



Minutes of the Metro South-West Joint Development Assessment Panel

Meeting Date and Time: 22 May 2015; 10am
Meeting Number: MSWJDAP/69
Meeting Venue: Department of Planning
140 William Street, Perth

Attendance

DAP Members

Mr David Gray (Presiding Member)
Mr Clayton Higham (A/Deputy Presiding Member)
Mr Robert Nicholson (Specialist Member)
Cr Bart Houwen (Local Government Member, City of Cockburn) *til 11:13am*
Cr Steve Portelli (Local Government Member, City of Cockburn) *til 11:13am*
Cr Richard Smith (Local Government Member, City of Rockingham) *til 12:03pm*
Cr Joy Stewart (Local Government Member, City of Rockingham) *til 12:03pm*
Cr Andrew Sullivan (Local Government Member, City of Fremantle) *til 12:49pm*

Officers in attendance

Ms Ivin Lim (Department of Planning)
Mr Daniel Arndt (City of Cockburn)
Mr Troy Cappellucci (City of Cockburn)
Mr Andrew Lefort (City of Cockburn)
Mr George Ashton (TPG)
Mr Daniel Lees (TPG)
Mr Joshua Gould (Department of Finance)
Mr Scott Jeffrey (Department of Finance)
Ms Keara Freeley (City of Rockingham)
Mr Mike Ross (City of Rockingham)
Mr Tahnee Bunting (City of Fremantle)
Ms Natalie Martin Goode (City of Fremantle)

Department of Planning Minute Secretary

Mr Sean O'Connor

Applicant/s and Submitters

Mr Peter Goff (MGA Town Planners)
Mr Peter Hodge (Hodge Collard Preston)
Mr Ron Jee (DesignInc Perth)
Ms Sandra McLeish (Department of Treasury)
Mr Francis Foong (SKS Group)
Mr David Van Den Dries (Main Roads)
Mr Ashis Parajuli (Main Roads)
Mr Mohsin Muttaqui (Department of Planning)



Members of the Public

Nil

1. Declaration of Opening

The Presiding Member, Mr David Gray declared the meeting open at 10:03am on 22 May 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

Cr Carol Reeve-Fowkes (Local Government Member, City of Cockburn)
Cr Jon Strachan (Local Government Member, City of Fremantle)
Deputy Mayor Joshua Wilson (Local Government Member, City of Fremantle)
Cr William Massie (Local Government Member, City of Fremantle)

3. Members on Leave of absence

Mr Ian Birch (Deputy Presiding Member)

4. Noting of minutes

The Minutes of the Metro South-West JDAP Meeting No.68 held on 7 May 2015 were not available at time of Agenda preparation.

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 David Van Den Dries (Main Roads) addressed the DAP against the application at Item 8.1. Mr Van Den Dries answered questions from the panel.

7.2 Mr Peter Goff (MGA Town Planners) addressed the DAP for the application at Item 8.1. Mr Goff answered questions from the panel.



7.3 Mr Peter Hodge (Hodge Collard Preston) addressed the DAP for the application at Item 8.1. Mr Hodge answered questions from the panel.

The presentations at Item 7.1, 7.2 & 7.3 was heard prior to the application at Item 8.1

7.4 Ms Sandra McLeish (Department of Treasury) addressed the DAP for the application at Item 8.1. Ms McLeish answered questions from the panel.

The presentation at Item 7.4 was heard prior to the application at Item 8.2

8. Form 1 - Responsible Authority Reports – DAP Application/s

- 8.1 Property Location: 2 (Lot 8) Garston Way, North Coogee
Application Details: Mixed use commercial development comprising a supermarket, petrol filling station with convenience store and shop, a fast food outlet, showrooms and consulting rooms
Applicant: MGA Town Planners
Owner: Paino & Associates Pty Ltd & Stapledon Pty Ltd
Responsible authority: City of Cockburn
DoP File No: DAP/15/00743

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Cr Bart Houwen

Seconded by: Cr Steve Portelli

Recommendation:

That the Metropolitan South West Joint Development Assessment Panel resolves to:

