



Metro South-West Joint Development Assessment Panel Minutes

Meeting Date and Time: 19 September 2018; 10:00am
Meeting Number: MSWJDAP/168
Meeting Venue: City of Rockingham Boardroom
Civic Boardroom
Rockingham

Attendance

DAP Members

Mr Tony Arias (Presiding Member)
Mr Brian Curtis (A/Deputy Presiding Member)
Mr Andrew Macliver (Specialist Member)

Item 8.1

Cr Jon Strachan (Local Government Member, City of Fremantle)
Cr Bryn Jones (Local Government Member, City of Fremantle)

Item 8.2

Cr Chris Elliot (Local Government Member, City of Rockingham)

Officers in attendance

Item 8.1

Mr Justin Lawrence (City of Fremantle)
Ms Julia Kingsbury (City of Fremantle)

Item 8.2

Mr Scott Jeffrey (Department of Finance)
Mr Daniel Lees (Element on behalf of the Department of Finance)
Mr George Ashton (Element on behalf of Department of Finance)
Ms Amanda Wallace (Element on behalf of Department of Finance)
Mr Neels Pretorius (City of Rockingham)

Minute Secretary

Ms Nicole D'Alessandro (City of Rockingham)

Applicants and Submitters

Item 8.1

Mr Peter Simpson (PTS Town Planning Pty Ltd)

Item 8.2

Mr Tony D'Andrea (EIW Architects)



Members of the Public / Media

Nil

1. Declaration of Opening

The Presiding Member declared the meeting open at 10:04am on 19 September 2018 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 DAP Standing Orders 2017 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 DAP Standing Orders 2017 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 Andrew Sullivan (Local Government Member, City of Fremantle)
Cr Deb Hamblin (Local Government Member, City of Rockingham)

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

In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Member, Cr Jon Strachan, declared that he 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 Strachan acknowledged that he is 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 4.6.1 and 4.6.2 of the DAP Standing Orders 2017, the Presiding Member determined that the member listed above, who had disclosed an impartiality interest, was permitted to participate in discussion and voting on the item.



7. Deputations and Presentations

- 7.1 Mr Peter Simpson (PTS Planning Pty Ltd) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.

8. Form 1 – Responsible Authority Reports – DAP Application

- 8.1 Property Location: 28 Cantonment Street, Fremantle
Development Description: Partial demolition of existing Shopping Centre and construction of a six (6) Storey with basement Mixed use development containing Shop, Office and Hotel uses
Applicant: PTS Town Planning Pty Ltd
Owner: Silverleaf Pty Ltd
Responsible Authority: City of Fremantle
DAP File No: DAP/18/01453

REPORT RECOMMENDATION

Moved by: Cr Jon Strachan

Seconded by: Cr Bryn Jones

That the Metro South-West JDAP resolves to:

Approve DAP Application reference DAP/18/01453 and accompanying plans dated 3 August 2018 (Site Plan (DA-00), Basement (DA-01), Ground Floor (DA-02), Level 01 (DA-03), Level 02 (DA-04), Level 03 (DA-05), Level 04 (DA-06), Level 05 (DA-07), Roof Plan (DA-08), Demolition Plan (DA-23), North and South Elevations (DA-30), Tower East and West Elevations (DA-31), East and West Elevations (DA-40), North Elevation Goldsborough (DA-42), South Elevation Comparison without existing brick (DA-43), Sections A and B (DA-21), Elevations – Materiality (05), Shopfront Concepts (01), Shopfront Concepts (02) and Queen Street Perspective View (DA-50) in accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of the City of Fremantle Local Planning Scheme No. 4, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans dated 3 August 2018. 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.
2. Prior to the issue of a building permit, final details are to be submitted illustrating a minimum setback of 3.65m from the Queen Street boundary, with the exception of the retained and modified ground floor brick piers and glass awning addition, and demonstrating how, in the event of a future widening of Queen Street, these elements of the building could be removed without compromising the structural integrity or satisfactory external appearance of the remainder of the building.
3. This approval does not relate to any works within the road reserves. Any such works will be the subject of a separate agreement between the applicant/owner and the City of Fremantle.



