



Minutes of the Metro South-West Joint Development Assessment Panel

Meeting Date and Time: 18 December 2015; 10am
Meeting Number: MSWJDAP/87
Meeting Venue: Department of Planning
140 William Street
Perth

Attendance

DAP Members

Mr Ian Birch (Presiding Member)
Mr Paul Drechsler (Deputy Presiding Member)
Mr Robert Nicholson (Specialist Member)
Cr Jon Strachan (Local Government Member, City of Fremantle)
Cr Rachel Pemberton (Local Government Member, City of Fremantle)
Cr Joy Stewart (Local Government Member, City of Rockingham)

Officers in attendance

Ms Natalie Martin-Goode (City of Fremantle)
Ms Chloe Johnston (City of Fremantle)
Ms Erika Dawson (City of Rockingham)
Ms Donna Shaw (City of Rockingham)
Mr Simon Agnello (DAP Secretariat)
Mr Jason Gordon (Department of Planning)

Department of Planning Minute Secretary

Mr Sean O'Connor

Applicants and Submitters

Mr Vernon Butterly (Whelans Town Planning)
Mr Nic Preston (Hodge Collard Preston)
Mr Brett Endersby (Endersby Investments Pty Ltd/ Fremantle & Engineering Co Foundry Pty Ltd)
Mr Paul Cunningham (Rowe Group)
Ms Belinda Moharich (Moharich & More)
Mr Greg Rowe (Rowe Group)
Mr Tony Shaw (Shawmac)
Mr Don Veal (Donald Veal Consultants)
Mr Terence Sanfead and Ms Annamaria Sanfead

Members of the Public

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Mr Ian Birch
Presiding Member, Metro South-West JDAP



1. Declaration of Opening

The Presiding Member, Mr Ian Birch declared the meeting open at 10:08am on 18 December 2015 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

Ms Stacey Towne (Deputy Presiding Member)

3. Members on Leave of absence

Nil

4. Noting of minutes

Minutes of the Metro South-West JDAP meeting No. 86 held on 7 December 2015 were not available for noting at the time of meeting.

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of interests

Nil

7. Deputations and presentations

7.1 Mr Vernon Butterly (Whelans Town Planning), Mr Nic Preston (Hodge Collard Preston) and Mr Brett Endersby (Endersby Investments Pty Ltd/ Fremantle & Engineering Co Foundry Pty Ltd) addressed the DAP for the application at Item 8.1.

The presentation at Item 7.1 was heard prior to the application at Item 8.1.

7.2 Mr Terence Sanfead and Mrs Annamaria Sanfead addressed the DAP against the application at Item 10.1a and 10.1b.



- 7.3** Ms Belinda Moharich (Moharich & More), Ms Dani Martin (EIW Architects) and Ms Sonja Neme (Rockingham Montessori School Board) addressed the DAP for the application at Item 10.1a and 10.b. Mr Greg Rowe (Rowe Group) indicated his availability to take questions from the Panel on Planning Scheme related matters.

The presentations at Item 7.2 & 7.3 were heard prior to the application at Item 10.a and 10.b.

8. Form 1 - Responsible Authority Reports – DAP Application

- 8.1** Property Location: No. 1, 1a and 1b Beach Street, Fremantle
Application Details: Six – Seven Storey Mixed Use Development (71 Multiple Dwellings and Commercial Tenancy)
Applicant: Whelans Town Planning
Owner: Fremantle Foundry and Engineering Co Pty Ltd
Responsible authority: City of Fremantle
DoP File No: DAP/15/00889

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Cr Jon Strachan

Seconded by: Mr Robert Nicholson

That the Metro South-West JDAP resolves to:

Approve DAP Application reference DAP/15/00889 and accompanying plans (Cover page DA00, Site & Ground Floor Plans DA01, First Floor Plan DA02, Second Floor Plan DA03, Third Floor Plan DA04, Fourth Floor Plan DA05, Fifth Floor Plan DA06, Sixth Floor Plan DA07, Typical Section DA08, Elevations DA09, Elevations DA10, Elevations DA11, Elevations DA12, Elevation Perspectives DA13, External Perspectives DA14, External Perspectives DA15, External perspectives DA16, Roof Plan DA17, Atrium Plan SK01-E, Rooftop Plan SK02-E) in accordance with the City of Fremantle Local Planning Scheme No. 4, subject to the following conditions:

Conditions

1. This approval relates only to the development as indicated on the approved plans dated 6 October 2015. It does not relate to any other development on this lot and must substantially commence within 4 years from the date of the decision letter. If the subject development is not substantially commenced within a 4 year period, the approval shall lapse and be of no further effect.
2. All storm water discharge shall be contained and disposed of on site or otherwise approved by the City of Fremantle.
3. Prior to occupation of the development, No. 1 (Lot 171), No. 1a (Lot 170) and No.1b (Lot1) Beach Street, Fremantle are to be legally amalgamated or alternatively the owner may enter into a legal agreement with the City of Fremantle, drafted by the City's solicitors at the expense of the owner and be executed by all parties concerned prior to the commencement of the works. The legal agreement will specify measures to allow the development approval to



operate having regard to the subject site consisting of two separate lots, to the satisfaction of the City of Fremantle.

4. Prior to the occupation of the development approved as part of DAP011/15, on plans dated 6 October 2015, vehicle crossovers shall be constructed in either paving block, concrete, or bitumen and thereafter maintained to the satisfaction of the City of Fremantle.
5. Prior to the issue of a building permit, the building shall be truncated or reduced to 0.75m height within 1.5m of vehicle access points and street corners in order to provide adequate sight lines or otherwise comply with Clause 6.2.3 C3 of the Residential Design Codes, to the satisfaction of the City of Fremantle.
6. Prior to occupation of the development approved as part of DAP011/15, on plans dated 6 October 2015, all air conditioning systems installed in the development shall comply with the built form requirements for Area 1 of the Fremantle Port Buffer to the satisfaction of the City of Fremantle.
7. Prior to occupation of the development approved as part of DAP011/15, on plans dated 6 October 2015, a Notification pursuant to section 70A of the *Transfer of Land Act 1893* shall be registered against the Certificate of Title to the land the subject of the proposed development advising the owners and subsequent owners of the land that the subject site is located in close proximity to the Fremantle Port and may be subject to noise, odour and activity not normally associated with residential use. The notification is to be prepared by the City's solicitors at the expense of the owner and be executed by all parties prior to occupation.
8. The design and construction of the development is to meet the 4 star green star standard as per Local Planning Policy 2.13 or alternatively to an equivalent standard as agreed upon by the City of Fremantle. Any costs associated with generating, reviewing or modifying the alternative equivalent standard is to be incurred by the owner of the development site. Twelve (12) months after practical completion of the development, the owner shall submit either of the following to the City to the satisfaction of the City of Fremantle:
 - a) a copy of documentation from the Green Building Council of Australia certifying that the development achieves a Green Star Rating of at least 4 Stars, or
 - b) a copy of agreed equivalent documentation certifying that the development achieves a Green Star Rating of at least 4 Stars.
9. Prior to the issue of a Building Permit, the applicant shall submit the following information to the satisfaction of the City of Fremantle:
 - a) To lessen the appearance of building bulk as viewed from the street, and to enable a reading of the building as a five-storey block with a setback sixth floor, change the cladding colour and/or material to the setback sixth floor and the roof terrace above.
 - b) A reduction of the sharp contrast between the dark grey alucobond cladding material and the white front balustrade edges by lightening the dark grey and/or darkening the white edges.


