



## Minutes of Metro South-West Joint Development Assessment Panel

**Meeting Date and Time:** 3 March 2015; 11am  
**Meeting Number:** MSWJDAP/62  
**Meeting Venue:** 8 William Street, Fremantle

### Attendance

#### DAP Members

Mr David Gray (Presiding Member)  
Mr Ian Birch (Deputy Presiding Member)  
Mr Rob Nicholson (Specialist Member)  
Cr Richard Smith (Local Government Member, City of Rockingham)  
Cr Andrew Sullivan (Local Government Member, City of Fremantle)  
Cr Jon Strachan (Local Government Member, City of Fremantle)

#### Officers in attendance

Ms Erika Barton (City of Rockingham)  
Mr Greg Delahunty (City of Rockingham)  
Ms Natalie Martin-Goode (City of Fremantle)  
Mr Anthony Denholm (City of Fremantle)

#### Local Government Minute Secretary

Ms Michelle Gibson (City of Fremantle)

#### Applicants and Submitters

Mr Tony Watson (MW Urban)  
Mr Phil Davies (Steel Storage Australia)

#### Members of the Public

Nil

#### 1. Declaration of Opening

The Presiding Member, Mr David Gray declared the meeting open at 11.03am on 3<sup>rd</sup> of March 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 Joy Stewart (Local Government Member, City of Rockingham)  
Mr Matt Selby (DoP)

## 3. Members on Leave of absence

Nil

## 4. Noting of minutes

Minutes of the Metro South-West JDAP meeting no.61 held on 12 February 2015 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 Tony Watson (MW Urban) presenting for the application at Item No 8.1. The presentation will explain the actions that have taken place subsequent to the deferral of the development application.

7.2 Mr Jonathon Riley (Traffic Consultant) presenting for the application at Item No 8.1. The presentation will explain the findings of his assessment of the development from a parking and traffic perspective

7.3 Mr Adam Bailey (Future Gymnasium Tenant) presenting for the application at Item No 8.1. The presentation will explain to the panel how the parking provided is satisfactory for the purpose of his business.

***The presentations at Item 7.1 were heard prior to the application at Item No.8.1***



## 8. Form 1 - Responsible Authority Reports – DAP Application

8.1 Property Location:	Lot 159 Minden Lane, Baldivis
Application Details:	Mixed Use Development (Showroom, Gymnasium and Office)
Applicant:	Planning 4Site Pty Ltd
Owner:	Staub Family Pty Ltd
Responsible authority:	City of Rockingham
DoP File No:	DAP/14/00631

### REPORT RECOMMENDATION / PRIMARY MOTION

**Moved by:** Mr Ian Birch                      **Seconded by:** Cr Richard Smith

That the metro South-West JDAP resolves to:

1. Refuse the DAP Application reference 20.2014.00000373 as detailed on the DAP Form 1 dated 19 September 2014 and accompanying Site and Ground Floor Plan (Drawing No.SK.12 Rev H), First Floor Plan (Drawing No.SK.13 Rev H) and Second Floor Plan (Drawing No.SK.14 Rev H) dated 23 January 2015 and Elevation and Section Plans (Drawing No.SK.15 Rev H), dated 20 August 2014 in accordance with the provisions of the Town Planning Scheme No.2 and the Metropolitan Region Scheme, for the proposed mixed used commercial development at Lot 159 Minden Lane, Baldivis for the following reasons:
  - (a) The proposed development fails to make adequate provision for car parking, including parking for people with a disability, as it does not comply with the parking requirements of clause 4.15.1.1 of the Town Planning Scheme No.2 and clause 8 (b) of the approved Detailed Area Plan.
  - (b) The proposed development is not considered to be compatible with its setting, as required by clause 6.6 (i) of TPS2.
  - (c) Adequate provision has not been made for the loading, unloading, manoeuvring and parking of vehicles, as required by clause 6.6 (q) of TPS2.
  - (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) A continuous pedestrian shelter has not been provided at street level as is required by clause 8.1.3 (vi) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre and clause 4 (e) of the approved Detailed Area Plan.



- (i) The mezzanine level reads as blank façade visible from public space contrary to clause 8.1.3 (viii) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre and clause 4 (i) of the approved Detailed Area Plan.
- (j) The proposal lacks variety and high design standards as is required by clause 8.1.3 (ix) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre.
- (k) The design does not promote activation of the street as is required by clause 4 (a) of the approved Detailed Area Plan.
- (l) 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.
- (m) Primary entry to ground floor tenancies (gymnasium) is accessed via the pedestrian corridors contrary to clause 5 (b) of the approved Detailed Area Plan.
- (n) Variety and high urban design standards have not been incorporated into the design contrary to clause 6 (a) of the approved Detailed Area Plan.
- (o) The colour scheme proposed is not consistent with an earthy colour palette as required by clause 6 (b) of the approved Detailed Area Plan.
- (p) Delivery, loading and storage areas are visible from public view contrary to clause 7 (a) of the approved Detailed Area Plan.
- (q) A showroom is not identified as a preferred land use for the Core precinct under the Baldivis Activity Centre Structure Plan.
- (r) The proposed development fails to provide weather-protected car bays for workers and visitors with a disability as required by clause 5.3.2 (5) of State Planning Policy 4.2 Activity Centres for Perth and Peel.
- (s) The proposed development fails to provide an unimpeded path of access 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*.