4. Prior to the issue of a building permit, final details of the external materials, colours and finishes of the proposed development, including a physical sample board or materials is to be submitted and approved to the satisfaction of the City of Fremantle, on the advice of the City's Design Advisory Committee.
5. All storm water discharge shall be contained and disposed of on site or otherwise approved by the City of Fremantle.
6. Prior to the issue of a building permit, the following information is to be provided to the satisfaction of the City of Fremantle:
 - a. A photographic archival record of the place prior to any works occurring, according to the Guide to Preparing an Archival Record.
 - b. A detailed plan and schedule of remaining building fabric from the 1917 wool stores building which previously existed on the site. The plan and schedule shall identify what elements are to be retained, conserved and inserted into the proposed new development as part of a scheme for appropriately interpreting the 1917 building.
7. Prior to the occupation of the development approved, the approved landscaping shall be completed and maintained on an ongoing basis for the life of the development on the site to the satisfaction of the City of Fremantle.
8. Prior to the issue of a building permit, an outdoor lighting plan must be submitted and approved, by the City of Fremantle. The outdoor lighting is to be designed, baffled and located to prevent any increase in light spill onto the adjoining properties and is to be implemented and maintained upon the completion of the development to the satisfaction of the City of Fremantle.
9. Prior to the issue of a building permit, an external signage strategy shall be submitted to the satisfaction of the City of Fremantle.
10. 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.
11. Prior to the issue of a building permit, the design and materials of the development shall adhere to the requirements set out within City of Fremantle policy L.P.P2.3 - Fremantle Port Buffer Area Development Guidelines for properties contained within Area 2. Specifically, the development shall provide the following:



- a. Glazing to windows and other openings shall be laminated safety glass of minimum thickness of 6mm or "double glazed" utilising laminated or toughened safety glass of a minimum thickness of 3mm.
 - b. Air conditioners shall provide internal centrally located 'shut down' points and associated procedures for emergency use.
 - c. Roof insulation in accordance with the requirements of the Building Codes of Australia.
12. Prior to occupation of the development, the new car parking and loading area(s), and vehicle access and circulation areas shown on the approved site plan, including the provision of disabled car parking, shall be constructed, drained, and line marked in accordance with the Australian Standard for parking facilities and off-street car parking the satisfaction of the City of Fremantle.
 13. All car parking and vehicle access and circulation areas shall be maintained and available for car parking/loading, and vehicle access and circulation on an ongoing basis to the satisfaction of the City of Fremantle.
 14. Prior to the occupation of the development, any redundant crossovers and kerbs shall be removed and the verge reinstated at the expense of the applicant and to the satisfaction of the Chief Executive Officer, City of Fremantle.
 15. Prior to the issue of a building permit, the plans hereby approved being modified to include 22 class 1 or class 2, and 14 class 3 bicycle parking bays and associated end-of-trip facilities consisting of:
 - a. 2 male and 2 female showers, OR
 - b. 4 unisex showers, AND
 - c. 22 Lockersin accordance with clause 4.15.1 and 4.15.2 of Local Planning Scheme No.4. The bays and end-of-trip facilities shall be provided and thereafter maintained to the satisfaction of the City of Fremantle.
 16. Prior to issue of a building permit, the owner/developer is to submit a waste management plan for approval detailing the storage and management of the waste generated by the development. The approved waste management plan is to be implemented and maintained for the life of the development to the satisfaction of the City of Fremantle.
 17. Prior to occupation 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 consistent with the City's LPP 2.19 and to the satisfaction of the City of Fremantle. Based on the estimated cost of the development being \$15 million the contribution to be made is \$150,000.
 18. Prior to the issue of a demolition permit and a building permit, a Demolition/Construction Management Plan shall be submitted to the satisfaction of the City of Fremantle addressing the following matters:
 - a. The protective measures for significant fabric during construction
 - b. Use of City car parking bays for construction related activities;