Mr Ian Birch
Presiding Member, Metro South-West JDAP



10. Prior to commencement of the development, the owner shall contribute a monetary amount equal in value to one percent of the estimated development cost, as indicated on the Form of Application for Planning Approval, to the City of Fremantle for development of public art works and/or heritage works to enhance the public realm. Based on the estimated cost of the development being \$20 million the contribution to be made is \$200,000.
11. Prior to occupation of the development approved as part of DAP011/15, on plans dated 6 October 2015, a Notification pursuant to section 70A of the *Transfer of Land Act 1893* shall be registered against the Certificate of Title to the land the subject of the proposed development prior to occupation advising the owners and subsequent owners of the land of the potential for future development on adjoining land to be constructed in accordance with the building height and setback requirements applicable to Sub Area 1, which include zero minimum side and rear setbacks. The notification is to be prepared by the City's solicitors at the expense of the owner and be executed by all parties prior to occupation.
12. Prior to the issue of a Building Permit, the two western-most storerooms abutting the pedestrian walkway on the ground floor are to be deleted to ensure sightlines for pedestrians to the satisfaction of the City of Fremantle.
13. Prior to commencement of works, investigation for soil and groundwater contamination is to be carried out to determine if remediation is required. If required, remediation, including validation of remediation, of any contamination identified shall be completed prior to the issuing of titles to the satisfaction of the City of Fremantle on advice from the Department of Environment Regulation, to ensure that the lots created are suitable for the proposed use. Investigations and remediation are to be carried out in compliance with the *Contaminated Sites Act 2003* and current Department of Environment Regulation Contaminated Site Guidelines.
14. Prior to occupation, four (4) Class 3 bicycle racks are to be provided on site to the satisfaction of the City of Fremantle.
15. Prior to the issue of a Building Permit, the applicant is to provide confirmation of the results of the acoustic assessment relating to all external walls. The applicant has proposed a steel frame construction method for the external walls as opposed to the masonry cavity construction requirement specified within LPP 2.3. The results are to be reviewed by Fremantle Ports, and any recommendations implemented to the satisfaction of the City of Fremantle.
16. Prior to occupation, the applicant is to provide a revised Waste Management Plan that reflects the servicing capabilities of the City or a commercial waste provider, to the satisfaction of the City of Fremantle.
17. Prior to the issue of a Building Permit, the northern elevation is to be redesigned to meet the definition of visible from the street under Local Planning Scheme No. 4, to the satisfaction of the City of Fremantle.



Advice Notes

- i. In relation to the revised Waste Management Plan, the applicant is advised that the proposal to have 1100L bins collected four times per week and recycling twice a week is not supported by the City. It is suggested to have 1100L collected once per week and recycling once per fortnight. Increased services may be able to be provided during peak times. The applicant should contact City Works on 9432 9999 to determine the City's waste servicing capabilities.
- ii. Construction related activities are to meet the requirements of Local Planning Policy 1.10 Construction Sites, unless otherwise approved by the City.
- iii. The approval of the new / revised vehicle access has been granted based on the plans as submitted by the applicant to the City of Fremantle showing existing infrastructure and trees within the road verge and road. Should it transpire that this existing infrastructure was not accurately depicted on the plan it is the responsibility of the applicant to either;
 - submit amended plans to the City of Fremantle for consideration, or
 - submit a request to the City for removal or modification of the infrastructure.

This request will be considered independently of any Planning Approval granted, and this Planning Approval should not be taken as approval for removal or modification of any infrastructure within the road reserve.

- iv. This approval relates to the subject site and does not authorise the removal or modification of verge infrastructure and/or verge trees within the verge area. Written approval is to be obtained for removal or modification of verge infrastructure and/or verge trees within the verge area from the relevant City of Fremantle department or relevant service authority, before construction commences. Please refer to the City's Tree Planting and Vehicle Crossings Policies (SG28 and MD0015) for further information.
- v. In relation to the condition relating to the public art contribution, the applicant is advised that Council may waive the requirement for the public art/heritage work contribution in accordance with clause 6 of LPP 2.19 where the development incorporates public art in the development to the same value as that specified 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.
- vi. In relation to Condition 13, and in accordance with regulation 31(1)(c) of the *Contaminated Sites Regulations 2006*, a Mandatory Auditors Report, prepared by an accredited contaminated sites auditor, will need to be submitted to the Department of Environment Regulation as evidence of compliance with Condition 13.
- vii. The applicant is advised that there are several elements of the Risk Assessment report (in regards to the development's proximity to the Fremantle Port), and that Fremantle Ports does not endorse the content of this report. For further information, please contact Fremantle Ports.



- viii. The applicant is advised that the City may accept alternative solutions for sightlines which include, but are not exclusive to, convex mirrors, speed humps and warning lights. For further information, the applicant should contact the City's Infrastructure and Project Delivery department.
- ix. In regards to Condition 9, the applicant is advised that the City will consider this condition satisfied upon advice of the Design Advisory Committee (DAC). Comments from the DAC on the façade design include:

- The façade design will necessitate a change to the treatment of the windows to the top floor of the northern right-of-way and the expression of a defined edge to the top of the five stories.
- It is understood that, while the defined edge could be expressed by stepping back the sixth floor, this will be difficult in a system-built project as proposed, therefore other strategies will need to be tested, such as introducing a shadow line break between the two planes of different materials.

Comments from the City's heritage staff regarding the façade design include:

- A more robust, utilitarian design, with greater influence taken from the former Dalgety's Woolstores;
 - The use of brick (smooth face, red coloured) in combination with rendered lintels and sills, rather than timber features and grey cladding;
 - Greater emphasis on vertical elements that terminate in some form of strongly expressed horizontal element – i.e. These should be more prominent than the horizontal, white features of the façade. DAC's requirement to reduce contrast between colours of the white and grey materials may improve this;
 - The rear elevation of the building better demonstrates an emphasis on vertical elements than the street elevation.
- x. The applicant is advised that Visible from the Street is defined by LPS4 as follows –

“will be based on an assumed line of sight measured at a perpendicular angle to the boundary of the development site and the street or public open space, at an assumed point of 1 metre less than the street width and 1.6 metres above ground level. An area of public open space will be considered to have an assumed street width of 20 metres for the purpose of this definition.”



AMENDING MOTION

Moved by: Cr Jon Strachan

Seconded by: Mr Robert Nicholson

To insert a new Condition to read as follows:

“Prior to the issue of a Building Permit, the awning of the ground floor shall be raised to be consistent in height with that of the adjoining development (No. 2-4 Parry Street, Fremantle), to the satisfaction of the City of Fremantle.”

PROCEDURAL MOTION

Moved by: Mr Paul Drechsler

Seconded by: Cr Jon Strachan

That the Metro South-West JDAP resolves to **defer** application DAP application DAP/15/00889 until 26 February 2015 for the applicant to address the following:

1. The design of and use of materials on, the Beach Street facade including measures to enhance the streetscape and built heritage of the place;
2. Institution of a building recession plane on the Beach Street facade to the satisfaction of the City;
3. A response to the Fremantle Port Authority's concerns including an acoustic assessment that addresses noise emanating from the working Fremantle Port;
4. Provision of a dedicated 4sqm (minimum) store room for each apartment; and
5. The following amendments to the ground floor should be made to provide public accessible visitor bays:
 - a. roller door moved further east to allow room for four car bays open to the street;
 - b. Four, at grade car bays provided directly on the western most portion of the site, closest to the vehicle access point; and
 - c. Bicycle parking moved to be behind the roller shutter or otherwise secured.