Refuse the Development Assessment Panel Application (DAP15/003) and accompanying plans (Figures 1 to 10) dated received 27 February 2015 for the development of a Mixed Use Commercial Development comprising a supermarket, petrol filling station with convenience store and shop, a fast food outlet, showrooms and consulting rooms on No. 2 Garston Way, North Coogee, in accordance with Clause 10.3 of the City of Cockburn Town Planning Scheme No. 3, and the Metropolitan Region Scheme, for the following reasons:

Reasons

1. The proposed building heights are inconsistent with those required by the Rob Jetty Local Structure Plan.
2. The proposal, if approved would result in an undesirable built form outcome which is inconsistent with many of the design objectives contained in the City of Cockburn's Local Planning Policy APD73 Cockburn Coast Design Guidelines for Rob Jetty and Emplacement Precincts.
3. The proposal fails to comply with clause 5.9.8 'Vehicle Parking' of the City of Cockburn Town Planning Scheme No. 3 relating to car parking due to the shortfall of 20 car parking bays on-site.



4. Approval of the proposed development would not constitute orderly and proper planning in that it is likely to prejudice Main Road's future requirements for the intersection of Cockburn Road and Rollinson Road based on a review of the East-West Road from Stock Road to Cockburn Road. This may result in further land impacts for the subject site which may reduce the area of the site capable of development.
5. The proposal, if approved would result in significant traffic issues in and around the site which have not been addressed to the satisfaction of the City.

PROCEDURAL MOTION

Moved by: Cr Bart Houwen

Seconded by: Mr Clayton Higham

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

DAP Application reference DAP/15/00743 for a period of 28 days (19 June 2015) to allow for discussion between the City of Cockburn, Main Roads and the Applicant. If a referral to the Western Australian Planning Commission (WAPC) is required, the application is further deferred to allow the WAPC to prepare its Responsible Authority Report.

REASON: The development abuts a regional reserve. As a public authority has objected, the WAPC becomes the responsible authority and is required to produce a Responsible Authority Report. The application has been deferred to allow the applicant time to satisfy both the City of Cockburn and Main Roads.

The motion was put and CARRIED UNANIMOUSLY.

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| 8.2 Property Location: | Lot 181 on Plan 403234 No street address available |
| Application Details: | Construction of a New Public Primary School |
| Applicant: | Strategic Projects and Asset Sales, Department of Treasury |
| Owner: | Galati Nominees Pty Ltd |
| Responsible authority: | Department of Finance (Building Management and Works) |
| DoP File No: | DAP/15/00770 |

REPORT RECOMMENDATION / PRIMARY MOTION

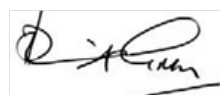
Moved by: Cr Richard Smith

Seconded by: Mr Rob Nicholson

Recommendation:

That the Metro South-West JDAP resolves to:

Approve DAP Application reference DAP/15/00770 and accompanying plan for the New Public Primary School titled 'Baldivis Primary School – Development Application – Building Envelope Concept', prepared by Hassel, stamped TPG RECEIVED 19





MARCH 2015, in accordance with provisions of the Metropolitan Region Scheme, subject to the following conditions:

Conditions

1. The development is to comply with the WA Schools Public Private Partnership Project Design Brief prepared by Department of Treasury to the satisfaction of the Western Australian Planning Commission.
2. All stormwater is to be disposed of on-site to the specification of the City of Rockingham and the satisfaction of the Western Australian Planning Commission.
3. All main built form elements (including the proposed garrison fencing) are to be setback 3.0 metres from all street frontages, as indicated on the approved plan. The setback area is to be provided with appropriate landscape screening to the satisfaction of the Western Australian Planning Commission.
4. A minimum of 170 car parking bays are to be provided on and around the school site (inclusive of the use of the proposed on-street bays around the adjacent Public Open Space to the west of the site) to the satisfaction of the Western Australian Planning Commission. Designation of on-site car parking bays is to be determined by the traffic and parking impact assessment referred to in Condition 8, and is to include the provision of universal access bays.
5. All proposed crossovers, on-street parking bays and works within the road reserve shall be to the specification of the City of Rockingham and the satisfaction of the Western Australian Planning Commission.
6. All car parking and associated vehicle access areas shall be constructed, drained, sealed and marked prior to occupation of the proposed development and thereafter maintained to the satisfaction of the Western Australian Planning Commission.
7. Car parking and associated vehicle access areas shall be available for vehicles, and shall not be used for the purpose of storage or obstructed during school hours.
8. Prior to the lodgement of a Building Permit, a traffic impact and parking assessment shall be prepared in consultation with the City of Rockingham and to the satisfaction of the Western Australian Planning Commission to identify the traffic and parking impacts associated with the proposed development, and demonstrate that resultant traffic, parking and proposed access arrangements will have no adverse impact on the amenity of the surrounding area. Any matters identified as creating a potential safety risk or adverse impact shall be addressed to the satisfaction of the Western Australian Planning Commission prior to the commencement of development. The assessment is to include a detailed review of the proposed parking arrangements and examine alternative measures that can be implemented to address the identified parking shortfall.
9. A minimum of 50 bicycle parking bays shall be provided on site, along with appropriate end-of-trip facilities for school staff to the satisfaction of the Western Australian Planning Commission.