- c. Protection of infrastructure and street trees within the road reserve;
 - d. Security fencing around construction sites;
 - e. Gantries;
 - f. Access to site by construction vehicles;
 - g. Contact details;
 - h. Site offices;
 - i. Noise - Construction work and deliveries;
 - j. Sand drift and dust management;
 - k. Waste management;
 - l. Dewatering management plan;
 - m. Traffic management; and
 - n. Works affecting pedestrian areas.
19. Prior to the issue of a Building Permit (but not including a Demolition Permit), final details are to be provided to demonstrate how the recommendations contained within the Crime Prevention Assessment Report, prepared by JMG Safety Management dated 20 August 2018, will be implemented to the satisfaction of the City of Fremantle.
20. Where any of the preceding conditions has a time limitation for compliance, if any condition is not met by the time requirement within that condition, then the obligation to comply with the requirements of any such condition (other than the time limitation for compliance specified in that condition), continues whilst the approved development continues.

ADVICE NOTES

- i. With regards to condition No.2, the applicant is advised that the 3.65m setback requirement from the Queen Street boundary is to provide for potential future road widening of Queen Street. Whilst the City raises no current objection to the retention of the ground floor brick piers and its modification to provide temporarily weather protection, this structure may be required to be removed in the future.
- ii. In relation 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 in Condition 17 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.
- iii. New crossover(s) shall comply with the City's standard for standard crossovers, which are available on the City of Fremantle's web site. Prior to commencing construction of the crossover(s), the developer is to contact the Engineering Project Officer on 9432 9999 to arrange an inspection or alternatively via TECHSERVICES@fremantle.wa.gov.au.
- iv. Local Planning Policy 1.10 Construction Sites can be found on the City's web site via <http://www.fremantle.wa.gov.au/development/policies>. The Infrastructure Engineering department can be contacted via TECHSERVICES@fremantle.wa.gov.au or 9432 9999.



- v. The paving and landscaping depicted outside the boundaries of the subject property do not form part of this approval. For further queries relating to verge infrastructure modifications please contact the Infrastructure Engineering department via TECHSERVICES@fremantle.wa.gov.au or 9432 9999.
- vi. The proponent must make application during the Building License application stage to Environmental Health Services via Form 1 - Application to construct, alter or extend a public building as a requirement of the Health (Public Buildings) Regulations 1992. For further information and a copy of the application form contact Environmental Health Services on 9432 9856 or via health@fremantle.wa.gov.au.
- vii. Any removal of asbestos is to comply with the following –
- Less than ten (10) square metres of bonded (non-friable) asbestos can be removed without a license and in accordance with the Health (Asbestos) Regulations 1992 and the Environmental Protection (Controlled Waste) Regulations 2001. Over 10 square metres must be removed by a licensed person or business for asbestos removal. All asbestos removal is to be carried out in accordance with the Occupational Safety and Health Act 1984 and accompanying regulations and the requirements of the Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)];
- Note: Removal of any amount of friable asbestos must be done by a licensed person or business and an application submitted to WorkSafe, Department of Commerce. <http://www.docep.wa.gov.au>
- viii. A demolition permit is required to be obtained for the proposed demolition work. The demolition permit must be issued prior to the removal of any structures on site.
- ix. Work on construction sites shall be limited to between 7am and 7pm on any day which is not a Sunday or Public Holiday. If work is to be done outside these hours a noise management plan must be submitted and approved by the Chief Executive Officer, City of Fremantle prior to work commencing.
- x. Design and install all mechanical service systems, including air-conditioners, pool filter motors, gym weight equipment, amplified music, kitchen exhaust ducts and refrigeration motors, etc. to prevent noise levels from exceeding the relevant assigned levels as set out in the Environmental Protection (Noise) Regulations 1997 (as amended). It is advised to seek the services of a competent acoustic consultant to assist the applicant to address the potential noise impacts on noise sensitive receivers.
- xi. Due to the historical use of the site for a potentially contaminating activity, the development of the site may intercept potentially contaminated soils. If potentially contaminated soils are identified, the site should be reported in accordance with section 11 of the Contaminated Sites Act 2003, and works appropriately managed to ensure that potential risks to human health and the environment are addressed. DWER recommends that the south west basement corner is constructed such that natural ventilation is optimised.

REASON: In accordance with details contained in the Responsible Authority Report.



The Report Recommendation was put and CARRIED UNANIMOUSLY.

