



Metro Inner-South Joint Development Assessment Panel Minutes

Meeting Date and Time: Monday, 19 September 2022; 9:30am
Meeting Number: MISJDAP/110
Meeting Venue: City of Fremantle
Walyalup Civic Centre, 151 High Street Fremantle

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Attendance

DAP Members

Mr Clayton Higham (Presiding Member)
Ms Rachel Chapman (Deputy Presiding Member)
Cr Andrew Sullivan (Local Government Member, City of Fremantle)
Cr Bryn Jones (Local Government Member, City of Fremantle)

Officers in attendance

Mr Josh Loveridge (City of Fremantle)
Ms Chloe Johnston (City of Fremantle)

Minute Secretary

Ms Kayla Goodchild (City of Fremantle)

Applicants and Submitters

Mr Tim Dawkins (Urbis)
Mr Mark Zuvela
Ms Emma Williamson

Members of the Public / Media

There were 11 members of the public in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.35am on 19 September 2022 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2020 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

1.1 Announcements by Presiding Member

The Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2020 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 meeting would not be recorded.

Mr Clayton Higham
Presiding Member, JDAP



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2. Apologies

Ms Rachel Pemberton (Local Government Member, City of Fremantle)
Mr Peter Lee (Third Specialist Member)
Mr Justin Page (Third Specialist Member)
Mr Jason Hick (Third Specialist Member)
Mr John Syme (Third Specialist Member)
Ms Leigh Penney (Third Specialist Member)
Ms Shelly Shepherd (Third Specialist Member)

3. Members on Leave of Absence

Nil.

4. Noting of Minutes

DAP members noted that signed minutes of previous meetings are available on the [DAP website](#).

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of Interests

DAP Member, Mr Justin Page, declared an Impartiality Interest in item 8.1. Mr Page's employer (Element) is appointed by various developers that are operating within the Knutsford Street East Structure Plan, specifically:

- (i) East Village Knutsford Pty Ltd the owner of the proposed development at No. 76 (Lot 2) Knutsford Street, Fremantle.
- (ii) Collab Capital Pty Ltd the owner of a proposed development at No. 59 (Lot 1) Blinco Street, Fremantle. (Note: Element has had recent pre-lodgement consultations with the City for proposed grouped dwellings/multiple dwellings).

Element is currently working on proposals for these owners to seek planning approval in the very near future. Mr Page is has limited knowledge and no involvement with these projects. However, the interactions of Element with the City in regard to these proposed developments and his involvement on the panel in this matter could be viewed as a conflict of interest and thus undermine the integrity of the MISJDAP.



In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member determined that the member listed above, who had disclosed an Impartiality Interest, was not permitted to participate in the discussion and voting on the item.

In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Member, Cr Andrew Sullivan and Cr Bryn Jones, declared that they had participated in a prior Council meeting in relation to the application at item 8.1. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr Andrew Sullivan and Cr Bryn Jones acknowledged that they are not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before him, which will be considered on its planning merits.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member determined that the members listed above, who had have disclosed a Impartiality Interest, are permitted to participate in the discussion and voting on the item.

7. Deputations and Presentations

- 7.1** Mr Mark Zuvella addressed the DAP in support of the recommendation for the application at Item 8.1.
- 7.2** Ms Emma Williamson addressed the DAP in support of the recommendation for the application at Item 8.1.
- 7.3** Mr Lincoln Jones (Locus Development Group) addressed the DAP against the recommendation for the application at Item 8.1.
- 7.4** Mr Tim Dawkins (Urbis) addressed the DAP against the recommendation for the application at Item 8.1.
- 7.5** Ms Kylee (Fratelle Group) addressed the DAP against the recommendation for the application at Item 8.1.

