



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

**Meeting Date and Time:** Monday 15 July 2013; 4.00pm  
**Meeting Number:** MSWJDAP/21  
**Meeting Venue:** City of Fremantle – 8 William Street Fremantle

### Attendance

#### DAP Members

Ms Megan Bartle (Presiding Member)  
Mr Rory O'Brien (Alternate Deputy Presiding Member)  
Mr Robert Nicholson (Specialist Member)  
Cr Andrew Sullivan (Local Government Member, City of Fremantle) *until 4.28pm*  
Cr Bill Massie (Local Government Member, City of Fremantle) *until 4.28pm*  
Cr Richard Smith (Local Government Member, City of Rockingham) *from 4.28pm*  
Cr Joy Stewart (Local Government Member, City of Rockingham) *from 4.28pm*

#### Officers in attendance

Mr Craig Shepherd (DAPs Secretariat)  
Ms Gemma Beasley (Department of Planning)  
Ms Erika Barton (City of Rockingham)  
Ms Natalie Martin Goode (City of Fremantle)  
Ms Chloe Johnston (City of Fremantle)

#### Local Government Minute Secretary

Mr Sam Van Baren (City of Fremantle)

#### Applicants and Submitters

Ms Terrina Lo (Meyer Shircore and Associates)  
Mr Tim Dawkins (Urbis)  
Ms Prue Cunningham (Stockland)

#### Members of the Public

2 members of the public

#### 1. Declaration of Opening

The Presiding Member, Ms Megan Bartle declared the meeting open at 4:04pm on 15 July 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*.

Ms Megan Bartle  
Presiding Member, Metro South-West JDAP



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**

Cr Josh Wilson (Local Government Member, City of Fremantle)

**3. Members on Leave of absence**

Nil

**4. Noting of minutes**

Minutes of the Metro South-West JDAP meeting no.20 held on 27 June 2013 were noted by DAP members.

**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 Terrina Lo (Meyer Shircore and Associates) presented for the application at Items 8.1a and 8.1b. Ms Lo requested the removal or amendment of Conditions 2, 3b and 3c.

7.2 Mr Tim Dawkins (Urbis) presented for the application at Item 9.1. Mr Dawkins provided clarification of a number of matters and requested amendment of several conditions.

***The presentation at Item 7.2 was heard prior to the application at Item 9.1.***

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

8.1a	Application Details:	Demolition of Warehouses and Showrooms and Construction of Six Showrooms
	Property Location:	Lot 19 (No. 23) Peel Road, O'Connor
	Applicant:	Meyer Shircore & Associates Architects
	Owner:	Carcione Nominees Pty Ltd and Stock Road Land Pty Ltd
	Responsible authority:	City of Fremantle
	Report date:	4 July 2013
	DoP File No:	DP/13/00446

Ms Megan Bartle  
Presiding Member, Metro South-West JDAP



## REPORT RECOMMENDATION / PRIMARY MOTION

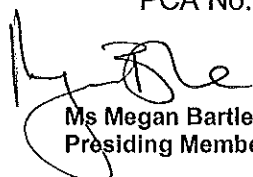
Moved by: Cr Andrew Sullivan

Seconded by: Mr Rory O'Brien

That the Metro South West JDAP resolves to:

**Approve** DAP Application reference DP/13/00446 and accompanying plans dated 25 June 2013 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 22 May 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. 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 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 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. Submit to the Council 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. Submit to the Council 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.
3. Prior to the commencement of development, revised landscaping plans should be submitted to the satisfaction of the Chief Executive Officer, City of Fremantle and installed and maintained thereafter for the life of the development, that details the following:
  - a. A minimum 5% landscaping is provided on site having regard to new lot boundaries when Stock Road is widened;
  - b. Proposed trees on site are relocated so no to be removed when the future road widening occurs;
  - c. Additional trees are provided on site to comply with the requirements of LPP 3.8.
4. All storm water discharge shall be contained and disposed of on-site.
5. The signage hereby permitted shall not contain any flashing or moving light or radio; animation or movement in its design or structure; reflective, retro-reflective or fluorescent materials in its design structure.
6. No development other than landscaping shall be permitted on the land shown as required for the Perth Bunbury Highway (Stock Road) road reserve in the PCA No. 80 or the additional 10m future requirement.