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| 8.2 Property Location: | Lot 9014 on Plan 413443 and Lot 750 on Plan 25777 Nyilla Approach, Baldivis |
| Development Description: | New Public Primary School |
| Applicant: | EIW Architects |
| Owner: | Perron Developments Pty Ltd and Mirvac (WA) Pty Ltd |
| Responsible Authority: | Department of Finance |
| DAP File No: | DAP/18/01467 |

REPORT RECOMMENDATION

Moved by: Cr Chris Elliott

Seconded by: Mr Andrew MacIver

That the Metro South-West JDAP resolves to:

Approve DAP Application reference DAP/18/01467 and accompanying architectural plans titled 'Baldivis North Primary School', being drawing number A1.00 stamped 'SP RECEIVED 4 SEPTEMBER 2018', and drawing numbers SK2.01^{P1}, SK3.01^{P2}, SK4.01^{P2}, SK4.02^{P1}, SK5.01^{P2}, SK7.01^{P2}, SK8.01^{P2} stamped 'SP RECEIVED 23 JULY 2018'; and the landscaping plans titled 'Baldivis North Primary School', being drawing numbers L01, L02, L03, L04, L05, L06, L07, L08, L09 stamped 'SP RECEIVED 23 JULY 2018'; and the standard transportable classroom plans titled 'Transportable School Buildings – Western Australia' being drawing numbers A1.01^o, A2.01^o and A2.02^o stamped 'SP RECEIVED 4 SEPTEMBER 2018'; for the New Baldivis North Public Primary School in accordance with the provisions of the Metropolitan Region Scheme, subject to the following conditions:

Conditions

1. All stormwater produced shall be disposed of on-site to the specification of the City of Rockingham and the satisfaction of the Western Australian Planning Commission.
2. The development shall be connected to the reticulated sewerage system of the Water Corporation before commencement of any use where possible. Where reticulated sewerage is not available the development shall connect to an approved effluent disposal system to the specification of the City of Rockingham and the satisfaction of the Western Australian Planning Commission.
3. All on-site car parking and associated vehicle access areas shown on the approved plans shall be constructed, drained, sealed, marked and sign-posted prior to occupation of the proposed development and thereafter maintained to the satisfaction of the Western Australian Planning Commission.
4. All on-site car parking and associated vehicle access areas shown on the approved plans shall be available for vehicles and shall not be used for the purpose of storage or obstructed during school hours, to the satisfaction of the Western Australian Planning Commission.



5. Prior to occupation of the development, the school is to prepare and implement a Kiss and Drive Operational Plan to ensure that the proposed on-street kiss and drive facility is appropriately managed by staff or parent volunteers during peak drop-off and pick-up times, in consultation with the City of Rockingham and to the satisfaction of the Western Australian Planning Commission.
6. Prior to occupation of the development, a minimum of 81 bicycle parking spaces are to be provided on-site to the satisfaction of the Western Australian Planning Commission.
7. Landscaping, as specified in the approved landscaping plans, shall be substantially commenced prior to occupation of the proposed development, completed within six months of the date of occupation, and thereafter maintained to the satisfaction of the Western Australian Planning Commission. Final species selection is to be determined in consultation with the City of Rockingham.
8. Prior to the installation of any signage, a signage plan indicating the location and design of any proposed signage (including traffic directional signage) shall be prepared to the specification of the City of Rockingham and the satisfaction of the Western Australian Planning Commission.
9. Prior to the commencement of site works, a Construction Management Plan shall be prepared in consultation with the City of Rockingham and to the satisfaction of the Western Australian Planning Commission. The requirements of the Construction Management Plan shall be observed at all times during the construction process.
10. Prior to the commencement of site works, a Dust Management Plan shall be prepared in consultation with the City of Rockingham and to the satisfaction of the Western Australian Planning Commission. Once approved, the Dust Management Plan is to be implemented in its entirety for the duration of the development.
11. Prior to lodging a building permit, a Waste Management Plan is to be prepared to the specification of the City of Rockingham and the satisfaction of the Western Australian Planning Commission. Waste collection shall be carried out in accordance with the approved plan thereafter.
12. The access points for the proposed development are to be designed to connect seamlessly with abutting roads and public footpath infrastructure, to the specification of the City of Rockingham and the satisfaction of the Western Australian Planning Commission.
13. All piped and wired services, plant, equipment and storage areas are to be screened from public view, and in the case of roof mounted plant, screened or located so as to minimise visual impact, to the satisfaction of the Western Australian Planning Commission.

