



Minutes of the Metro South-West Joint Development Assessment Panel

Meeting Date and Time: Monday, 18 January 2016; 10:04am
Meeting Number: MSWJDAP/89
Meeting Venue: City of Fremantle
8 William Street
Fremantle

Attendance

DAP Members

Mr Ian Birch (Presiding Member)
Ms Stacey Towne (Deputy Presiding Member)
Mr Robert Nicholson (Specialist Member)
Cr Jon Strachan (Local Government Member, City of Fremantle)
Cr Andrew Sullivan (Local Government Member, City of Fremantle)
Cr Chris Elliott (Local Government Member, City of Rockingham)
Cr Kelly McManus (Local Government Member, City of Rockingham)

Officers in attendance

Mr Justin Lawrence (City of Fremantle)
Mr Greg Delahunty (City of Rockingham)
Ms Erika Dawson (City of Rockingham)
Mr Sean O'Connor (Development Assessment Panels)

Local Government Minute Secretary

Ms Emmaline Wallace (City of Fremantle)

Applicants and Submitters

Mr Sean Fairfoul (Rowe Group)
Ms Susannah Penman (TPG WA)
Mr Murray Casselton (TPG)
Ms Nerida Moredount (TPG)
Mr Matthew Crawford (Matthew Crawford Architects)
Ms Helen Hewitt

Members of the Public

Two members of the public were in attendance.

Mr Ian Birch
Presiding Member, Metro South-West JDAP



1. Declaration of Opening

The Presiding Member, Mr Ian Birch declared the meeting open at 10:04 am on 18 January 2016 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.88 held on 13 January 2016 were noted.

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of interests

Panel member, Mr Robert Nicholson, declared an indirect pecuniary interest in item 9.1. Mr Nicholson holds shares in Wesfarmers, which owns Coles, who is the tenant subject to the changes requested.

Panel member, Ms Stacey Towne declared an indirect pecuniary interest in item 9.1. Ms Towne holds shares in Wesfarmers, which owns Coles, who is the tenant subject to the changes requested.

In accordance with section 6.3.1 of the Standing Orders 2012, the Presiding Member determined that the members listed above, who had disclosed a pecuniary interest, were not permitted to participate in the discussion or voting on the items.

Mr Ian Birch
Presiding Member, Metro South-West JDAP



7. Deputations and presentations

7.1 Ms Helen Hewitt addressed the DAP against the application at Item 8.1. Ms Hewitt answered questions from the panel.

7.2 Mr Murray Casselton & Ms Nerida Moredount (TPG) and Mr Matthew Crawford (Matthew Crawford Architects) addressed the DAP for the application at Item 8.1. Presenters answered questions from the panel.

The presentations at Item 7.1 and 7.2 were heard prior to the application at Item 8.1.

7.3 Mr Sean Fairfoul (Rowe Group) and Mr James Dann (Charter Hall) addressed the DAP for the application at Item 9.1. Presenters answered questions from the panel.

The presentation at Item 7.3 was heard prior to the application at Item 8.2.

8. Form 1 - Responsible Authority Reports – DAP Application

8.1 Property Location: Lot 502 (7-15) Bannister Street, Fremantle
Application Details: Four Storey with Loft Addition to Existing Hotel
Applicant: TPW WA Pty Ltd
Owner: Red Rock Consolidated Pty Ltd
Responsible authority: City of Fremantle
DoP File No: DAP/15/00916

REPORT RECOMMENDATION / PRIMARY MOTION

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

That the Metro South-West JDAP resolves to:

Refuse DAP Application reference DAP/15/00916 and accompanying plans 21 October 2015 and 7 December 2015 in accordance with Clause 8.1 of the City of Fremantle's Local Planning Scheme No.4, for the following reasons:

1. The building height of the proposed development does not comply with the height requirements contained within Schedule 12 (Sub Area 1.3 – West End) of City of Fremantle Local Planning Scheme No.4.
2. The proposed development does not satisfy all of the criteria listed under Clause 5.8.1 and 5.8.4 of City of Fremantle Local Planning Scheme No.4.



PROCEDURAL MOTION

Moved by: Cr Andrew Sullivan

Seconded by: Cr Jon Strachan

That the Metro South-West Joint Development Assessment Panel resolves to defer DAP Application reference DAP/15/00916 for reconsideration by the DAP on or before 26 February 2016 to allow for the applicant to comply with the following:

1. To re-design the rear of the property in compliance with Clause 5.8.1 (a) of Local Planning Scheme No. 4
2. In response to 1. above, to submit revised plans to the City of Fremantle no later than 29 January 2016 and for the matter to be listed for further consideration at a MSWJDAP meeting no later than 26 February 2016.

REASON: The DAP determined that a deferral would enable the applicant to review the building height at the rear against the Scheme provisions, in order to reduce the impact on the adjoining neighbours.

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

For: Mr Ian Birch
Ms Stacey Towne
Cr Jon Strachan
Cr Andrew Sullivan

Against: Mr Robert Nicholson

At 11.50am Cr Andrew Sullivan left the panel.

At 11:50am Cr Strachan left the panel.

At 11:50 am Mr Rob Nicholson left the panel.

At 11:50am Ms Stacey Towne left the panel.

At 11.50am Cr Chris Elliott joined the panel.

At 11:50am Cr Kelly McManus joined the panel.

Mr Ian Birch
Presiding Member, Metro South-West JDAP



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

- 9.1 Property Location: Lot 2003 Secret Harbour Boulevard and Lots 2010 and 2013 Oneida Road, Secret Harbour
- Application Details: Amendment to Development Approval for Additions and Alterations to Secret Harbour District Shopping Centre
- Applicant: Greg Rowe Pty Ltd
- Owner: Perpetual Limited
- Responsible authority: City of Rockingham
- DoP File No: DAP/14/00649

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Cr Chris Elliott **Seconded by:** Cr Kelly McManus

That the Metro South-West JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/14/00649 as detailed on the DAP Form 2 dated 3rd December 2015 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Refuse** the DAP Application reference DAP/14/00649 as detailed on the DAP Form 2 dated 3rd December 2015 and accompanying plans:
 - Ground Floor Plan, Drawing No. DA02 Issue M, dated 28.10.15
 - Elevation Plan, Drawing No. DA08 Issue H, dated 28.10.15

in accordance with the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Metropolitan Region Scheme, for the proposed minor amendment to the approved mixed use commercial development for the following reason:

- (a) The proposed development, which is inconsistent with City of Rockingham *Town Planning Scheme Number 2* and *Local Planning Policy No. 3.2.3 - Secret Harbour Town Centre*, will have an adverse impact on the function and amenity of the Oasis Drive Main Street and will result in safety issues for users of the wider road network.

The Report Recommendation/Primary Motion was put and CARRIED (2 /1).

For: Cr Chris Elliott
Cr Kelly McManus

Against: Mr Ian Birch

10. Appeals to the State Administrative Tribunal

Nil

Mr Ian Birch
Presiding Member, Metro South-West JDAP



11. General Business / 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 12:28pm.

A handwritten signature in black ink, appearing to read 'Ian Birch', written over a vertical line.

Mr Ian Birch

Presiding Member, Metro South-West JDAP