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

For: Mr Paul Drechsler
Cr Jon Strachan
Cr Rachel Pemberton

Against: Mr Ian Birch
Mr Robert Nicholson



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

Nil

10. Appeals to the State Administrative Tribunal

10.1a Property Location:	Lot 700 (1791) & Lot 11 (1809) Mandurah Road, Karnup
Application Details:	Educational Establishment
Applicant:	Rowe Group
Owner:	Rockingham Montessori School Inc
Responsible authority:	City of Rockingham
DoP File No:	DAP/14/00687

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Cr Joy Stewart

Seconded by: Nil

That the Metro South-West Joint Development Assessment Panel, pursuant to section 31 and 32 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 126 of 2015, resolves to:

- 1. Reconsider** its decision dated 10th March 2015; and
- 2. Affirm** its decision to **Refuse** DAP Application reference DAP/14/00687 and accompanying:
 - Masterplan, Drawing SK01, Rev D, dated 22 October 2015;
 - Site Sections, Drawing No.SK02, no Rev, dated 26 November 2014;
 - Site Sections, Drawing No.SK03, Rev A, dated 26 November 2014;
 - Typical Classroom Block, Drawing No.SK04, Rev B, dated 26 November 2014;
 - Typical Classroom Block, Drawing No.SK05, Rev A, dated 26 November 2014;
 - Administration/Sports Centre, Drawing No.SK07, Rev A, dated 26 November 2014;
 - Administration/Sports Centre, Drawing No.SK08, Rev A, dated 26 November 2014;
 - Administration/Sports Centre Elevations, Drawing No.SK09, Rev A, dated 26 November 2014;
 - Administration/Sports Centre Elevations, Drawing No.SK10, Rev A, dated 27 November 2014;
 - Senior Specialist Block, Drawing No.SK11, Rev A, dated 26 November 2014;
 - Senior Specialist Block, Drawing No.SK12, Rev A, dated 26 November 2014;
 - Childrens House, Drawing No.SK 13, Rev B, dated 26 November 2014;
 - Environment Centre, Drawing No.SK 14, Rev A, dated November 2014
 - in accordance with Clause 68(2)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the proposed Educational



Establishment at Lot 11 (No. 1809) and Lots 700 & 701 (No. 1791) Mandurah Road, Karnup.

Reasons

1. The proposed development is inconsistent with Schedule 2 Clause 63(1)(a)(ii), (iv), (vi), (vii), (b) and (d) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the applicant has failed to provide sufficient information in order to adequately assess the impacts of the development.
2. An 'Educational Establishment' is not permitted on Lots 700 and 701 Mandurah Road by virtue of not meeting the prerequisites of Clause 7.3 of Town Planning Scheme No. 2 for a change of non-conforming use, as the development would not be less detrimental to the amenity of the locality than the existing non-conforming use, and it would not be closer to the intended purpose of the zone than the existing non-conforming use.
3. The proposed development is inconsistent with Clause 4.11.1 of Town Planning Scheme No. 2, being the objectives of the Rural Zone, as the proposal does not foster semi-rural development which is sympathetic to the characteristics of the area in which it is located by virtue of the scale of the development and extensive earthworks and clearing required to facilitate the development.
4. The proposed development is inconsistent with Clause 4.12.1 of Town Planning Scheme No. 2, being the objectives of the Special Rural Zone, as the loss of vegetation and modification to the natural topography of the land does not result in retention of the rural landscape and amenity, or conserve or enhance the natural environment.
5. Safe access cannot be provided to the development from Mandurah Road.
6. The proposed development is inconsistent with the objectives of Planning Unit No.4C of *Planning Policy 3.1.1 - Rural Land Strategy*, as the scale of the development is considered to adversely impact the landscape as a result of modifying the existing landscape through loss and modification of vegetation and earthworks required to facilitate the development.
7. The proposed development is inconsistent with Clause 1.6.2(b) of Town Planning Scheme No. 2, being an objective of the Scheme, as it is not considered to secure the amenity of the Scheme Area and the inhabitants thereof as a result of the substantial vegetation removal and earthworks required to facilitate the development on the site.
8. The proposed development is inconsistent with Clause 1.6.2(e) of Town Planning Scheme No. 2, being an objective of the Scheme, as it does not protect and enhance the environmental values and natural resources of the Scheme Area nor does it promote ecologically and environmentally sustainable land use and development through the extensive vegetation clearing earthworks and lack of available public transport.
9. The site is unsuitable for the proposed development given the impact of the scale of the development on the natural landscape, the extent of earthworks required to accommodate the development, the extent of vegetation removal required to facilitate the construction of buildings, access and carparking areas and the Building Protection Zone, and the unsafe access and egress to the site.

The Report Recommendation LAPSED for the want of a Secunder.



ALTERNATE RECOMMENDATION / PRIMARY MOTION

Moved by: Mr Robert Nicholson

Seconded by: Mr Ian Birch

That the Metro South-West Joint Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 126 of 2015, resolves to:

Reconsider its decision dated 10 March 2015 and approve DAP Application reference DAP/14/00687 and accompanying amended plans:

- Masterplan, Drawing SK01, Rev D, dated 22 October 2015;
- Site Sections, Drawing No.SK02, no Rev, dated 26 November 2014;
- Site Sections, Drawing No.SK03, Rev A, dated 26 November 2014;
- Typical Classroom Block, Drawing No.SK04, Rev B, dated 26 November 2014;
- Typical Classroom Block, Drawing No.SK05, Rev A, dated 26 November 2014;
- Administration/Sports Centre, Drawing No.SK07, Rev A, dated 26 November 2014;
- Administration/Sports Centre, Drawing No.SK08, Rev A, dated 26 November 2014;
- Administration/Sports Centre Elevations, Drawing No.SK09, Rev A, dated 26 November 2014;
- Administration/Sports Centre Elevations, Drawing No.SK10, Rev A, dated 27 November 2014;
- Senior Specialist Block, Drawing No.SK11, Rev A, dated 26 November 2014;
- Senior Specialist Block, Drawing No.SK12, Rev A, dated 26 November 2014;
- Childrens House, Drawing No.SK 13, Rev B, dated 26 November 2014;
- Environment Centre, Drawing No.SK 14, Rev A, dated November 2014;
- Landscaping Plan, as approved under Condition No.5;
- Waste Management Plan, as approved under Condition No.20;
- Final Acoustic Assessment, as approved under Condition No.22; and
- Fire Management Plan, as approved under Condition No.25;

in accordance with in accordance with Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, subject to the following conditions:

Conditions

1. The Munja Gardens Reception Centre on Lot 700 Mandurah Road, Karnup, must cease operation prior to the occupation of any part of the educational establishment.
2. Trees, shrubs taller than 2m and grasstree plants (XANTHORRHOEACEAE family) must be retained (unless specifically identified for removal on the approved plans) and, during the construction period, measures for their retention must be taken in accordance with *Australian Standard AS 4970—2009*, Protection of trees on development sites.



