



Minutes of the Metro South-West Joint Development Assessment Panel

Meeting Date and Time: 11 January 2018; 1:00pm
Meeting Number: MSWJDAP/148
Meeting Venue: City of Rockingham
Civic Boulevard, Rockingham

Attendance

DAP Members

Mr Ian Birch (Presiding Member)
Ms Kanella Hope (Alternate Deputy Presiding Member) – *via teleconference*
Mr Brett Lovett (Alternate Specialist Member)
Cr Chris Elliott (Local Government Member, City of Rockingham)
Cr Deb Hamblin (Local Government Member, City of Rockingham)

Officers in attendance

Mr Greg Delahunty (City of Rockingham)
Mr Mike Ross (City of Rockingham)

Minute Secretary

Ms Nicole D'Alessandro (City of Rockingham)

Applicants and Submitters

Mr Ross Underwood (Planning Solutions)

Members of the Public / Media

Nil

1. Declaration of Opening

The Presiding Member, Mr Ian Birch declared the meeting open at 1:05pm on 11 January 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; 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

Mr Tony Arias (Deputy Presiding Member)

3. Members on Leave of absence

Panel member, Mr Tony Arias (Deputy Presiding Member) has been granted leave of absence by the Director General for the period of 23 December 2017 to 15 January 2018 inclusive.

4. Noting of minutes

Minutes of the Metro South-West JDAP meeting no. 146 held on 12 December 2017 and Minutes of meeting no.147 held on 15 December 2017 were noted by DAP members.

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 Ross Underwood (Planning Solutions) addressed the DAP in support of the application at Item 8.1. Mr Ross Underwood answered questions from the panel.

8. Form 1 - Responsible Authority Reports – DAP Application

Nil

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

9.1 Property Location:	Lot 159 Minden Lane, Baldivis
Application Details:	Mixed Use Development (Showroom and Office) – Renewal of Approval
Applicant:	Planning Solutions (Aust) Pty Ltd
Owner:	Staub Family Pty Ltd
Responsible authority:	City of Rockingham
DAP File No:	DAP/14/00631

REPORT RECOMMENDATION

Moved by: Cr Chris Elliott

Seconded by: Cr Deb Hamblin

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



1. **Accept** the DAP Application reference DAP/14/00631 as detailed on the DAP Form 2 dated 17 November 2017 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Refuse** the DAP Application reference DAP/14/00631 as detailed on the DAP Form 2 date 17 November 2017 and accompanying plans:
 - Site and Ground Floor Plan, Drawing No.SK.12 Rev N, dated 13.11.17;
 - First Floor Plan, Drawing No.SK.13 Rev N, dated 13.11.17;
 - Second Floor Plan, Drawing No.SK.14 Rev M, dated 11.12.15; and
 - Elevation and Section Plans, Drawing No.SK.15 Rev K, dated 13.11.15

in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Clause 6.2 of the City of Rockingham Town Planning Scheme No.2, for the proposed minor amendment to the approved mixed commercial development (Offices and Showroom) at Lot 159 Minden Lane, Baldivis, for the following reasons:

Reasons

- (a) The proposed development fails to provide an adequately designed car park, as it does not comply with the parking requirements of *AS/NZS 2890.1:2004 Parking facilities - Off-street car parking*.
- (b) The proposed development is not considered to be compatible with its setting, as required by clause 67 (m) of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2 - Deemed Provisions)*.
- (c) Adequate provision has not been made for the loading and unloading of service vehicles, as required by Clause 67(s) of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2 - Deemed Provisions)*.
- (d) The proposed development does not provide sufficient variety and articulation of street front building facades as required by clause 7.4.3 (iv) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre.
- (e) The configuration and use of ground floor buildings will not define an attractive sequence of outdoor spaces which the public will occupy. Consequently the proposal does not comply with the overall urban design objectives for the Town Centre as is required by clause 8.1.3 (i) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre.
- (f) The building is not designed to achieve an appropriate use profile with an active, ground floor street frontage as is required by clause 8.1.3 (iii) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre.
- (g) The street elevations are not articulated to include defined street front entries which are clearly identifiable from the street as is required by clause 8.1.3 (v) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre.



- (h) The proposal lacks variety and high design standards as required by clause 8.1.3 (ix) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre.
- (i) The design does not promote activation of the street as is required by clause 4 (a) of the approved Detailed Area Plan.
- (j) The ground level facades fronting the street provides for less than 60% transparency as required by clause 4 (g) of the approved Detailed Area Plan.
- (k) Primary entry to ground floor tenancies is accessed via the pedestrian corridors contrary to clause 5 (b) of the approved Detailed Area Plan.
- (l) Variety and high urban design standards have not been incorporated into the design contrary to clause 6 (a) of the approved Detailed Area Plan.
- (m) Delivery, loading and storage areas are visible from public view contrary to clause 7 (a) of the approved Detailed Area Plan.
- (n) A Showroom is not identified as a preferred land use for the Core precinct under the Baldivis Activity Centre Structure Plan.

The Report Recommendation was put and LOST (3 / 2).

For: Cr Chris Elliott
Cr Deb Hamblin

Against: Mr Ian Birch
Ms Kanella Hope
Mr Brett Lovett

ALTERNATE MOTION

Moved by: Mr Ian Birch

Seconded by: Ms Kanella Hope

That the Metro South-West JDAP resolves to:

1. **Accept** the DAP Application reference DAP/14/00631 as detailed on the DAP Form 2 dated 17 November 2017 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 DAP/14/00631 for Offices and Showroom or motor vehicle and marine sales as detailed on the DAP Form 2 dated 17 November 2017 and accompanying plans:
 - Site and Ground Floor Plan, Drawing No.SK.12 Rev N, dated 13.11.17;
 - First Floor Plan, Drawing No.SK.13 Rev N, dated 13.11.17;
 - Second Floor Plan, Drawing No.SK.14 Rev M, dated 11.12.15; and
 - Elevation and Section Plans, Drawing No.SK.15 Rev K, dated 13.11.15



in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Clause 6.2 of the City of Rockingham Town Planning Scheme No.2.

Advice Note:

All conditions relating to the previous approval continue to apply.

REASON: The majority of panel members held the view that the proposed amendments to the plans did not materially alter the nature of those previously approved on 4 February 2016 and, having regard for there being no changes to the relevant planning provisions under which that former approval was considered, for the consistency of decision making, the application should be approved

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

For: Mr Ian Birch
Ms Kanella Hope
Mr Brett Lovett

Against: Cr Chris Elliott
Cr Deb Hamblin

10. Appeals to the State Administrative Tribunal

The Presiding Member noted that:

The following State Administrative Tribunal Application has been received:

- City of Kwinana - 503 Berthold Street (Cnr Gilmore Avenue), Orelia - 43 Multiple Dwellings & 54 Grouped Dwellings

The following State Administrative Tribunal Application has been finalised:

- City of Fremantle – Lot 15 (116) Wray Avenue and Lot 14 (122) Hampton Road, Fremantle – Commercial Additions and Refurbishments to Lunch Bar and Existing Commercial Building.

11. General Business / Meeting Close

The Presiding Member reminded the meeting that in accordance with Section 7.3 of DAP Standing Order 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 2:05pm.