## PROCEDURAL MOTION

**Moved by:** Mr Ian Birch

**Seconded by:** Cr Richard Smith

To defer the application to enable further liaison with the City regarding:

1. Review layout of car parking to ensure it satisfies all relevant standards, including consideration of the following:
  - a. Pedestrian connection between building, car park, and streets at all opening hours.
  - b. Keeping ROW easements clear of obstructive use.
  - c. Service bays and refuse storage areas and manoeuvring.
  - d. Centralized disability bays to main access.
  - e. Levels to reflect disability access (AS1428).
  - f. Internal footpath should be 1700 width or more.
  - g. Defined pedestrian entry and exit points from the building to show safe footpath access.
2. In relation to the building facades, greater consideration be given to the points raised by the City's Urban Design Consultant in the RAR.



**PROCEDURAL MOTION was put and CARRIED (3/1).**

For: Mr David Gray, Mr Ian Birch, Cr Richard Smith  
Against: Mr Rob Nicholson

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

**9.1a** Property Location: No. 5 (Lot 95) McNeece Place, O'Connor  
Application Details: Variation to previous Planning Approval for  
DAP80007/13 (Warehouse (Self Storage Facility)) - signage only  
Applicant: Steel Storage Australia Pty Ltd  
Owner: KBH O'Connor Pty Ltd  
Responsible authority: City of Fremantle  
DoP File No: DP/13/00832

**REPORT RECOMMENDATION / PRIMARY MOTION**

**Moved by:** Cr Andrew Sullivan                      **Seconded by:** Cr Jon Strachan

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

- I. Accept that the DAP Application reference DP/13/00832 as detailed on the DAP Form 2 dated 5 January 2015 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
- II. Approve the DAP Application reference DP/13/00832 as detailed on the DAP Form 2 date 5 January 2015 and accompanying plans dated 5 January 2014 (City of Fremantle date) in accordance with the provisions of the City of Fremantle Local Planning Scheme No. 4, for the proposed minor amendment to the approved Warehouse (Self Storage) at No. 5 (Lot 95) McNeece Place, O'Connor, subject to:

**Amended Conditions**

It is recommended that the following conditions of the planning approval for DAP80007/13 dated 16 January 2014 be amended so as to read:

1. This approval relates only to the development as indicated on the approved plans dated 10 January 2014 (date stamp on DAP approval for original DP/13/00832) and 2 January 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.



## Additional Advice Notes

It is recommended that the following advice note of the planning approval for DAP80007/13 dated 16 January 2014 be imposed:

- (i) The applicant is advised that Main Roads Western Australia advises that the property is affected by the alignment of the Perth Freight Link which is proposed along Stock Road. At this stage in the planning process, the land requirement from this property and in particular along Stock Road is unknown. MRWA has no objection to the signage being erected at the rear of the property fronting Stock Road, however, the applicant is to relocate the signs at their own cost and without compensation, if land is required for the Perth Freight Link.

All other conditions and requirements detailed on the previous approval dated 16 January 2014 shall remain unless altered by this application.

### **AMENDING MOTION 1**

**Moved by:** Cr Andrew Sullivan

**Seconded by:** Cr Jon Strachan

To amend Amended Condition 1, from 2 January 2015, to read 5 January 2015.

:

1. This approval relates only to the development as indicated on the approved plans dated 10 January 2014 (date stamp on DAP approval for original DP/13/00832) and 5 January 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.

**REASON:** Incorrect date.

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

### **AMENDING MOTION 2**

**Moved by:** Cr Andrew Sullivan

**Seconded by:** Mr Ian Birch

Remove wording from Additional Advice Note (i) "MRWA has no objection to the signage being erected at the rear of the property fronting Stock Road, however, the applicant is to relocate the signs at their own cost and without compensation, if land is required for the Perth Freight Link." to read:

- (i) The applicant is advised that Main Roads Western Australia advises that the property is affected by the alignment of the Perth Freight Link which is proposed along Stock Road.

**REASON:**

Although the possible widening of Stack Road has been under consideration for many years, MRWA has not defined any additional land requirements.



**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/13/00832 as detailed on the DAP Form 2 dated 5 January 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/13/00832 as detailed on the DAP Form 2 date 5 January 2015 and accompanying plans dated 5 January 2014 (City of Fremantle date) in accordance with the provisions of the City of Fremantle Local Planning Scheme No. 4, for the proposed minor amendment to the approved Warehouse (Self Storage) at No. 5 (Lot 95) McNeece Place, O'Connor, subject to:

Amended Conditions

Condition 1 of the planning approval for DAP80007/13 dated 16 January 2014 be amended so as to read:

1. This approval relates only to the development as indicated on the approved plans dated 10 January 2014 (date stamp on DAP approval for original DP/13/00832) and 5 January 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.

