3 Fremantle Port Buffer Area Development Guidelines for properties contained within Area 2. Specifically, the development shall include 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 if provided, shall incorporate internal centrally located 'shut down' points and associated procedures for emergency use.
  - c. Roof insulation shall be provided in accordance with the Building Code of Australia.
11. 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, at the expense of the owner. The design and materials of construction of any new crossover shall be submitted for approval by the Chief Executive Officer, City of Fremantle.
12. Prior to occupation, the car parking area shown on the approved site plan shall be marked and provided in accordance with Clause 5.7.1(a) of the City of Fremantle Local Planning Scheme No. 4, to the satisfaction of the Chief Executive Officer, City of Fremantle.
13. Prior to occupation, the boundary walls located on the north-western and south-eastern boundaries shall be of a clean finish to the satisfaction of the Chief Executive Officer, City of Fremantle.
14. Prior to occupation, landscaping is to be completed in accordance with the approved plans to the satisfaction of the City of Fremantle. All landscaped areas, including landscaping within the Quarry Street road reserve, are to be maintained on an ongoing basis to the satisfaction of the Chief Executive Officer, City of Fremantle.
15. Prior to the submission of a Building Permit application, the owner is to submit further details on the storage and management of the waste generated by the development for approval by the Chief Executive Officer, City of Fremantle.
16. Prior to the submission of a Building Permit application, detailed drainage plans shall be submitted and approved by the Chief Executive Officer, City of Fremantle.

Advice Note:

- I. In relation to Condition 3, the applicant is advised that Council may waive the requirement for the public art/heritage work contribution in accordance with clause 6 of L.P.P.2.19 where the development incorporates public art in the development to the same value as that specified in Condition 3 that is located in a position clearly visible to the general public on the site of the development. In determining the appropriateness and artistic merit of the public art Council shall seek relevant professional advice.



- B. That the Metro South-West Joint Development Assessment Panel delegate the City of Fremantle, the authority to determine the further planning application required in condition 2 of the Planning Approval.

**AMENDING MOTION (1)**

**Moved by:** Mr Robert Nicholson

**Seconded by:** Cr Josh Wilson

To reword and amalgamate the beginning of condition 2 with part 'a.' so that the commencement of the condition reads:

2. Prior to the issue of a building permit the applicant is to provide additional details regarding the following matters to the satisfaction of the Chief Executive Officer of the City of Fremantle on advice of the Design Advisory Committee:

**REASON: A separate approval was not considered warranted in the circumstances.**

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

**AMENDING MOTION (2)**

**Moved by:** Mr Robert Nicholson

**Seconded by:** Cr Josh Wilson

To remove sub clause 2.a.vi and add a new condition as condition 17 to read:

17. That a minimum of 25 bicycle racks be provided on site in accordance with Australian Standard AS2890.3-1993 Parking facilities – Part 3 Bicycle parking facilities.

**REASON: This sub clause should be a separate condition in itself.**

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

**AMENDING MOTION (3)**

**Moved by:** Cr Andrew Sullivan

**Seconded by:** Cr Josh Wilson

To add new sub clauses to condition 2 as condition 2.a.vi and vii and to amend sub clause 2.a.iv. to read:

- 2.a.vi All balconies with a minimum dimension of less than 2.4m should include door openings designed and constructed in a manner that integrates as one usable area of the balcony with an internal living area of the apartment to the satisfaction of the Chief Executive Officer;
- vii The proposed landscaping in the Quarry Street verge;
- 2.a.iv. The design of the building fronting Queen Victoria Street being modified to ensure the expressed main bulk of the building is located on the 3.3m front setback alignment and that any projections forward of the setback are of a well articulated and lighter construction and/or do not substantially weaken the establishment of a strong urban form on the primary building alignment;



**REASON:** Additional details to improve the amenity of the units are required regarding units with smaller balconies and landscaping details are required as the proposed landscaping features would be within the public road reserve which is Crown land under the care and management of the City pursuant to legislation.