Ms Megan Bartle  
Presiding Member, Metro South-West JDAP



7. No earthworks shall encroach onto the Perth Bunbury Highway (Stock Road) road reserve.

Advice notes:

- i. Future signage contrary to the requirements of Schedule 5 or Clause 8.2d) of Local Planning Scheme No. 4 will require a planning application.
- ii. In relation to condition 3, There are several ways to achieve the above that may include one or a combination of the following:
  - Moving a 5% landscaped areas to within the new lot boundaries after the road widening occurs;
  - Decreasing the showroom floor area so that car parking provided on site still complies;
  - Moving proposed trees away from the new lot boundaries after road widening occurs.

#### AMENDING MOTION

Moved by: Cr Andrew Sullivan

Seconded by: Cr Bill Massie

That Condition 3. b. be deleted and remaining conditions be renumbered accordingly.

**REASON:** The future road widening may not result in the trees on site being removed.

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

#### AMENDING MOTION

Moved by: Mr Robert Nicholson

Seconded by: -

That Conditions 2. a. and b. be deleted.

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

#### PRIMARY MOTION (AS AMENDED)

That the Metro South West JDAP resolves to:

**Approve** DAP Application reference DP/13/00446 and accompanying plans dated 25 June 2013 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 22 May 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. 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 by the Chief Executive Officer, City of Fremantle when a green star rating tool is not available. Any costs associated with generating,

Ms Megan Bartle  
Presiding Member, Metro South-West JDAP



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. Submit to the Council 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. Submit to the Council 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.
3. Prior to the commencement of development, revised landscaping plans should be submitted to the satisfaction of the Chief Executive Officer, City of Fremantle and installed and maintained thereafter for the life of the development, that details the following:
- a. A minimum 5% landscaping is provided on site having regard to new lot boundaries when Stock Road is widened;
  - b. Additional trees are provided on site to comply with the requirements of LPP 3.8.
4. All storm water discharge shall be contained and disposed of on-site.
5. The signage hereby permitted shall not contain any flashing or moving light or radio; animation or movement in its design or structure; reflective, retro-reflective or fluorescent materials in its design structure.
6. No development other than landscaping shall be permitted on the land shown as required for the Perth Bunbury Highway (Stock Road) road reserve in the PCA No. 80 or the additional 10m future requirement.
7. No earthworks shall encroach onto the Perth Bunbury Highway (Stock Road) road reserve.

Advice notes:

- iii. Future signage contrary to the requirements of Schedule 5 or Clause 8.2d) of Local Planning Scheme No. 4 will require a planning application.
- iv. In relation to condition 3, There are several ways to achieve the above that may include one or a combination of the following:
  - Moving a 5% landscaped areas to within the new lot boundaries after the road widening occurs;
  - Decreasing the showroom floor area so that car parking provided on site still complies;
  - Moving proposed trees away from the new lot boundaries after road widening occurs.

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

Ms Megan Bartle  
Presiding Member, Metro South-West JDAP



**8.1b** Application Details: Demolition of Warehouses and Showrooms  
and Construction of Six Showrooms  
Property Location: Lot 19 (No. 23) Peel Road, O'Connor  
Applicant: Meyer Shircore & Associates Architects  
Owner: Carcione Nominees Pty Ltd and Stock Road  
Land Pty Ltd  
Responsible authority: Western Australian Planning Commission  
Report date: 4 July 2013  
DoP File No: DP/13/00446

#### REPORT RECOMMENDATION / PRIMARY MOTION

**Moved by:** Cr Andrew Sullivan

**Seconded by:** Mr Rory O'Brien

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

- A. **Approve** DAP Application 0003/13 reference 05-50190-3 and accompanying plans date stamped 28 June 2013 in accordance with the provisions of Part IV of the Metropolitan Region Scheme, subject to the following conditions and advice notes:
1. No development other than landscaping to be carried out within the 10 metre wide strip of land located between the Stock Road road reserve and the proposed development to the specification of Main Roads WA and the satisfaction of the Western Australian Planning Commission.
  2. No stormwater drainage to be discharged onto the Stock Road road reserve.