Advice Notes

1. All development must comply with the provisions of the Health Regulations, National Construction Code, Public Building Regulations and all other relevant Acts, Regulations and Local Laws. This includes the provision of access and



facilities for people with disabilities in accordance with the National Construction Code.

2. The applicant is reminded of its obligations under the Building Act 2011.
3. This approval does not include the works within the adjoining road reserves, as indicated on the approved plans. Separate approval is required from the City of Rockingham for works within the road reserve, including any landscaping required by the City. This includes the new vehicle crossovers for which separate approval is required under the Local Government (Uniform Local Provisions) Regulations 1996.
4. This approval does not authorise any interference with existing street trees or other vegetation within the adjoining road reserve. Separate approval is required from the City of Rockingham prior to engaging in the removal, pruning or replacement of any vegetation within the road reserve.
5. The City of Rockingham has advised that, given the Department of Education's position regarding the maintenance of the street verge area adjoining the school lot, a durable, low maintenance treatment such as paving and irrigated street trees in paved tree wells should be provided, to the specification of the City of Rockingham.
6. With respect to the required Construction Management Plan, the applicant is advised that this is to include a Traffic Management Plan to address the management of traffic during the construction phase. The Traffic Management Plan should be prepared in consultation with the City of Rockingham.
7. The applicant is advised that any damage or removal of a City of Rockingham asset within the road reserve (roads, signage, verge etc.) shall be made good at the cost of the applicant to the specification of the City of Rockingham. The City of Rockingham has recommended that a dilapidation report is prepared prior to commencing work, in order to demonstrate the existing condition of infrastructure.
8. All external lighting shall comply with requirements of AS 4282 - Control of Obtrusive Effects of Outdoor Lighting.
9. All car parking and associated vehicle access areas are to be constructed in accordance with relevant Australian Standards.
10. With respect to the approved landscaping plans, the City of Rockingham has advised that plantings adjacent to all public footpaths within the road reserve should be set back to allow for mature plant growth, whilst preventing overhanging of footpaths.
11. The City of Rockingham has advised that a Permit to take water for the use of groundwater may need to be obtained. The applicant should liaise with the Department of Water and Environmental Regulation in this regard.
12. The school is encouraged to contact the Department of Transport regarding participation in the 'Your Move' campaign, which seeks to reduce car dependence and promote alternative modes of transport including walking, cycling and public transport.



13. The proposed works fall within a site that has identified moderate to low acid sulphate soils risk. In line with standard self-assessment tools developed by the Department of Planning, Lands and Heritage all construction and development on site shall recognise the risk and monitor any potential exposure of soils.
14. The applicant is to liaise with the landowners with regard to the construction of the new roads surrounding the school site.
15. Prior to occupation of the development, the school site should be amalgamated into one lot.

If the development of the subject of this approval is not substantially commenced within a period of two years from the date of this letter, the approval shall lapse and be of no further effect. Where an approval has so lapsed no development shall be carried out without the further approval of the responsible authority having first been sought and obtained.

The decision is issued pursuant to the provisions of the Metropolitan Region Scheme, and has been made after due consideration of the local and regional planning implications of the proposal.

Should the applicant be aggrieved by this decision, there is a right to apply for a review pursuant to the provisions of Clause 33 of the Metropolitan Region Scheme. Such an application for review must be submitted to the State Administrative Tribunal, 565 Hay Street, Perth in accordance with Part 14 of the Planning and Development Act 2005. It is recommended that you contact the State Administrative Tribunal for further details (telephone 9219 3111) or go to its website. <http://www.sat.justice.wa.gov.au>

REASON: In accordance with details contained in the Responsible Authority Report.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

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

Nil

10. Appeals to the State Administrative Tribunal

Nil

11. General Business / Meeting Close

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2017 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 10:40am.