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

**AMENDING MOTION (4)**

**Moved by:** Cr Andrew Sullivan

**Seconded by:** Cr Josh Wilson

To include two new sub clauses to condition 2 as condition 2.a.viii and ix to read:

- viii. All physical encroachments into the front setback zone on the Queen Victoria Street frontage including all basements, balconies, awnings, steps, ramps, planters and other physical elements that shall generally be designed to satisfy the following performance criteria:
  - a. to not detract from the requirement to contribute to the construction of a cohesive urban wall on the 3.3m setback alignment;
  - b. to ensure adequate airspace is available to enable street trees to grow to maturity; and,
  - c. to ensure adequate pedestrian and landscaping space is made available within the combined verge/setback area; and,
- ix. Notwithstanding the performance criteria noted in sub clause 2.a.vii above, the following limitations to encroachments should be included:
  - a. balconies generally to be setback a minimum of 2.0 metres from the front boundary and a minimum of 1.0 metres from the side boundaries, except that balconies located more than 4.0 metres from the centre of a proposed street tree location determined as part of an integrated landscape design approved by the City of Fremantle should be setback from the front boundary by a minimum of 1.5 metres; and,
  - b. physical features at the ground level, including steps, ramps, raised garden beds, basements, basement vents and light wells should be setback a minimum of 1.2 metres.

**REASON:** The balconies were thought to require a further redesign to ensure that a cohesive urban wall setback of 3.3m from Queen Victoria Street is achieved to allow adequate space for street trees. This motion was lost on the basis that the JDAP believed that this amendment would alter the material form of the development.

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

**For:** Cr Andrew Sullivan

**Against:** Cr Josh Wilson, Mr Neil Foley, Ms Rachel Chapman and Mr Robert Nicholson





### **AMENDING MOTION (5)**

**Moved by:** Cr Andrew Sullivan

**Seconded by:** Cr Josh Wilson

To add a new sub clause to condition 2 as conditions 2.a.viii to read:

- viii. Vehicle and services access shall be from Quarry Street in accordance with LPP 3.1.3.

**REASON:** The requirement for vehicle access from Quarry Street needs to be enforced as this is an important policy and urban design outcome and no sound reason was demonstrated to depart from policy.

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

For: Cr Andrew Sullivan, Cr Josh Wilson and Ms Rachel Chapman  
Against: Mr Neil Foley and Mr Robert Nicholson

### **AMENDING MOTION (6)**

**Moved by:** Mr Robert Nicholson

**Seconded by:** Ms Rachel Chapman

To delete advice note B.

**REASON:** Delegation was not considered to be a valid legal position.

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

### **AMENDING MOTION (7)**

**Moved by:** Mr Neil Foley

**Seconded by:** Mr Robert Nicholson

To amend the wording of conditions 15 and 16 to read:

15. Prior to the submission of a Building Permit application, the owner is to submit a waste management plan for approval by the Chief Executive Officer, City of Fremantle, and such approved plans are to be implemented throughout the life of the development.
16. Prior to the submission of a Building Permit application, detailed drainage plans shall be submitted and approved by the Chief Executive Officer, City of Fremantle, and such approved plans are to be implemented throughout the development.

**REASON:** Detailed plans relating to waste and drainage need to be implemented throughout the development.

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



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## PRIMARY MOTION (AS AMENDED)