Arrangements must be made to the satisfaction of the City of Rockingham for grasstree plants that are specifically identified for removal to be relocated, prior to applying for a Building Permit.

3. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.
4. All stormwater generated by the development shall be designed to be contained on-site and certified by a suitably qualified hydraulic consultant, prior to the application for a Building Permit. The design shall be implemented and maintained for the duration of the development.
5. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to applying for a Building Permit.
 - (a) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - (b) Any lawns to be established;
 - (c) Any natural landscape areas to be retained; and
 - (d) Those areas to be reticulated or irrigated.

The landscaping must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City of Rockingham.

6. A footpath must be designed in accordance with *Australian Standard AS 1428.1—2009, Design for access and mobility*, connecting the carparking area to the Childrens House and Senior Specialist Centre, to the satisfaction of the City of Rockingham, prior to applying for a Building Permit. The footpath must be constructed and completed prior to the occupation of the development and must be maintained at all times to the satisfaction of the City of Rockingham.
7. Prior to any works commencing, engineering drawings and specifications are to be submitted to and approved by the City of Rockingham for the upgrading of the existing driveway to Lot 701 Mandurah Road and its intersection with Mandurah Road, in accordance with Main Roads WA specifications. The upgrade works shall specifically include, but not limited to, the following items:
 - (a) Acceleration and deceleration lanes on Mandurah Road;
 - (b) Modification of the existing driveway to include a seagull style traffic island;
 - (c) The acceleration lane (auxiliary traffic lane) including pavement taper is to be constructed from the existing driveway to the existing left turn pocket into Olive Hill Close from Mandurah Road;



- (d) The existing left turn pocket into Olive Hill Close from Mandurah Road is to be modified to accommodate the acceleration lane; and
 - (f) A 300 metre long physical barrier installed within the median of Mandurah Road located centrally opposite the existing driveway of Lot 701.
8. Prior to occupation of any part of the development, all driveway upgrade works required by the approved plans referenced in Condition No.7 must be constructed and completed to the satisfaction of the City of Rockingham.

The applicant is responsible for all costs associated with any land acquisition, design and construction of the driveway upgrade works. This includes signage, road markings, relocation of services, street lighting, design checks and inspections.

9. Prior to any works commencing, engineering drawings and specifications are to be submitted to and approved by the City of Rockingham for a new U-turn facility on Mandurah Road north of its intersection with Surf Drive, in accordance with Main Roads WA specifications. The U-turn facility shall specifically include, but not limited to, the following items:
- (a) the specific location of the U-turn bay is to be informed by a detailed road safety audit, conducted by a suitably qualified consultant agreed to by the City of Rockingham and Main Roads WA;
 - (b) acceleration and deceleration lanes on Mandurah Road, based on 110km/h design speed;
10. Prior to occupation of any part of the development, all U-turn facility works required by the approved plans referenced in Condition No.9 must be constructed and completed to the satisfaction of the City of Rockingham.

The applicant is responsible for all costs associated with any land acquisition, design and construction of the U-turn facility works. This includes signage, road markings, relocation of services, street lighting, design checks and inspections.

11. No vehicle access shall be permitted to or from Mandurah Road road reserve from the site except at the designated crossover point being the existing driveway on Lot 701 and the proposed emergency vehicle access.
12. The Emergency Vehicle Access driveway must be design and constructed to the satisfaction of the City of Rockingham. Detailed plans and specifications must be submitted to and approved by the City prior to any works occurring on site. The driveway must be constructed in accordance with the approved plans prior to the occupation of the development and maintained in accordance with these standards for the duration of the development.
13. The Emergency Vehicle Access driveway must only be used by emergency services vehicles or other vehicles only in times of an emergency. It must have access restricted at all other times via a lock using the common key system.
14. All students must only be dropped off and collected from within the carpark area of the development and not off-site.



15. The carpark must:-
- (a) include a minimum of 74 carparking spaces designed in accordance with *Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking* (user Class 1) unless otherwise specified by this approval, prior to applying for a Building Permit;
 - (b) include a minimum of 16 carparking spaces designed in accordance with *Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking* (user Class 3A) unless otherwise specified by this approval, prior to applying for a Building Permit;
 - (c) include one car parking space(s) dedicated to people with disabilities designed in accordance with *Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities*, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with *Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work*;
 - (d) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
 - (e) have lighting installed, prior to the occupation of the development; and
 - (f) confine all illumination to the land in accordance with the requirements of *Australian Standard AS 4282—1997 - Control of the obtrusive effects of outdoor lighting*, at all times.

The car park must comply with the above requirements for the duration of the development.

16. Materials, sea containers, goods or bins must not be stored within the carpark at any time.
17. The development must not operate unless and until it is connected to a Water Corporation mains reticulated potable water supply, and must remain connected at all times.
18. The design and installation of an on-site effluent disposal system suitably sized to cater for the development, prior to the occupation of the development, to the specifications and satisfaction of the City of Rockingham.
19. A bin storage area must be designed with a size suitable to service the development and screened from view of the street, to the satisfaction of the City of Rockingham, prior to applying for a Building Permit. It must be constructed prior to the occupation of the development and must be retained and maintained in good condition at all times.
20. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham, prior to applying for a Building Permit:



- (a) the location of bin storage areas and bin collection areas;
- (b) the number, volume and type of bins, and the type of waste to be placed in the bins;
- (c) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
- (d) frequency of bin collections.

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

21. The development must be designed and all works must be carried out in accordance with the Acoustic Assessment prepared by Herring Storer Acoustics and dated 27 November 2014, for the duration of development.
22. A Final Acoustic Assessment must be prepared which demonstrates that the completed development complies with the *Environmental Protection (Noise) Regulations 1997*, and including the following information, to the satisfaction of the City, prior to the occupation of the development:
 - (a) noise sources compared with the assigned noise levels as stated in the *Environmental Protection (Noise) Regulations 1997*, when the noise is received at the nearest 'noise sensitive premises' and surrounding residential area;
 - (b) tonality, modulation and impulsiveness; and
 - (c) confirm the implementation of noise attenuation measures.

Any further works must be carried out in accordance with the Acoustic Report, and implemented as such for the duration of the development.

23. Floodlighting must not be illuminated after 10:00pm or before 7:00am.
24. All illumination must be confined to the land in accordance with the requirements of *Australian Standard AS 4282—1997 - Control of the obtrusive effects of outdoor lighting*, at all times, for the duration of the development.
25. A revised Fire Management Plan, prepared in accordance with the Western Australian Planning Commission's *Planning for Bush Fire Protection Edition 2*, must be submitted to and approved by the City of Rockingham, prior to applying for a Building Permit.

All measures included in the revised BMP must be implemented and carried out in accordance with the approved Fire Management Plan, for the duration of development.

26. The buildings must be designed to BAL-29 as specified in *Australian Standard AS3959-2009: Construction of Buildings in Bushfire-Prone Areas*, prior to applying for a Building Permit. The building must be constructed and



maintained in accordance with this standard, to the satisfaction of the City of Rockingham for the life of the development.

27. No signage is approved as part of this application. Development Approval must be obtained for any signage on site.
28. Arrangements must be made for the amalgamation of the land onto one Certificate of Title prior to applying for a Building Permit and completed prior to occupation.