10. Prior to the lodgement of a Building Permit, detailed landscaping plans for the proposed development site (including on-site car parking areas, and incorporating vegetation species and sizes, pavement area and reticulation details) shall be prepared in consultation with the City of Rockingham and to the satisfaction of the Western Australian Planning Commission.
11. Landscaping, as specified in the approved landscape plans, shall be substantially commenced prior to the 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.
12. External colours and materials of the proposed buildings are to be of a high standard of architectural design and constructed of brick, masonry, plate glass, Colorbond roof sheeting, or similar materials that will not adversely impact the streetscape or the amenity of the locality (where metal clad walls are proposed they shall have a factory applied paint finish, or suitable alternative), to 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
14. Footpaths from the school site shall extend to and connect seamlessly with the surrounding public footpath network (upon completion of the road works/construction surrounding the school site) to the specification of the City of Rockingham and the satisfaction of the Western Australian Planning Commission.
15. Prior to occupation of the development, 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.
16. Prior to the lodgement of a Building Permit, a construction management plan shall be prepared to the specification of the City of Rockingham and the satisfaction of the Western Australian Planning Commission.
17. Prior to the commencement of site works, a dust management plan shall be prepared to the specification of the City of Rockingham and the satisfaction of the Western Australian Planning Commission. Once approved, the dust management plan is to be implemented in its entirety.
18. Prior to occupation of the proposed development, any bulk bin area is to be screened to the specification of the City of Rockingham and the satisfaction of the Western Australian Planning Commission.
19. All site works shall be contained on the proposed development site and not encroach onto any adjoining road reserve or public open space without prior approval.
20. Any damage or removal of a City of Rockingham asset within the road reserve or the adjoining public open space (roads, signage, verge etc.) shall be made



good at the cost of the applicant to the specification of the City of Rockingham and the satisfaction of the Western Australian Planning Commission.

21. The development site should 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 should be connected to an approved effluent disposal system to the specification of the City of Rockingham and the satisfaction of the Western Australian Planning Commission.
22. Groundwater shall not be used for irrigation purposes without the prior approval of the Western Australian Planning Commission, on the advice of the Department of Environment Regulation.

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. All car parking and associated vehicle access areas are to be constructed in accordance with relevant Australian Standards, and are to be provided with appropriate traffic management devices and pedestrian crossings in accordance with AS 2890.1:2004 (Section 2.3.3) and the AustRoads Guidelines.
4. Universally accessible parking bays are to be designed and constructed in accordance with the relevant Australian Standard AS 2890.6 – 2009.
5. External lighting shall comply with the requirements of AS 4282 – Control of Obtrusive Effects of Outdoor Lighting.
6. It is noted that the primary school is reliant on the use of the adjoining public open space. It is understood that use of the adjacent public open space is to be facilitated through an appropriate Memorandum of Understanding between the City of Rockingham and the Department of Education.
7. The proposed works fall within a site that has identified low to moderate acid sulphate soils risk. In line with standard self assessment tools developed by the Department of Planning all construction and development on site shall recognise the risk and monitor any potential exposure of soils.