**The Report Recommendation/Primary Motion was put and CARRIED UNANIMOUSLY.**

*Cr Andrew Sullivan and Cr Bill Massie left the meeting at 4.28pm and Cr Richard Smith and Cr Joy Stewart joined the meeting at 4:28pm.*

Ms Megan Bartle  
Presiding Member, Metro South-West JDAP



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

9.1 Application Details:	Lots 1 and 9084 Safety Bay Road, Baldivis
Property Location:	Modification to DAP Planning Approval for Additions and Alterations to Baldivis District Shopping Centre
Applicant:	Stockland Development Pty Ltd C/- Urbis
Owner:	Stockland WA (Estates) Pty Ltd
Responsible authority:	City of Rockingham
Report date:	5th June 2013
DoP File No:	DP/12/01276

**PROCEDURAL MOTION**

**Moved by:** Cr Richard Smith                      **Seconded by:** Mr Rory O'Brien

That Parts 1, 2 and 3 of the Recommendation are voted on individually.

**REASON: To discuss and vote on conditions separately.**

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

**PRIMARY MOTION 1**

**Moved by:** Ms Megan Bartle                      **Seconded by:** Mr Rory O'Brien

That the Metro South-West JDAP resolves to:

1. Accept that the DAP Application reference 20.2012.00000290 as detailed on the DAP Form 2 dated 22nd April 2013 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

**The Primary Motion 1 was put and CARRIED UNANIMOUSLY.**

**PRIMARY MOTION 2**

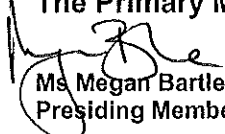
**Moved by:** Cr Joy Stewart                      **Seconded by:** Cr Richard Smith

That the Metro South-West JDAP resolves to:

3. Refuse the request for the deletion or amendment of Conditions 2, 11, 12, 19, 22 and Advice Note 2 of Planning Approval dated 8 March 2013 for DAP Application reference 20.2012.00000290, as detailed on the DAP Form 2 dated 22nd April 2013.

**REASON: An amendment was incorporated with the acceptance of the Mover and Seconder to include "and Advice Note 2" after the words "Conditions 2, 11, 12, 19 & 22" so to improve clarity to the Applicant.**

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

  
Ms Megan Bartle  
Presiding Member, Metro South-West JDAP



For: Ms Megan Bartle  
Cr Richard Smith  
Cr Joy Stewart  
Against: Mr Rory O'Brien  
Mr Robert Nicholson

### PRIMARY MOTION 3

Moved by: Mr Robert Nicholson                      Seconded by: -

That the Metro South-West JDAP resolves to:

To remove reference to conditions 2 and 19 of planning approval date 8 March 2013 from condition 3.

**The Motion LOST for want of a seconder.**

### PRIMARY MOTION 4

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

2. Approve the proposed modifications to the DAP Application reference 20.2012.00000290 as detailed on the DAP Form 2 dated 22nd April 2013 and accompanying Site Plan (Drawing No. DA0101-C), Ground Floor Plan (Drawing No. DA0102-B), Level 1 Carpark Plan (Drawing No. DA0103-B), Building 5 Floor Plans (Drawing No. DA0104-A), Elevations Sheet 1 (Drawing No. DA0201-C), Elevations Sheet 2 (Drawing No. DA0202-C), Elevations Sheet 3 (Drawing No. DA0203-C), Sections Sheet 1 (Drawing No. DA0301-C), Perspective Sheet 1 (Drawing No. DA0501-B), and Perspective Sheet 2 (Drawing No. DA0502-B) dated 12 April 2013, in accordance with the provisions of the Town Planning Scheme No.2 and the Metropolitan Region Scheme, for the proposed amendments to the approved Additions and Alterations to Baldivis District Shopping Centre at Lots 1 and 9084 Safety Bay Road Baldivis, subject to:

(a) amending the description of the approved development to include the specific approved use classes and to read as follows:

*"Additions and Alterations to Baldivis District Shopping Centre (Shop, Restaurant, Office, Car Parking, Motor Vehicle Repair Station and Showroom)".*

(b) Deletion of Condition No.3.