Additional Advice Notes

The following advice note of the planning approval for DAP80007/13 dated 16 January 2014 be imposed:

- (i) The applicant is advised that Main Roads Western Australia advises that the property is affected by the alignment of the Perth Freight Link which is proposed along Stock Road..

All other conditions and requirements detailed on the previous approval dated 16 January 2014 shall remain unless altered by this application.

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





**9.1b** Property Location: No. 5 (Lot 95) McNeece Place, O'Connor  
Application Details: Variation to previous Planning Approval for  
DAP80007/13 (Warehouse (Self Storage  
Facility)) - signage only  
Applicant: Steel Storage Australia Pty Ltd  
Owner: KBH O'Connor Pty Ltd  
Responsible authority: WAPC  
DoP File No: DP/13/00832

## REPORT RECOMMENDATION / PRIMARY MOTION

**Moved by:** Mr Ian Birch                      **Seconded by:** Cr Jon Strachan

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

- i. Accept that the DAP Application reference DP/13/00832 as detailed on the DAP Form 2 dated 2 January 2015 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
- ii. Approve the DAP Application reference DP/13/00832 as detailed on the DAP Form 2 dated 2 January 2015 and accompanying plans received on 16 January 2015 (refer Attachment No. 5 to 7) in accordance with the provisions of the Metropolitan Region Scheme, for a proposed minor amendment to the approved Storage Facility Signage at Lot 95 (No. 5) McNeece Place O'Connor, subject to:

### Conditions

1. The signage is to be constructed in accordance with the amended plans received by the Development Assessment Panel on 16 January 2015 to the satisfaction of the Western Australian Planning Commission.
2. The signage shall not contain any flashing, pulsing or moving lights or be illuminated and shall be constructed to the satisfaction of the Western Australian Planning Commission.
3. No access/egress permitted to Stock Road to the specification of Main Roads Western Australian and the satisfaction of the Western Australian Planning Commission.
4. Redundant driveways to Stock Road shall be removed and reinstatement of the verge and vegetation shall be undertaken by the applicant to the specification of Main Roads WA and the satisfaction of the Western Australian Planning Commission.
5. No earthworks shall encroach onto the Stock Road reservation.
6. No stormwater drainage shall be discharged onto the Stock Road reservation.





## ADVICE NOTE TO APPLICANT

1. The applicant is advised that upgrading/widening of Stock road is not in Main Roads WA four year forward estimated construction time frame and as such is considered a long term project. However, time information may be subject to change.

**The Report Recommendation/Primary Motion was put and CARRIED UNANIMOUSLY.**

## AMENDING MOTION 1

To include Additional Conditions as Conditions 5 & 6:

5. The signage is to be constructed in accordance with the amended plans received by the Development Assessment Panel on 16 January 2015 to the satisfaction of the Western Australian Planning Commission.
6. The signage shall not contain any flashing, pulsing or moving lights or be illuminated and shall be constructed to the satisfaction of the Western Australian Planning Commission.

**Moved by:** Cr Andrew Sullivan

**Seconded by:** Cr Jon Strachan

**REASON:** The proposed Conditions are additional to the original determination.

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

All other conditions and requirements detailed on the previous approval dated 16 January 2014 shall remain unless altered by this application.

## AMENDING MOTION 2

Delete Advice Note 1.

**Moved by:** Cr Andrew Sullivan

**Seconded by:** Cr Jon Strachan

**REASON:** It was in the original approval.

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

## PRIMARY MOTION (AS AMENDED)

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



- i. Accept that the DAP Application reference DP/13/00832 as detailed on the DAP Form 2 dated 2 January 2015 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
- ii. Approve the DAP Application reference DP/13/00832 as detailed on the DAP Form 2 dated 2 January 2015 and accompanying plans received on 16 January 2015 (refer Attachment No. 5 to 7) in accordance with the provisions of the Metropolitan Region Scheme, for a proposed minor amendment to the approved Storage Facility Signage at Lot 95 (No. 5) McNeece Place O'Connor, subject to:

**Additional Conditions:**

- 5.. The signage is to be constructed in accordance with the amended plans received by the Development Assessment Panel on 16 January 2015 to the satisfaction of the Western Australian Planning Commission.
6. The signage shall not contain any flashing, pulsing or moving lights or be illuminated and shall be constructed to the satisfaction of the Western Australian Planning Commission

**10. Appeals to the State Administrative Tribunal**

Nil

**11. General Business / Meeting Close**

Members of the panel noted that the RAR at item 9.1b is inconsistent with the template for a Form 2 RAR and asked that the Presiding Member bring this inconsistency to the attention of the DAP secretariat.

There being no further business, the presiding member declared the meeting closed at 12.28pm.