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 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, 12 St George's Terrace, 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>

PROCEDURAL MOTION

Moved by: Mr David Gray **Seconded by:** Mr Clayton Higham

That the JDAP receive legal advice from representatives from the DAP Secretariat and such advice is received behind closed doors, in accordance with Section 5.10.2g of the Standing Orders 2012.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

*The meeting was closed to the public at 11.28pm.
The meeting was opened to the public at 11.59pm.*

PROCEDURAL MOTION

Moved by: Cr Bart Houwen **Seconded by:** Mr Clayton Higham

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

DAP Application reference DP/15/00770 for a period of 28 days (19 June 2015) for the following reasons:

1. Legal advice on whether the application can be considered without specific planning details of the project in accordance with Clause 28 of the Metropolitan Region Scheme Text and the MRS Form 1;
2. Insufficient planning detail accompanying the application; and
3. Confirmation that the applicant has satisfied provisions of section 6 of the Planning and Development Act 2005.

REASON: The JDAP determined that a deferral would be beneficial to allow time for the applicant to resolve the above issues.

The motion was put and CARRIED UNANIMOUSLY.



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

- 9.1 Property Location: No. 8 (Lot 34) Point Street, Fremantle
Application Details: Variation to previous Planning Approval for DAP80008/13 (DP/13/00872) (currently proposed - Demolition of existing Buildings and Public Car park and Construction of a Seven (7) Storey Mixed Use (150 Hotel Rooms, 98 Multiple Dwellings, Restaurant, Shop, Liquor Store & Market) with 2 Basements of Car park Development)
- Applicant: Design Inc Perth
Owner: SKS Land Pty Ltd
Responsible authority: City of Fremantle
DoP File No: DP/13/00872

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Cr Andrew Sullivan **Seconded by:** Mr Rob Nicholson

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

1. **Accept** that the DAP Application reference DP/13/00872 as detailed on the DAP Form 2 dated 24 March 2015 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** the DAP Application reference DP/13/00872 as detailed on the DAP Form 2 dated 25 March 2015 and accompanying plans dated 26 March 2015 (Plan reference: SK01 (site plan); SK03 (floor plan – basement level 2); SK04 (floor plan – basement level 1); SK05 (floor plan- ground); SK06 (floor plan – level 1); SK07 (floor plan - level 2); SK08 (floor plan – level 3); SK09 (floor plan - level 4); SK10 (floor plan – level 5); SK11 (floor plan – level 6); SK12 (floor plan –roof); SK13 (sections A-A & section D-D); SK14 (section B-B & section C-C); SK15 (section E-E & section F-F); SK16 (Point Street and Adelaide Street elevations); SK17 (Princess May Park and Cantonment Street Elevations); in accordance with the provisions of the City of Fremantle Local Planning Scheme No. 4 and the Metropolitan Region Scheme, for the proposed minor amendment to the approved demolition of existing Buildings and Public Car park and Construction of a Seven (7) Storey Mixed Use (173 Hotel Rooms, 77 Unit Multiple Dwellings, Restaurant & Shops) with Basement Car park Development at No. 8 (Lot 34) Point Street, Fremantle, subject to:

Amended Conditions

It is recommended that the following conditions of the planning approval for DAP80008/13 dated 31 January 2014 be amended so as to read:



1. This approval relates only to the development as indicated on the approved plans dated 26 March 2015. It does not relate to any other development on this lot and must be substantially commenced within four years from the date of this decision. If the subject development is not substantially commenced within the 4 year period, the approval shall lapse and be of no further effect.
3. Prior to the issue of a Building Permit, the owner is required to contribute a monetary amount of 1% of the estimated total cost of development as indicated on the Form of Application for Planning Approval for DAP80008/13, for the development of public art works and/or heritage works to enhance to public realm to the satisfaction of the Chief Executive Officer, City of Fremantle. Based on the estimated cost of the development being \$65,000,000.00, the contribution to be made is \$650,000.00.
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 Chief Executive Officer, 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 Chief Executive Officer – 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.
17. Prior to the issue of a Building Permit:
 - (i) the applicant shall submit additional details relating to colour, texture and material arrangement for final facade finishes to the satisfaction of the Chief Executive Officer, City of Fremantle on the advice of the Design Advisory Committee;
 - (ii) the plans hereby approved being modified and supporting details being provided to the satisfaction of the Chief Executive Officer - City of Fremantle having regard to advice of the Design Advisory Committee relating to:
 - (a) Further architectural resolution of the ground floor elevations to all 4 frontages. This will not require a major redesign but further detailing as acknowledged by the applicant. This detailing will enable the ground floor entry points and the sub-division of the plinth to respond more positively to the upper floor subdivisions, , and also allow a more richly detailed brick shopfront to help overcome the 'flatness' and lack of a coherent composition of the current plinth design. In relation to this final point, the architects were encouraged to draw on successful precedents such as Louis Sullivan's Guaranty Building and its use of a major and secondary 'order' of shopfront subdivision and,