(c) Amending Condition No.9 as follows:

*"9. A current Easement for the benefit of the public that is registered on the Certificate of Title (Deposited Plan 69965) for Lot 1 Safety Bay Road, Baldivis, specifying public access rights for the car park is to be amended to reflect the 12 April 2013 revised at-grade car park plan, in accordance with Section 195 and 196 of the Land Administration Act 1997. The Easement must continue to state as follows:-*

  
Ms Megan Bartle  
Residing Member, Metro South-West JDAP





*"Public Access Easement for Car parking and Pedestrian Access".*

(d) Amend Condition No.23 as follows:

*"23. All doors fronting Settlers Avenue must be accessible by customers and not locked during all hours when the subject business is trading."*

(e) Delete Advice Note (iii)

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

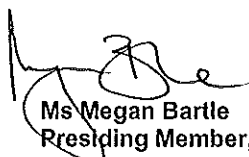
**PRIMARY MOTION (AS AMENDED)**

That the Metro South-West JDAP resolves to:

1. Accept that the DAP Application reference 20.2012.00000290 as detailed on the DAP Form 2 dated 22nd April 2013 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*.
2. Approve the proposed modifications to the DAP Application reference 20.2012.00000290 as detailed on the DAP Form 2 dated 22nd April 2013 and accompanying Site Plan (Drawing No. DA0101-C), Ground Floor Plan (Drawing No. DA0102-B), Level 1 Carpark Plan (Drawing No. DA0103-B), Building 5 Floor Plans (Drawing No. DA0104-A), Elevations Sheet 1 (Drawing No. DA0201-C), Elevations Sheet 2 (Drawing No. DA0202-C), Elevations Sheet 3 (Drawing No. DA0203-C), Sections Sheet 1 (Drawing No. DA0301-C), Perspective Sheet 1 (Drawing No. DA0501-B), and Perspective Sheet 2 (Drawing No. DA0502-B) dated 12 April 2013, in accordance with the provisions of the Town Planning Scheme No.2 and the Metropolitan Region Scheme, for the proposed amendments to the approved Additions and Alterations to Baldivis District Shopping Centre at Lots 1 and 9084 Safety Bay Road Baldivis, subject to:
  - (a) amending the description of the approved development to include the specific approved use classes and to read as follows:

*"Additions and Alterations to Baldivis District Shopping Centre (Shop, Restaurant, Office, Car Parking, Motor Vehicle Repair Station and Showroom)".*
  - (b) Deletion of Condition No.3.
  - (c) Amending Condition No.9 as follows:

*"9. A current Easement for the benefit of the public that is registered on the Certificate of Title (Deposited Plan 69965) for Lot 1 Safety Bay Road, Baldivis, specifying public access rights for the car park is to be amended to reflect the 12 April 2013 revised at-grade car park plan, in accordance with Section 195 and 196 of the Land Administration Act 1997. The Easement must continue to state as follows:-*

  
Ms Megan Bartle  
Residing Member, Metro South-West JDAP



*"Public Access Easement for Car parking and Pedestrian Access".*

(d) Amend Condition No.23 as follows:

*"23. All doors fronting Settlers Avenue must be accessible by customers and not locked during all hours when the subject business is trading."*

(e) Delete Advice Note (iii)

3. Refuse the request for the deletion or amendment of Conditions 2, 11, 12, 19, 22 and Advice Note 2 of Planning Approval dated 8 March 2013 for DAP Application reference 20.2012.00000290, as detailed on the DAP Form 2 dated 22nd April 2013.

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

For: Ms Megan Bartle  
Mr Robert Nicholson  
Cr Richard Smiths  
Cr Joy Stewart  
Against: Mr Rory O'Brien


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

Nil

**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 4:58pm.



Ms Megan Bartle  
Presiding Member, Metro South-West JDAP