**Moved by:** Mr Neil Foley

**Seconded by:** Mr Robert Nicholson

A. That the Metro South-West JDAP resolves to:

Approve DAP Application reference DP/13/00297 and accompanying plans DA-00-01; DA-01-01; DA-01-02; DA-01-03; DA-01-04; DA-01-05; DA-01-06; DA-01-07; DA-01-08; DA-01-09; DA-01-10; DA-01-11; DA-02-01; DA-02-02; DA-02-03; DA-02-04; DA-02-05; DA-03-02; and DWR No001 in accordance with Clause 10.2 of the City of Fremantle Local Planning Scheme No. 4, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans, dated 3 April 2013. 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. Prior to the issue of a building permit the applicant is to provide additional details regarding the following matters to the satisfaction of the Chief Executive Officer of the City of Fremantle on advice of the Design Advisory Committee:
  - i. The level 5 dwellings and balconies associated with APT 52, APT 54, APT 55 and APT 56 being redesigned to ensure compliance with the Schedule 12 height requirements of sub area 2.3.1. The redesign of the dwellings shall also ensure compliance with the Performance Criteria of Design Elements 7.3.1 and 7.4.3 of the Residential Design Codes;
  - ii. Details of materials, colours and textures;
  - iii. Elevations that depict the internal elevations of the two portions of building as viewed from the internal courtyard;
  - iv. The design of the building fronting Queen Victoria Street being modified to ensure the expressed main bulk of the building is located on the 3.3m front setback alignment and that any projections forward of the setback are of a well-articulated and lighter construction and/or do not substantially weaken the establishment of a strong urban form on the primary building alignment;
  - v. The grade of the ground floor entry level from Queen Victoria Street is integrated with the ground level of the verge/footpath on Queen Victoria Street without barriers of steps and ramps; and
  - vi. All balconies with a minimum dimension of less than 2.4m should include door openings designed and constructed in a manner that integrates as one usable area of the balcony with an internal living area of the apartment to the satisfaction of the Chief Executive Officer;
  - vii. The proposed landscaping in the Quarry Street verge;
  - viii. Vehicle and services access shall be from Quarry Street in accordance with LPP 3.1.3.



3. Prior to the submission of a Building Permit application, 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 DAP0001/13, 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.
4. That any landscaping proposed within 1.5m of where the vehicle access adjoins Queen Victoria Street be maintained to a height of no greater than 0.75 metres above ground level to ensure adequate sightlines for vehicles entering and exiting onto Queen Victoria Street in accordance with Design Element 7.3.6 of the Residential Design Codes to the satisfaction of the Chief Executive Officer, City of Fremantle.
5. That an insurance policy be arranged, in the joint names of the local government and the owner, indemnifying the local government against any claim for damages which may arise out of the planter boxes and landscaping located within the Quarry Street verge in front of the subject site to the satisfaction of the Chief Executive, Officer City of Fremantle.
6. 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 when a green star rating tool is not available. Any costs associated with generating, reviewing or modifying the alternative equivalent standard are to be incurred by the owner of the development site. Within 12 months of an issue of a certificate of Building Compliance for the development, the owner shall submit either of the following to the City to the satisfaction of the Chief Executive Officer, City of Fremantle:
  - a. A copy of documentation from the Green Building Council of Australia certifying that the development achieves a Green Star Rating of at least 4 Stars, or
  - b. A copy of agreed equivalent documentation for instances where there is no green star rating tool available certifying that the development achieves a Green Star Rating of at least 4 Stars.
7. 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.
8. All storm water discharge shall be contained and disposed of on-site.
9. 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 a Primary Regional Road (Queen Victoria Street) and the Fremantle Port and therefore may be subject to noise, vibration, odour and activity not normally associated with residential use.