Advice Notes

- (i) This decision constitutes Development Approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.
- (ii) This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application, a new application for Development Approval must be submitted to the City of Rockingham.
- (iii) A separate approval from the City's Health Services is required under the *Health (Public Building) Regulations 1992*. This is required prior to the lodgement of an application for a Building Permit. The applicant should liaise with the City's Health Services in this regard.
- (iv) A separate approval from the City's Health Services is required under the *Food Act 2008* and *Food Safety Standards*. This is required prior to the lodgement of an application for a Building Permit. The applicant should liaise with the City's Health Services in this regard.
- (v) A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the applicant should liaise with the City's Building Services in this regard.
- (vi) The development must comply with the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*; the applicant and owner should liaise with the Department of Environment and Conservation in this regard.
- (vii) Approval may be required under the *Environment Protection and Biodiversity Conservation Act 1999* for works affecting a Matter of National Environmental Significance; the applicant and owner should liaise with the Commonwealth Department of the Environment in this regard.
- (viii) A Permit to Take Water for the use of groundwater will need to be obtained; the applicant should liaise with the Department of Water in this regard. The Department of Water has advised that the Churcher East subarea of the Stakehill Groundwater Area is over allocated. If groundwater is required for irrigating the school grounds, an alternative non-potable water source for irrigation will need to be sourced or seek trading of a groundwater entitlement.



- (ix) Main Roads WA approval for the road construction drawings is required before any works is undertaken within the Mandurah Road reservation. A detailed traffic management and safety plan while working within the road reservation is to be submitted as part of this approval.
- (x) All works in the road reserve, including construction of a crossover, planting of street trees, and works to the road carriageway must be to the specifications of Main Roads WA; the applicant should liaise with Main Roads WA in this regard.
- (xi) With respect to the Landscaping Plan, please liaise with the City of Rockingham's Parks Services.
- (xii) With respect to the irrigation areas for any on-site effluent disposal system, a Works Approval may be required by the Department of Environment Regulation and further approvals will also be required from the Department of Health. The applicant should liaise with the relevant Departments in this regard.

PROCEDURAL MOTION

Moved by: Mr Robert Nicholson

Seconded by: Mr Paul Drechsler

That the meeting be adjourned for a period of 15 minutes.

REASON: For the DAP Members to be provided with hard copies of the alternate recommendation.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

The meeting was adjourned at 12:46pm

PROCEDURAL MOTION

Moved by: Mr Paul Drechsler

Seconded by: Mr Robert Nicholson

That the meeting reconvene.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

The meeting reconvened at 1:02pm



AMENDING MOTION

Moved by: Mr Ian Birch

Seconded by: Mr Paul Drechsler

To insert a new Condition to read as follows:

A Bus Management Plan to be prepared by the landowner/applicant to the satisfaction of the City of Rockingham. The bus management plan shall describe in detail the planned bus routes for the purpose of moving students to and from the proposed development. "U" turns for Buses will not be permitted within the Mandurah Road corridor.

REASON: To ensure that the arrangement for student bus transportation is satisfactory and to include the plan as a condition of the approval.

The Amending Motion was put and CARRIED UNANIMOUSLY.

PRIMARY MOTION (AS AMENDED)

That the Metro South-West Joint Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 126 of 2015, resolves to:

Reconsider its decision dated 10 March 2015 and **approve** DAP Application reference DAP/14/00687 and accompanying amended plans:

- Masterplan, Drawing SK01, Rev D, dated 22 October 2015;
- Site Sections, Drawing No.SK02, no Rev, dated 26 November 2014;
- Site Sections, Drawing No.SK03, Rev A, dated 26 November 2014;
- Typical Classroom Block, Drawing No.SK04, Rev B, dated 26 November 2014;
- Typical Classroom Block, Drawing No.SK05, Rev A, dated 26 November 2014;
- Administration/Sports Centre, Drawing No.SK07, Rev A, dated 26 November 2014;
- Administration/Sports Centre, Drawing No.SK08, Rev A, dated 26 November 2014;
- Administration/Sports Centre Elevations, Drawing No.SK09, Rev A, dated 26 November 2014;
- Administration/Sports Centre Elevations, Drawing No.SK10, Rev A, dated 27 November 2014;
- Senior Specialist Block, Drawing No.SK11, Rev A, dated 26 November 2014;
- Senior Specialist Block, Drawing No.SK12, Rev A, dated 26 November 2014;
- Childrens House, Drawing No.SK 13, Rev B, dated 26 November 2014;
- Environment Centre, Drawing No.SK 14, Rev A, dated November 2014;
- Landscaping Plan, as approved under Condition No.5;
- Waste Management Plan, as approved under Condition No.20;
- Final Acoustic Assessment, as approved under Condition No.22; and
- Fire Management Plan, as approved under Condition No.25;

in accordance with in accordance with Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, subject to the following conditions:



Conditions

1. The Munja Gardens Reception Centre on Lot 700 Mandurah Road, Karnup, must cease operation prior to the occupation of any part of the educational establishment.
2. Trees, shrubs taller than 2m and grasstree plants (XANTHORRHOEACEAE family) must be retained (unless specifically identified for removal on the approved plans) and, during the construction period, measures for their retention must be taken in accordance with *Australian Standard AS 4970—2009*, Protection of trees on development sites.

Arrangements must be made to the satisfaction of the City of Rockingham for grasstree plants that are specifically identified for removal to be relocated, prior to applying for a Building Permit.

3. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.
4. All stormwater generated by the development shall be designed to be contained on-site and certified by a suitably qualified hydraulic consultant, prior to the application for a Building Permit. The design shall be implemented and maintained for the duration of the development.
5. A Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City, prior to applying for a Building Permit.
 - (a) The location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - (b) Any lawns to be established;
 - (c) Any natural landscape areas to be retained; and
 - (d) Those areas to be reticulated or irrigated.

The landscaping must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City of Rockingham.

6. A footpath must be designed in accordance with *Australian Standard AS 1428.1—2009, Design for access and mobility*, connecting the carparking area to the Childrens House and Senior Specialist Centre, to the satisfaction of the City of Rockingham, prior to applying for a Building Permit. The footpath must be constructed and completed prior to the occupation of the development and must be maintained at all times to the satisfaction of the City of Rockingham.
7. Prior to any works commencing, engineering drawings and specifications are to be submitted to and approved by the City of Rockingham for the upgrading of the existing driveway to Lot 701 Mandurah Road and its intersection with



Mandurah Road, in accordance with Main Roads WA specifications. The upgrade works shall specifically include, but not limited to, the following items:

- (a) Acceleration and deceleration lanes on Mandurah Road;
 - (b) Modification of the existing driveway to include a seagull style traffic island;
 - (c) The acceleration lane (auxiliary traffic lane) including pavement taper is to be constructed from the existing driveway to the existing left turn pocket into Olive Hill Close from Mandurah Road;
 - (d) The existing left turn pocket into Olive Hill Close from Mandurah Road is to be modified to accommodate the acceleration lane; and
 - (f) A 300 metre long physical barrier installed within the median of Mandurah Road located centrally opposite the existing driveway of Lot 701.
8. Prior to occupation of any part of the development, all driveway upgrade works required by the approved plans referenced in Condition No. 7 must be constructed and completed to the satisfaction of the City of Rockingham.