through consultation with the City's heritage architect, Alan Kelsall, about Fremantle precedents in which commercial brick buildings used exposed steel lintels over openings. Consideration should also be given to the width and height of the awning above street level in terms of the level of weather protection offered and also how the awning works compositionally with the brick plinth.

- (b) Pedestrian awnings on the ground floor plans as indicated on the elevation.
- (c) The plant rooms being reduced in size to be more than 10% of the roof area as required by clause 5.8.1.3 of the scheme.
- (d) Details of the proposed landscaping to Princes May Park immediately abutting the subject site.
- (e) Minimum 200mm recess of the faceted hotel room elevation windows to create articulation.
- (f) The setback of the first floor glazing above the brick plinth needs to be read as a real 'break' between the two storeys so that it is able to be understood as a negative setback, and not flush with the brickwork and the storey above.

PROCEDURAL MOTION

Moved by: Mr David Gray **Seconded by:** Mr Clayton Higham

That the JDAP receive legal advice from representatives from the DAP Secretariat and such advice is received behind closed doors, in accordance with Section 5.10.2g of the Standing Orders 2012.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

The meeting was closed to the public at 12.25pm.

The meeting was opened to the public at 12.41pm.

AMENDING MOTION

Moved by: Mr David Gray **Seconded by:** Mr Clayton Higham

That Conditions 3, 10 and 17 be deleted.

REASON: The Conditions are identical to a previous Form 2 approval.

The Amending Motion was put and CARRIED UNANIMOUSLY.

PRIMARY MOTION (AS AMENDED)

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

1. **Accept** that the DAP Application reference DP/13/00872 as detailed on the DAP Form 2 dated 24 March 2015 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;



2. **Approve** the DAP Application reference DP/13/00872 as detailed on the DAP Form 2 dated 25 March 2015 and accompanying plans dated 26 March 2015 (Plan reference: SK01 (site plan); SK03 (floor plan – basement level 2); SK04 (floor plan – basement level 1); SK05 (floor plan- ground); SK06 (floor plan – level 1); SK07 (floor plan - level 2); SK08 (floor plan – level 3); SK09 (floor plan - level 4); SK10 (floor plan – level 5); SK11 (floor plan – level 6); SK12 (floor plan –roof); SK13 (sections A-A & section D-D); SK14 (section B-B & section C-C); SK15 (section E-E & section F-F); SK16 (Point Street and Adelaide Street elevations); SK17 (Princess May Park and Cantonment Street Elevations); in accordance with the provisions of the City of Fremantle Local Planning Scheme No. 4 and the Metropolitan Region Scheme, for the proposed minor amendment to the approved demolition of existing Buildings and Public Car park and Construction of a Seven (7) Storey Mixed Use (173 Hotel Rooms, 77 Unit Multiple Dwellings, Restaurant & Shops) with Basement Car park Development at No. 8 (Lot 34) Point Street, Fremantle, subject to:

Amended Conditions

It is recommended that the following conditions of the planning approval for DAP80008/13 dated 31 January 2014 be amended so as to read:

1. This approval relates only to the development as indicated on the approved plans dated 26 March 2015. It does not relate to any other development on this lot and must be substantially commenced within four years from the date of this decision. If the subject development is not substantially commenced within the 4 year period, the approval shall lapse and be of no further effect.

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

10. Appeals to the State Administrative Tribunal

Nil

11. General Business / Meeting Close

There being no further business, the presiding member declared the meeting closed at 12:49pm.