10. Prior to occupation, the design and materials of the development shall be constructed in accordance with the requirements set out in the City of Fremantle policy L.P.P.2.3 Fremantle Port Buffer Area Development Guidelines for properties contained within Area 2. Specifically, the development shall include 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 if provided, shall incorporate internal centrally located ‘shut down’ points and associated procedures for emergency use.
  - c. Roof insulation shall be provided in accordance with the Building Code of Australia.
11. 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, at the expense of the owner. The design and materials of construction of any new crossover shall be submitted for approval by the Chief Executive Officer, City of Fremantle.
12. Prior to occupation, the car parking area shown on the approved site plan shall be marked and provided in accordance with Clause 5.7.1(a) of the City of Fremantle Local Planning Scheme No. 4, to the satisfaction of the Chief Executive Officer, City of Fremantle.
13. Prior to occupation, the boundary walls located on the north-western and south-eastern boundaries shall be of a clean finish to the satisfaction of the Chief Executive Officer, City of Fremantle.
14. Prior to occupation, landscaping is to be completed in accordance with the approved plans to the satisfaction of the City of Fremantle. All landscaped areas, including landscaping within the Quarry Street road reserve, are to be maintained on an ongoing basis to the satisfaction of the Chief Executive Officer, City of Fremantle.
15. Prior to the submission of a Building Permit application, the owner is to submit a waste management plan for approval by the Chief Executive Officer, City of Fremantle, and such approved plans are to be implemented throughout the life of the development.
16. Prior to the submission of a Building Permit application, detailed drainage plans shall be submitted and approved by the Chief Executive Officer, City of Fremantle and such approved plans are to be implemented throughout the development.
17. That a minimum of 25 bicycle racks be provided on site in accordance with Australian Standard AS2890.3-1993 Parking facilities – Part 3 Bicycle parking facilities.



Advice Note:

- I. In relation to Condition 3, the applicant is advised that Council may waive the requirement for the public art/heritage work contribution in accordance with clause 6 of L.P.P2.19 where the development incorporates public art in the development to the same value as that specified in Condition 3 that is located in a position clearly visible to the general public on the site of the development. In determining the appropriateness and artistic merit of the public art Council shall seek relevant professional advice.

**The Primary Motion (as amended) was put and CARRIED (4/1).**

For: Cr Josh Wilson, Mr Neil Foley, Ms Rachel Chapman, Mr Robert Nicholson  
 Against: Cr Andrew Sullivan

**8.2** Application Details: Three Storey (42) Serviced Apartment Addition to Existing Serviced Apartments  
 Property Location: 43 Mews Road Fremantle  
 Applicant: Bollig Design Group Pty Ltd  
 Owner: Department of Transport  
 Responsible authority: Western Australian Planning Commission  
 Report date: 21/06/2013  
 DoP File No: DP/13/00379

**REPORT RECOMMENDATION / PRIMARY MOTION**

**Moved by:** Mr Robert Nicholson                      **Seconded by:** Ms Rachel Chapman

That the Metro South-West JDAP resolves to:

**Approve** DAP Application 05-4688-10 and accompanying amended development plans date stamped received 20 June 2013 in accordance with Part IV of the Metropolitan Region Scheme, subject to the following conditions:

- 1. Prior to the issue of a Building Permit, the plans being modified to address the following to the specification of the Local Government and to the satisfaction of the Western Australian Planning Commission:
  - a. Details of materials and schedules;
  - b. Investigate the use of internal sliding panels to open bedrooms more fully to natural light and alleviate the long entry corridors and borrowed light having regard to acoustic issues;
  - c. Investigate use of larger balconies to the south east facing units of the south west building;
  - d. Investigate the inclusion of fire rated fixed glass to the south east facing façade on the north west building to allow views and light and relieve the solid wall to Mews Road; and
  - e. Location of air-conditioning plant equipment, satellite dishes, antennae's and other roof equipment being screened so as not to be highly visible.
- 2. All storm water discharge shall be contained and disposed of on-site to the specification of the Local Government and to the satisfaction of the Western Australian Planning Commission.



3. The signage associated with the development shall be to the specification of the Local Government and to the satisfaction of the Western Australian Planning Commission.
4. The development shall not restrict permanent public pedestrian access to the harbour mooring facilities to the specification of the Local Government and to the satisfaction of the Western Australian Planning Commission.