The applicant is responsible for all costs associated with any land acquisition, design and construction of the driveway upgrade works. This includes signage, road markings, relocation of services, street lighting, design checks and inspections.

9. Prior to any works commencing, engineering drawings and specifications are to be submitted to and approved by the City of Rockingham for a new U-turn facility on Mandurah Road north of its intersection with Surf Drive, in accordance with Main Roads WA specifications. The U-turn facility shall specifically include, but not limited to, the following items:
- (a) the specific location of the U-turn bay is to be informed by a detailed road safety audit, conducted by a suitably qualified consultant agreed to by the City of Rockingham and Main Roads WA;
 - (b) acceleration and deceleration lanes on Mandurah Road, based on 110km/h design speed;

10. Prior to occupation of any part of the development, all U-turn facility works required by the approved plans referenced in Condition No. 9 must be constructed and completed to the satisfaction of the City of Rockingham.

The applicant is responsible for all costs associated with any land acquisition, design and construction of the U-turn facility works. This includes signage, road markings, relocation of services, street lighting, design checks and inspections.

11. No vehicle access shall be permitted to or from Mandurah Road road reserve from the site except at the designated crossover point being the existing driveway on Lot 701 and the proposed emergency vehicle access.


Mr Ian Birch
Presiding Member, Metro South-West JDAP



12. The Emergency Vehicle Access driveway must be design and constructed to the satisfaction of the City of Rockingham. Detailed plans and specifications must be submitted to and approved by the City prior to any works occurring on site. The driveway must be constructed in accordance with the approved plans prior to the occupation of the development and maintained in accordance with these standards for the duration of the development.
13. The Emergency Vehicle Access driveway must only be used by emergency services vehicles or other vehicles only in times of an emergency. It must have access restricted at all other times via a lock using the common key system.
14. All students must only be dropped off and collected from within the carpark area of the development and not off-site.
15. The carpark must:-
 - (a) include a minimum of 74 carparking spaces designed in accordance with *Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking* (user Class 1) unless otherwise specified by this approval, prior to applying for a Building Permit;
 - (b) include a minimum of 16 carparking spaces designed in accordance with *Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking* (user Class 3A) unless otherwise specified by this approval, prior to applying for a Building Permit;
 - (c) include one car parking space(s) dedicated to people with disabilities designed in accordance with *Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities*, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with *Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work*;
 - (d) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
 - (e) have lighting installed, prior to the occupation of the development; and
 - (f) confine all illumination to the land in accordance with the requirements of *Australian Standard AS 4282—1997 - Control of the obtrusive effects of outdoor lighting*, at all times.

The carpark must comply with the above requirements for the duration of the development.

16. Materials, sea containers, goods or bins must not be stored within the carpark at any time.
17. The development must not operate unless and until it is connected to a Water Corporation mains reticulated potable water supply, and must remain connected at all times.



18. The design and installation of an on-site effluent disposal system suitably sized to cater for the development, prior to the occupation of the development, to the specifications and satisfaction of the City of Rockingham.
19. A bin storage area must be designed with a size suitable to service the development and screened from view of the street, to the satisfaction of the City of Rockingham, prior to applying for a Building Permit. It must be constructed prior to the occupation of the development and must be retained and maintained in good condition at all times.
20. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham, prior to applying for a Building Permit:
 - (a) the location of bin storage areas and bin collection areas;
 - (b) the number, volume and type of bins, and the type of waste to be placed in the bins;
 - (c) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
 - (d) frequency of bin collections.

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

21. The development must be designed and all works must be carried out in accordance with the Acoustic Assessment prepared by Herring Storer Acoustics and dated 27 November 2014, for the duration of development.
22. A Final Acoustic Assessment must be prepared which demonstrates that the completed development complies with the *Environmental Protection (Noise) Regulations 1997*, and including the following information, to the satisfaction of the City, prior to the occupation of the development:
 - (a) noise sources compared with the assigned noise levels as stated in the *Environmental Protection (Noise) Regulations 1997*, when the noise is received at the nearest 'noise sensitive premises' and surrounding residential area;
 - (b) tonality, modulation and impulsiveness; and
 - (c) confirm the implementation of noise attenuation measures.

Any further works must be carried out in accordance with the Acoustic Report, and implemented as such for the duration of the development.

23. Floodlighting must not be illuminated after 10:00pm or before 7:00am.
24. All illumination must be confined to the land in accordance with the requirements of *Australian Standard AS 4282—1997 - Control of the obtrusive effects of outdoor lighting*, at all times, for the duration of the development.


Mr Ian Birch
Presiding Member, Metro South-West JDAP



25. A revised Fire Management Plan, prepared in accordance with the Western Australian Planning Commission's *Planning for Bush Fire Protection Edition 2*, must be submitted to and approved by the City of Rockingham, prior to applying for a Building Permit.

All measures included in the revised BMP must be implemented and carried out in accordance with the approved Fire Management Plan, for the duration of development.

26. The buildings must be designed to BAL-29 as specified in *Australian Standard AS3959-2009: Construction of Buildings in Bushfire-Prone Areas*, prior to applying for a Building Permit. The building must be constructed and maintained in accordance with this standard, to the satisfaction of the City of Rockingham for the life of the development.
27. No signage is approved as part of this application. Development Approval must be obtained for any signage on site.
28. Arrangements must be made for the amalgamation of the land onto one Certificate of Title prior to applying for a Building Permit and completed prior to occupation.
29. A Bus Management Plan to be prepared by the landowner/applicant to the satisfaction of the City of Rockingham. The bus management plan shall describe in detail the planned bus routes for the purpose of moving students to and from the proposed development. "U" turns for Buses will not be permitted within the Mandurah Road corridor.

Advice Notes

- (i) This decision constitutes Development Approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.
- (ii) This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application, a new application for Development Approval must be submitted to the City of Rockingham.
- (iii) A separate approval from the City's Health Services is required under the *Health (Public Building) Regulations 1992*. This is required prior to the lodgement of an application for a Building Permit. The applicant should liaise with the City's Health Services in this regard.
- (iv) A separate approval from the City's Health Services is required under the *Food Act 2008* and *Food Safety Standards*. This is required prior to the lodgement of an application for a Building Permit. The applicant should liaise with the City's Health Services in this regard.
- (v) A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the applicant should liaise with the City's Building Services in this regard.



- (vi) The development must comply with the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*; the applicant and owner should liaise with the Department of Environment and Conservation in this regard.
- (vii) Approval may be required under the *Environment Protection and Biodiversity Conservation Act 1999* for works affecting a Matter of National Environmental Significance; the applicant and owner should liaise with the Commonwealth Department of the Environment in this regard.
- (viii) A Permit to Take Water for the use of groundwater will need to be obtained; the applicant should liaise with the Department of Water in this regard. The Department of Water has advised that the Churcher East subarea of the Stakehill Groundwater Area is over allocated. If groundwater is required for irrigating the school grounds, an alternative non-potable water source for irrigation will need to be sourced or seek trading of a groundwater entitlement.
- (ix) Main Roads WA approval for the road construction drawings is required before any works is undertaken within the Mandurah Road reservation. A detailed traffic management and safety plan while working within the road reservation is to be submitted as part of this approval.
- (x) All works in the road reserve, including construction of a crossover, planting of street trees, and works to the road carriageway must be to the specifications of Main Roads WA; the applicant should liaise with Main Roads WA in this regard.
- (xi) With respect to the Landscaping Plan, please liaise with the City of Rockingham's Parks Services.
- (xii) With respect to the irrigation areas for any on-site effluent disposal system, a Works Approval may be required by the Department of Environment Regulation and further approvals will also be required from the Department of Health. The applicant should liaise with the relevant Departments in this regard.