Mr Clayton Higham
Presiding Member, JDAP



8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Nos. 34-38 (Lots 1823, 1209, 1212 And 1217) Amherst Street And Nos. 2-4 (Lots 1223 And 1222) Stack Street, Fremantle

Development Description: 56 Grouped Dwellings
Applicant: Urbis Pty Ltd
Owner: The Trustee for Latenza 3 Unit Trust Pty Ltd
Responsible Authority: City of Fremantle
DAP File No: DAP/22/02244

REPORT RECOMMENDATION

Moved by: Cr Andrew Sullivan

Seconded by: Cr Bryn Jones

That the Metro Inner-South JDAP resolves to:

Accept that the DAP Application reference DAP/22/02244

1. Is appropriate for consideration as a “Grouped dwelling” land use and compatible with the objectives of the zoning table in the City of Fremantle Local Planning Scheme No. 4.
2. **Refuse** DAP Application reference DAP/22/02244 and accompanying plans UDS2.02-RevJ, DA01.00-RevK, DA01.01-RevK, DA01.02-RevK, DA01.03-RevK, DA01.04-RevK, DA01.05-RevK, DA01.06-RevK, DA02.01-RevK, DA02.02-RevK, DA02.03-RevK, DA03.01-RevJ, DA04.01-RevK, DA4.A.01-RevE, DA4.A.02-RevE, DA4.A.03-RevE, DA4.A.04-RevE, DA4.A.05-RevE, DA4.A.06-RevE, DA4.B.01-RevE, DA4.B.02-RevE, DA4.B.03-RevE, DA4.B.04-RevE, DA4.B.05-RevE, DA4.B1.01-RevE, DA4.B1.02-RevE, DA4.B1.03-RevE, DA4.B1.04-RevE, DA4.B1.05-RevE, DA4.C.01-RevE, DA4.C.02-RevE, DA4.C.03-RevE, DA4.C.04-RevE, DA4.C.05-RevE, DA4.D.01-RevF, DA4.D.02-RevG, DA4.D.03-RevG, DA4.D.04-RevG, DA4.D.05-RevG, DA4.D1.01-RevF, DA4.D1.02-RevG, DA4.D1.03-RevG, DA4.D1.04-RevG, DA4.D1.05-RevG, DA4.E.01-RevG, DA4.E.02-RevG, DA4.E.03-RevG, DA4.E.04-RevG, DA4.E.05-RevG, DA4.E.06-RevG, DA4.E.07-RevG, DA4.F.01-RevF, DA4.F.02-RevF, DA4.F.03-RevF, DA4.F.04-RevF, DA4.F.05-RevF, DA05.01-RevJ, and DA06.01-RevJ (dated 5 August) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of City of Fremantle Local Planning Scheme No. 4, for the following reason:

Reason:

1. Council does not support the proposed demolition of existing buildings and construction of 56 Grouped dwellings at Nos. 34-38 Amherst Street and Nos. 2-4 Stack Street, Fremantle as it is not consistent with the vision, objectives and principles of the Knutsford East Local Structure Plan. Council therefore recommends refusal under the Metropolitan Region Scheme and Local Planning Scheme No. 4.

Mr Clayton Higham
Presiding Member, JDAP



2. The development does not comply with the visitor car parking requirements or design principles of the R-Codes as no onsite visitor bays have been provided and the proposal to utilise the public road reserves for visitor bays results in a net reduction of available visitor parking adjacent to the subject site.

Reasons for Responsible Authority Recommendation

In 2017, following extensive community and stakeholder consultation, Council adopted the Knutsford Street East Local Structure Plan (KELSP) to guide the transition of this aging, underused industrial area into an exemplary residential and mixed use area supported by local shops and integrated with the existing surrounding community. Development WA and private sector developers are currently delivering innovative developments that exemplify the intended outcomes for the area in terms of diversity, identity, innovation, sustainability, urban design and amenity, as does the adjacent Development WA Knutsford precinct.

Nos 34-38 Amherst Street and Nos. 2-4 Stack Street equates to approximately one-quarter of Precinct 5 within the Structure Plan approximately 8% of the entire structure plan area. Therefore it is reasonable to expect that development of this site would contribute to the overall objectives and principles of the KELSP to the extent possible, and build on existing precedents to ensure the vision for the precinct is achieved. The development as proposed does not contribute to the outcomes of the structure plan; failure to apply the provisions of the KELSP in assessing the proposal makes a mockery of the structure planning process and erodes community confidence in the planning system.

The proposed development does not meet the following of objectives of the KELSP, which a development of this size could reasonably be expected to address.

Diversity: *Promote a mix of land uses and a range of housing types to meet the housing needs of a wide range of the community.*

- The proposal does not provide diversity of housing types (all houses are 3 and 4 bedroom houses) or diversity of uses and includes very little provision for accessible, adaptable or affordable housing.
- The development is under-development of the site with unrealised potential to include 1 and 2 bedroom dwellings, units, micro-lots and additional height.