#### ADVICE TO THE APPLICANT

1. The applicant is advised to liaise with the Local Government with respect to the design and construction of the development in respect of Local Planning Policy 2.13 (Design Guidelines Fremantle Boat Harbours Development) and Local Planning Policy 2.3 (Fremantle Port Buffer Area Development Guidelines)

#### AMENDING MOTION (1)

**Moved by:** Cr Andrew Sullivan

**Seconded by:** Cr Josh Wilson

To include a new condition 5:

5. 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 when a green star rating tool is not available. Any costs associated with preparing, reviewing or modifying the alternative equivalent standard is to be incurred by the owner of the development site. Within 12 months of an issue of a certificate of Building Compliance for the development, the owner shall submit either of the following to the City to the satisfaction of the Chief Executive Officer – City of Fremantle;
  - a) a copy of documentation from the Green Building Council of Australia certifying that the development achieves a Green Star Rating of at least 4 Stars; or,
  - b) a copy of agreed equivalent documentation for instance where there is no green star rating tool available certifying that the development achieves a Green Star Rating of at least 4 Stars.

**REASON: The City's Local Planning Policy 2.13 relating to sustainable design does not relate to short-stay accommodation.**

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

For: Cr Andrew Sullivan, Cr Josh Wilson

Against: Mr Neil Foley, Ms Rachel Chapman, Mr Robert Nicholson

#### AMENDING MOTION (2)

**Moved by:** Cr Andrew Sullivan

**Seconded by:** Cr Josh Wilson

That the following be included as condition 5:



5. Prior to occupation, the design and materials of the development 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 development shall provide the following:
- 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.
  - Air conditioners shall provide internal centrally located 'shut down' points and associated procedures for emergency use.
  - Roof insulation in accordance with the requirements of the Building Codes of Australia.

**REASON: This scheme and policy requirement of the City of Fremantle and the Fremantle Port Authority requirement should be consistently applied in the buffer zone area.**

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

**AMENDING MOTION (3)**

**Moved by:** Cr Andrew Sullivan

**Seconded by:** Cr Josh Wilson

To include the following as condition 6:

- The development hereby permitted shall be finished and maintained generally in accordance with the approved material/finishes schedule to the satisfaction of the Chief Executive Officer, City of Fremantle.

**REASON: Condition required as no details of specific material/finishes are provided on planning plans.**

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

**For:** Cr Andrew Sullivan, Cr Josh Wilson, Mr Neil Foley and Ms Rachel Chapman

**Against:** Mr Robert Nicholson

**AMENDING MOTION (4)**

**Moved by:** Mr Neil Foley

**Seconded by:** Mr Robert Nicholson

To include two conditions as conditions 7 and 8 to read as follows:

- The use of the development shall be restricted to 'tourist accommodation' as defined in the City of Fremantle Local Planning Scheme No.4.
- The approved 27 parking bays shall only be used by occupants of, and workers at, the development.

**REASON: Condition 7 was imposed to ensure that permanent residential use does not occur over time. This provides a clear definition of what is approved. Condition 8 was imposed to outline that in an area**



**where there is a shortage of parking it is important to clarify that commuter parking for other uses within the city centre is not permitted within the development.**

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

**PRIMARY MOTION (AS AMENDED)**

**Moved by:** Mr Neil Foley

**Seconded by:** Mr Robert Nicholson

That the Metro South-West JDAP resolves to:

**Approve** DAP Application 05-4688-10 and accompanying amended development plans date stamped received 20 June 2013 in accordance with Part IV of the Metropolitan Region Scheme, subject to the following conditions:

1. Prior to the issue of a Building Permit, the plans being modified to address the following to the specification of the Local Government and to the satisfaction of the Western Australian Planning Commission:
  - a. Details of materials and schedules;
  - b. Investigate the use of internal sliding panels to open bedrooms more fully to natural light and alleviate the long entry corridors and borrowed light having regard to acoustic issues;
  - c. Investigate use of larger balconies to the south east facing units of the south west building;
  - d. Investigate the inclusion of fire rated fixed glass to the south east facing façade on the north west building to allow views and light and relieve the solid wall to Mews Road; and
  - e. Location of air-conditioning plant equipment, satellite dishes, antennae's and other roof equipment being screened so as not to be highly visible.
2. All storm water discharge shall be contained and disposed of on-site to the specification of the Local Government and to the satisfaction of the Western Australian Planning Commission.
3. The signage associated with the development shall be to the specification of the Local Government and to the satisfaction of the Western Australian Planning Commission.
4. The development shall not restrict permanent public pedestrian access to the harbour mooring facilities to the specification of the Local Government and to the satisfaction of the Western Australian Planning Commission.
5. Prior to occupation, the design and materials of the development 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 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.
  - c) Roof insulation in accordance with the requirements of the Building Codes of Australia.
6. The development hereby permitted shall be finished and maintained generally in accordance with the approved material/finishes schedule to the satisfaction of the Chief Executive Officer, City of Fremantle.
  7. The use of the development shall be restricted to 'tourist accommodation' as defined in the City of Fremantle Local Planning Scheme No.4.
  8. The approved 27 parking bays shall only be used by occupants of, and workers at, the development.

#### ADVICE TO THE APPLICANT

1. The applicant is advised to liaise with the Local Government with respect to the design and construction of the development in respect of Local Planning Policy 2.13 (Design Guidelines Fremantle Boat Harbours Development) and Local Planning Policy 2.3 (Fremantle Port Buffer Area Development Guidelines)

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

*Cr Richard Smith and Cr Joy Stewart rotated onto the meeting at 4.10pm*

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

<b>9.1</b>	Application Details:	Construction of CETO wave energy technology within coastal waters
	Property Location:	Lot 401 and Part Lot 4551 Unallocated Crown Land, Coastal Waters, south-west of Garden Island, Rockingham
	Applicant:	Carnegie Wave Energy Ltd
	Owner:	State of Western Australia
	Responsible authority:	Department of Planning
	Report date:	5 June 2013
	DoP File No:	DP/13/00002

#### **REPORT RECOMMENDATION / PRIMARY MOTION**

**Moved by:** Cr Richard Smith      **Seconded by:** Cr Joy Stewart

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

1. Accept that the DAP Application reference DP/13/00002 as detailed on the DAP Form 2 dated 7 May 2013 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. Approve a one (1) year extension of the approval term (end of February 2018) to lapse by the end of February 2019 as per DAP Application reference DP/13/00002 (detailed on the DAP Form 2 dated 7 May 2013 and



accompanying plans dated 8 May 2013) in accordance with the provisions of the Metropolitan Region Scheme for the proposed minor amendment to the approved development plans dated 18 December 2012 at Lot 401 and Part Lot 4551 Unallocated Crown Land, Coastal Waters, south-west of Garden Island.

### Advice Notes

1. All conditions detailed on the previous approval dated 14 February 2013 shall remain with the exception of the condition referenced in 2 above.

### AMENDING MOTION

**Moved by:** Cr Richard Smith

**Seconded by:** Cr Joy Stewart

That a Condition 3 be added to read as follows:

The CETO units are to be installed within the Department of Regional Development and Lands offshore lease area as generally shown on the plan date stamped 19 June 2013 by the Department of Planning in locations agreed to with the Department of Transport. The CETO units shall not be located within 50 metres of the lease area boundaries.

**REASON:** To implement requested changes identified by the Department of Planning in order to address concerns which were raised in the presentation.

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

### PRIMARY MOTION (AS AMENDED)

**Moved by:** Cr Richard Smith

**Seconded by:** Cr Joy Stewart

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

1. Accept that the DAP Application reference DP/13/00002 as detailed on the DAP Form 2 dated 7 May 2013 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. Approve a one (1) year extension of the approval term (end of February 2018) to lapse by the end of February 2019 as per DAP Application reference DP/13/00002 (detailed on the DAP Form 2 dated 7 May 2013 and accompanying plans dated 8 May 2013) in accordance with the provisions of the Metropolitan Region Scheme for the proposed minor amendment to the approved development plans dated 18 December 2012 at Lot 401 and Part Lot 4551 Unallocated Crown Land, Coastal Waters, south-west of Garden Island.
3. The CETO units are to be installed within the Department of Regional Development and Lands offshore lease area as generally shown on the plan date stamped 19 June 2013 by the Department of Planning in locations agreed to with the Department of Transport. The CETO units shall not be located within 50 metres of the lease area boundaries.