REASON: Following amendments made to the plans and further information/planning provided on management/operations of the school through the SAT mediation process, the application is now considered to be an acceptable land use for the area and traffic measures required by Main Roads WA for Mandurah Road can be achieved. The Members voted to use discretion to approve the development application, given under the City of Rockingham's Town Planning Scheme No. 2.

The Primary Motion (as amended) was put and CARRIED (3 / 1).

For: Mr Ian Birch
Mr Paul Drechsler
Mr Rob Nicholson

Against: Cr Joy Stewart



10.1b Property Location:	Lot 700 (1791) & Lot 11 (1809) Mandurah Road, Karnup
Application Details:	Educational Establishment
Applicant:	Rowe Group
Owner:	Rockingham Montessori School Inc
Responsible authority:	Department of Planning
DoP File No:	DAP/14/00687

ALTERNATE RECOMMENDATION / PRIMARY MOTION

Moved by: Mr Ian Birch **Seconded by:** Mr Rob Nicholson

The Metro South West Joint Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 126 of 2015, resolves to:

Reconsider its decision dated 10 March 2015 and **approve** DAP Application reference DAP/14/00687 and accompanying amended plans:

- Masterplan, Drawing SK01, Rev D, dated 22 October 2015;
- Site Sections, Drawing No.SK02, no Rev, dated 26 November 2014;
- Site Sections, Drawing No.SK03, Rev A, dated 26 November 2014;
- Typical Classroom Block, Drawing No.SK04, Rev B, dated 26 November 2014;
- Typical Classroom Block, Drawing No.SK05, Rev A, dated 26 November 2014;
- Administration/Sports Centre, Drawing No.SK07, Rev A, dated 26 November 2014;
- Administration/Sports Centre, Drawing No.SK08, Rev A, dated 26 November 2014;
- Administration/Sports Centre Elevations, Drawing No.SK09, Rev A, dated 26 November 2014;
- Administration/Sports Centre Elevations, Drawing No.SK10, Rev A, dated 27 November 2014;
- Senior Specialist Block, Drawing No.SK11, Rev A, dated 26 November 2014;
- Senior Specialist Block, Drawing No.SK12, Rev A, dated 26 November 2014;
- Childrens House, Drawing No.SK 13, Rev B, dated 26 November 2014; and
- Environment Centre, Drawing No.SK 14, Rev A, dated November 2014;

subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.
2. Lots 11 and 700 shall be amalgamated onto one lot on one Certificate of Title prior to the completion and occupation of the development. The applicant shall provide a copy of the Certificate of Title of the amalgamated lots to the Western Australian Planning Commission.



3. Prior to the commencement of construction of the development, trees to be retained are to be clearly identified and protected from damage from any activity associated with the construction of the proposed development.
4. Prior to occupation of the development, a revegetation plan being prepared, approved and implemented to the specifications of the City of Rockingham for the revegetation of the areas shown as 'Rehabilitation Elements' on Figure 1 – Landscaping and Revegetation plan, prepared by 360 Environmental and dated 22 October 2015.
5. Prior to occupation of the development, the development shall be connected to a Water Corporation mains reticulated potable water supply.
6. Prior to occupation of the development, an on-site effluent disposal system suitably sized to cater for the development shall be designed and installed, to the specifications of the Department of Health and the City of Rockingham.
7. Prior to application for a building permit, a revised Fire Management Plan and Bushfire Emergency Plan, prepared in accordance with the Western Australian Planning Commission's *Planning for Bush Fire Protection Edition 2*, shall be submitted to and approved by the City of Rockingham.
8. Prior to occupation of the development, the revised Fire Management Plan and Bushfire Emergency Plan subject of Condition 7 above shall be implemented.
9. Prior to any works commencing, engineering drawings and specifications are to be submitted to and approved by Main Roads and the City of Rockingham, for the upgrading of Mandurah Road to the specifications of Main Roads and the City of Rockingham. The upgrades to Mandurah Road shall specifically include, but not be limited to, the following items:
 - a) Acceleration and deceleration lanes are to be provided to the existing driveway on Lot 701 and the proposed U-turn facility on Mandurah Road south of the site;
 - b) Modify the existing driveway on Lot 701 to include a seagull style traffic island;
 - c) The acceleration lane (auxiliary traffic lane) including pavement taper is to be constructed from the existing driveway on Lot 701 to the existing left turn pocket into Olive Hill Close from Mandurah Road;
 - d) The existing left turn pocket into Olive Hill Close from Mandurah Road is to be modified to accommodate the acceleration lane;
 - e) Acceleration and decelerations lanes provided to the U-turn facility (based on a design speed of 100km/hr); and
 - f) A physical barrier be installed within the median of Mandurah Road. The length of barrier required would comprise of 150m upstream and 150m downstream (total of 300m in length) being located directly opposite the existing driveway on Lot 701.



10. Prior to the submission of engineering drawings and specifications for the proposed U-turn facility described in Condition 9 above, a detailed road safety audit shall be conducted by a suitable consultant, as agreed to by Main Roads and the City of Rockingham, to determine the exact location of the proposed U-turn facility on Mandurah Road. The detailed road safety audit shall be completed and endorsed by Main Roads prior to detailed design of the U-turn facility.
11. Prior to occupation of any part of the development, all upgrades required to Mandurah Road must be constructed and completed at the full expense of the landowner/applicant, to the satisfaction of Main Roads and the City of Rockingham.

The landowner/applicant shall be responsible for all costs involved in the land acquisition, design and construction of the Mandurah Road upgrade. This includes signage, road markings, relocation of services, street lighting and Main Roads costs involved in reviewing the design and construction drawings and any site inspections.
12. A Bus Management Plan to be prepared by the landowner/applicant to the specifications of the City of Rockingham. The bus management plan shall describe in detail the planned bus routes for the purpose of moving students to and from the proposed development. "U" turns for Buses will not be permitted within the Mandurah Road corridor.
13. No vehicle access shall be permitted to or from Mandurah Road road reserve from the Lots 11, 700 and 701 except at the designated crossover point being the existing driveway on Lot 701 and the proposed emergency vehicle access on Lot 11.
14. The crossover for the Emergency Vehicle Access driveway to Mandurah Road shall be at least seven metres wide and perpendicular to the Mandurah Road carriageway.

Advice:

- a) Main Roads has advised that the landowner/applicant is required to obtain approval from Main Roads before any works are undertaken within the Mandurah Road reserve. Access to the Main Roads network requires an Application as outlined in the "Application Kit and Guidelines" for State Roads, which can be found on the Main Roads website.
- b) With regard to Condition 6 above, the landowner/applicant should liaise with the Department of Health and the City of Rockingham regarding the design and specifications of aerobic treatment units and irrigation.
- c) The Department of Parks and Wildlife have advised that the development shall comply with the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*; the landowner/applicant should liaise with the Department of Environment and Conservation in this regard.