Identity: *Instill a 'Fremantle identity' with some relationship to the site's history and its industrial character.*

- Design of the site is a generic built form and subdivision and does not capture, interpret or instill a Fremantle identity.

Economic Development: *Provide opportunities for existing and new local commerce, shops, light industry and home based employment which expand upon the existing employment opportunities in the area.*

- The proposal displaces existing commercial and light industrial activities but does not include any new economic activity spaces beyond home based business.



Amenity: *Create an urban environment which satisfies the lifestyle, aesthetic and security aspirations of its residents and workers.*

- No common areas are included in the proposed development to support community activity and there is very limited provision of deep planting areas that would support large trees and enhance amenity.
- The design of crossovers on Amherst Street, loss of street trees and displacement of pedestrians to the edge of the street will reduce amenity and safety and is inconsistent with the Part 2.6 of the KELSP 'vegetation retention'.

Innovation: *Promote flexible land use solutions for residential, mixed use and home based employment opportunities.*

- The proposal is a generic urban subdivision that does not include any innovative elements, particularly not in regards to built form, housing typology, affordable housing, infrastructure design or subdivision layout

Urban Design: *Adopt appropriate urban design principles, including from the WAPC's Liveable Neighbourhoods approach, and the Design WA suite of documents which strive to achieve a built form that promotes the preceding principles.*

- The proposal does not satisfy many of the design elements and outcomes foreshadowed in the Medium Density Design Code.

Sustainability: *Achieve a balance between social, economic and environmental considerations and lead by example in the adoption of environmental best practice with a focus on sustainability in built form and land use and services*

- The proposal does not demonstrate environmental best practice beyond minimum requirements, for example there is no provision for beneficial stormwater harvesting, a community garden or other communal infrastructure such as a community battery.
- The orientation and configuration of house lots provides very little opportunity for solar passive design with the majority of homes having little or no opportunity for access to beneficial northern winter sun in living areas
- All homes have two car parking on site which does not support transport mode shift and the development does not include onsite parking bays suited to shared vehicles or electric car charging



PROCEDURAL MOTION

Moved by: Mr Clayton Higham

Seconded by: Ms Rachel Chapman

That the consideration of DAP Application DAP/22/0224 be deferred for up to 12 weeks, in accordance with section 5.10.1a of the DAP Standing Orders 2020, for the following reasons:

1. Demonstrate how the internal laneways and spaces can accommodate increased functional areas of soft landscaping,
2. Consider the reduction of on-site private parking and the inclusion of some of the required on-site visitors parking, parking for share vehicles, and suitably located EV charging facilities,
3. Increased functional area of the outdoor living areas to units Type A and Type C (units 51-55),
4. Reconsider the size and impact of the vehicle crossovers to Amherst Street including the potential mitigation through mature tree planting,
5. Consider the reduction of the verge visitor parking on Amherst street to be offset by on-site visitor parking,
6. Demonstrate how universal access will be provided to dwelling Type D and D1,
7. Improve the solar passive design to ensure that the majority of dwellings have adequate access to the northern winter sun in living areas
8. Demonstrating how non-residential activities can be accommodated on site.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: The panel considered that the proposal did not reflect the vision and objectives of the structure plan and did not suitably address some of the requirements of the structure plan, noting it is a document of due regard. Given that the subdivision has been approved the panel were mindful that there may be limited opportunities to alter the development layout and considered that a deferral of the item would allow the applicants to demonstrate to the panel how the matters listed above which relate to Design Principles of the R-Codes, SPP 7.0 and the objectives of the structure plan have been satisfied.

Mr Clayton Higham
Presiding Member, JDAP



9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval

Nil.

10. State Administrative Tribunal Applications and Supreme Court Appeals

The Presiding Member noted the following SAT Applications -

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/21/01936 5.2020.709.1	Town of Victoria Park	No. 176 (Lot 40) Burswood Road, Burswood	Proposed Officer Tower	09/08/2021
Finalised SAT Applications*				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Finalised
DAP/21/02116 DR 90/2022	City of South Perth	No. 3 & 3a (Lot 5) Davilak Street and Units 1-3, No. 135 (Lot 67) Robert Street, Como	Proposed Mixed Development in a 15 Storey Building	30/05/2022

11. General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2020 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.

12. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 11.22.