## Advice Notes

1. All conditions detailed on the previous approval dated 14 February 2013 shall remain with the exception of the condition referenced in 2 above.

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

*Cr Richard Smith and Cr Joy Stewart left the meeting at 4:17pm. Cr Andrew Sullivan and Cr Josh Wilson joined the meeting at 4.18pm.*

*Ms Rachel Chapman left the panel prior to the application at item 10.1 at 4.06pm.*

## 10. Appeals to the State Administrative Tribunal

10.1 Application Details:	Section 31 Reconsideration of: Proposed Retail/Commercial Development
Property Location:	Lots 211 & 535 The Strand, Wellard
Applicant:	Taylor Burrell Barnett
Owner:	Department of Housing Peet Limited Joint Venture
Responsible authority:	City of Kwinana
Report date:	17 June 2013
DoP File No:	DP/12/01197

## REPORT RECOMMENDATION / PRIMARY MOTION

**Moved by:** Mayor Carol Adams  
Alexander

**Seconded by:** Deputy Mayor Ruth

That the Metro South-West Joint Development Assessment Panel, as invited by the State Administrative Tribunal (SAT) under Section 31 of the *State Administrative Act 2004*, in respect to SAT application No. DR 16 of 2013, has reconsidered its decision dated 11 December 2012 and has resolved to delete and modify conditions set out below.

### Amended Conditions

- i) Delete condition 1.24
- ii) Replace Condition 1.23 with the following condition:-  
The Lloyd George Acoustics Pty Ltd report dated 29 May 2013, Reference 13042390-01 being implemented to the satisfaction of the City of Kwinana.
- iii) Reword Condition 1.8 (sub conditions 1.8.1, 1.8.2 and 1.8.3) to read:-
  - 1.8.1 A minimum of 220 shared parking bays shall be available for use by all customers, clients, visitors and employees of the development on Lots 211 and 535. The use of each of the shared parking bays is to be for a maximum duration of 3 hours. Management of the use of the shared parking bays is to be controlled pursuant to the Taylor Burrell Barnett, The Buchanan Group Parking Management Plan, Revision 2, dated 16 May 2013.
  - 1.8.2 A maximum of 66 long stay parking bays shall be available for the exclusive use by customers, clients, visitors and employees of the



development on Lots 211 and 535. Management of the use of the longstay parking bays is to be controlled pursuant to the Taylor Burrell Barnett, The Buchanan Group Parking Management Plan, Revision 2, dated 16 May 2013.

- 1.8.3 The Taylor Burrell Barnett, The Buchanan Group Parking Management Plan, Revision 2, dated 16 May 2013 shall be implemented as approved. In the event that Lots 211 and 535 are not amalgamated, the shared parking bays shall be the subject of easements registered on the Certificates of Titles of Lots 211 and 535 which shall require the reciprocal use of all of the 220 shared parking bays situated on those lots. Such easements shall provide that they may not be surrendered or amended without the prior approval of the City of Kwinana and they shall be registered before the occupation of the development.

### **Advice Notes**

1. All other conditions and requirements detailed on the previous approval dated 11 December 2012 shall remain unless altered by this application.

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

*Mayor Carol Adams and Deputy Mayor Ruth Alexander rotated off the meeting at 4:10pm.*

*Ms Rachel Chapman re-joined the panel at 4:10pm.*

### **11. Meeting Close**

The Presiding Member reminded the meeting that in accordance with Standing Order 7.3 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

There being no further business, the presiding member declared the meeting closed at 6:44pm.