Mr Ian Birch
Presiding Member, Metro South-West JDAP



- d) The Department of Water has advised a Permit to Take Water for the use of groundwater will need to be obtained. The Churcher East subarea of the Stakehill Groundwater Area is over allocated. If groundwater is required for irrigating the school grounds, an alternative non-potable water source for irrigation will need to be sourced or seek trading of a groundwater entitlement.
- e) The Fire and Emergency Services Authority of Western Australia (FESA) has advised that historical research has revealed that during the past 100 years, former elements of the Australian Defence Forces may have conducted training and/or operational activities within or close to the area of the proposed development. It is possible that as a result of these activities, the subject area may contain unexploded ordnance (UXO). Whilst it is considered that the possible risk from UXO on the land subject to this approval is minimal, an absolute guarantee that the area is free from UXO cannot be given. Should, during construction works, or at any other time, a form or suspected form of UXO be located, FESA has advised that the following process should be initiated:
- a. do not disturb the site of the known or suspected UXO;
 - b. without disturbing the immediate vicinity, clearly mark the site of the UXO;
 - c. notify Police of the circumstances/situation as quickly as possible; and
 - d. maintain a presence near the site until advised to the contrary by a member of the WA Police Service or Defence Forces. Further advice on this issue may be obtained by contacting the Unexploded Ordnance Unit, Fire and Emergency Services Authority of Western Australia.

AMENDING MOTION

Moved by: Mr Ian Birch

Seconded by: Mr Robert Nicholson

To delete Conditions 3, 4, 5, 6, 7, 8, 12, Advice Note B and renumber accordingly.

REASON: To remove duplication of the Conditions to be cleared by the City of Rockingham in 10.1 above.

The Amending Motion was put and CARRIED UNANIMOUSLY.



PRIMARY MOTION (AS AMENDED)

The Metro South West Joint Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 126 of 2015, resolves to:

Reconsider its decision dated 10 March 2015 and **approve** DAP Application reference DAP/14/00687 and accompanying amended plans:

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- Administration/Sports Centre Elevations, Drawing No.SK10, Rev A, dated 27 November 2014;
- Senior Specialist Block, Drawing No.SK11, Rev A, dated 26 November 2014;
- Senior Specialist Block, Drawing No.SK12, Rev A, dated 26 November 2014;
- Childrens House, Drawing No.SK 13, Rev B, dated 26 November 2014; and
- Environment Centre, Drawing No.SK 14, Rev A, dated November 2014;

subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.
2. Lots 11 and 700 shall be amalgamated onto one lot on one Certificate of Title prior to the completion and occupation of the development. The applicant shall provide a copy of the Certificate of Title of the amalgamated lots to the Western Australian Planning Commission.
3. Prior to any works commencing, engineering drawings and specifications are to be submitted to and approved by Main Roads and the City of Rockingham, for the upgrading of Mandurah Road to the specifications of Main Roads and the City of Rockingham. The upgrades to Mandurah Road shall specifically include, but not be limited to, the following items:
 - a) Acceleration and deceleration lanes are to be provided to the existing driveway on Lot 701 and the proposed U-turn facility on Mandurah Road south of the site;



- b) Modify the existing driveway on Lot 701 to include a seagull style traffic island;
 - c) The acceleration lane (auxiliary traffic lane) including pavement taper is to be constructed from the existing driveway on Lot 701 to the existing left turn pocket into Olive Hill Close from Mandurah Road;
 - d) The existing left turn pocket into Olive Hill Close from Mandurah Road is to be modified to accommodate the acceleration lane;
 - e) Acceleration and decelerations lanes provided to the U-turn facility (based on a design speed of 100km/hr); and
 - f) A physical barrier be installed within the median of Mandurah Road. The length of barrier required would comprise of 150m upstream and 150m downstream (total of 300m in length) being located directly opposite the existing driveway on Lot 701.
4. Prior to the submission of engineering drawings and specifications for the proposed U-turn facility described in Condition 9 above, a detailed road safety audit shall be conducted by a suitable consultant, as agreed to by Main Roads and the City of Rockingham, to determine the exact location of the proposed U-turn facility on Mandurah Road. The detailed road safety audit shall be completed and endorsed by Main Roads prior to detailed design of the U-turn facility.
 5. Prior to occupation of any part of the development, all upgrades required to Mandurah Road must be constructed and completed at the full expense of the landowner/applicant, to the satisfaction of Main Roads and the City of Rockingham.

The landowner/applicant shall be responsible for all costs involved in the land acquisition, design and construction of the Mandurah Road upgrade. This includes signage, road markings, relocation of services, street lighting and Main Roads costs involved in reviewing the design and construction drawings and any site inspections.
 6. No vehicle access shall be permitted to or from Mandurah Road road reserve from the Lots 11, 700 and 701 except at the designated crossover point being the existing driveway on Lot 701 and the proposed emergency vehicle access on Lot 11.
 7. The crossover for the Emergency Vehicle Access driveway to Mandurah Road shall be at least seven metres wide and perpendicular to the Mandurah Road carriageway.

Advice:

- a) Main Roads has advised that the landowner/applicant is required to obtain approval from Main Roads before any works are undertaken within the Mandurah Road reserve. Access to the Main Roads network requires an Application as outlined in the "Application Kit and Guidelines" for State Roads, which can be found on the Main Roads website.



- b) The Department of Parks and Wildlife have advised that the development shall comply with the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*; the landowner/applicant should liaise with the Department of Environment Regulation in this regard.
- c) The Department of Water has advised a Permit to Take Water for the use of groundwater will need to be obtained. The Churcher East subarea of the Stakehill Groundwater Area is over allocated. If groundwater is required for irrigating the school grounds, an alternative non-potable water source for irrigation will need to be sourced or seek trading of a groundwater entitlement.
- d) The Fire and Emergency Services Authority of Western Australia (FESA) has advised that historical research has revealed that during the past 100 years, former elements of the Australian Defence Forces may have conducted training and/or operational activities within or close to the area of the proposed development. It is possible that as a result of these activities, the subject area may contain unexploded ordnance (UXO). Whilst it is considered that the possible risk from UXO on the land subject to this approval is minimal, an absolute guarantee that the area is free from UXO cannot be given. Should, during construction works, or at any other time, a form or suspected form of UXO be located, FESA has advised that the following process should be initiated:
- a. do not disturb the site of the known or suspected UXO;
 - b. without disturbing the immediate vicinity, clearly mark the site of the UXO;
 - c. notify Police of the circumstances/situation as quickly as possible; and
 - d. maintain a presence near the site until advised to the contrary by a member of the WA Police Service or Defence Forces. Further advice on this issue may be obtained by contacting the Unexploded Ordnance Unit, Fire and Emergency Services Authority of Western Australia.

REASON: Following amendments made to the plans and further information/planning provided on management/operations of the school through the SAT mediation process, the application is now considered to be an acceptable land use for the area and traffic measures required by Main Roads WA for Mandurah Road can be achieved. The Members voted to use discretion to approve the development application, given under the Metropolitan Region Scheme.

The Alternate Recommendation / Primary Motion was put and CARRIED (3 / 1).

For: Mr Ian Birch
Mr Paul Drechsler
Mr Robert Nicholson

Against: Cr Joy Stewart



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 1:26pm.

A handwritten signature in black ink, appearing to read 'Ian Birch'.