



Minutes of the Metro South-West Joint Development Assessment Panel

Meeting Date and Time: Wednesday, 30 November 2016; 9.00am
Meeting Number: MSWJDAP/119
Meeting Venue: Department of Planning
140 William Street, Perth

Attendance

DAP Members

Mr Ian Birch (Presiding Member)
Ms Stacey Towne (Deputy Presiding Member)
Mr Rob Nicholson (Specialist Member)
Cr Dennis Wood (Local Government Member, City of Kwinana)
Cr Ruth Alexander (Local Government Member, City of Kwinana)
Cr Chris Elliott (Local Government Member, City of Rockingham)
Cr Joy Stewart (Local Government Member, City of Rockingham)

Officers in attendance

Mr Brenton Scambler (City of Kwinana)
Mr Greg Delahunty (City of Rockingham)
Mr Neels Pretorius (City of Rockingham)
Mr Mike Ross (City of Rockingham)

Department of Planning Minute Secretary

Ms Michelle Tan (Department of Planning)
Ms Tanya Morgan (Department of Planning)

Applicants and Submitters

Ms Kym Petani (GHD) – *via teleconference*
Mr Drew Farrar (GHD) – *via teleconference*
Mr Sean Fairfoul (Rowe Group)
Mr Ben Lourey (Charter Hall)

Members of the Public

Nil

1. Declaration of Opening

The Presiding Member, Mr Ian Birch declared the meeting open at 9.07am on 30 November 2016 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 Kelly McManus (Local Government Member, City of Rockingham)

3. Members on Leave of Absence

Nil

4. Noting of Minutes

Minutes of the Metro South-West JDAP meeting No.118 held on 25 November 2016 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

Panel members, Mr Rob Nicholson and Ms Stacey Towne, each declared a direct pecuniary interest in item 9.2. Mr Nicholson and Ms Towne both hold Wesfarmers shares. The application at Item 9.2 involves a Coles supermarket which falls under Wesfarmers.

In accordance with section 6.3.1 of the Standing Orders 2012, the Presiding Member determined that the members listed above, who have disclosed a Pecuniary Interest, are not permitted to participate in the discussion or voting on the item.

Panel members, Cr Chris Elliott and Cr Joy Stewart declared an impartiality interest in items 9.2 and 9.3. Interest disclosed due to the matter being presented to a Council meeting prior to this meeting.

In accordance with section 4.6.1 and 4.6.2 of the Standing Orders 2012, the Presiding Member determined that the members listed above, who have disclosed an impartiality interest, are permitted to participate in discussion and voting on the items.



7. Deputations and Presentations

- 7.1 Mr Sean Fairfoul (Rowe Group) and Mr Ben Lourey (Charter Hall) addressed the DAP for the application at Item 9.2.

PROCEDURAL MOTION

Moved by: Mr Rob Nicholson

Seconded by: Ms Stacey Towne

That the application at Item 9.3 be heard prior to the application at Item 9.2.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

8. Form 1 – Responsible Authority Reports – DAP Applications

Nil

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

- 9.1 Property Location: Part Lot 9002 Port Road, Kwinana Beach
Application Details: Proposed General Industry – Bitumen Storage, Processing and Distribution Facility
Applicant: GHD Pty Ltd (on behalf of SAMI Bitumen Technologies Pty Ltd)
Owner: WA Land Authority – LandCorp
Responsible Authority: City of Kwinana
DoP File No: DAP/15/00924

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Mr Rob Nicholson

Seconded by: Cr Dennis Wood

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

1. **Accept** that the DAP Application reference DAP/15/00924 as detailed on the DAP Form 2 dated 4 October 2016 is appropriate for consideration in accordance with Regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*; and
2. **Approve** the DAP Application reference DAP/15/00924 as detailed on the DAP Form 2 dated 4 October 2016 and accompanying plans '245638 – 000 – DRG – LA – 0038 - Rev D' & '245638 – 000 – DRG – LA – 0022 - Rev D' in accordance with the provisions of the City of Kwinana Town Planning Scheme No. 2 and the Metropolitan Region Scheme for the proposed minor amendment to the approved General Industry – Bitumen Storage, Processing and Distribution Facility on Part Lot 9002 Port Road, Kwinana Beach, subject to the conditions and advice notes of the 8 July 2016 approval.



AMENDING MOTION

Moved by: Mr Rob Nicholson

Seconded by: Ms Stacey Towne

To amend the preamble to read as follows:

*“Approve the DAP Application reference DAP/15/00924 as detailed on the DAP Form 2 dated 4 October 2016 and accompanying plans ‘245638 – 000 – DRG – LA – 0038 - Rev D’ & ‘245638 – 000 – DRG – LA – 0022 - Rev D’ dated 23 August 2016 in accordance with the provisions of the City of Kwinana Town Planning Scheme No. 2 and the Metropolitan Region Scheme for the proposed minor amendment to the approved General Industry – Bitumen Storage, Processing and Distribution Facility on Part Lot 9002 Port Road, Kwinana Beach, subject to the conditions and advice notes of the 8 July 2016, and **extend the approval term date under regulation 17 (1)(a) by 2 years.**”*

REASON: To clarify the plans and term of extension for approval.

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

PRIMARY MOTION (AS AMENDED)

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

1. **Accept** that the DAP Application reference DAP/15/00924 as detailed on the DAP Form 2 dated 4 October 2016 is appropriate for consideration in accordance with Regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*; and
2. **Approve** the DAP Application reference DAP/15/00924 as detailed on the DAP Form 2 dated 4 October 2016 and accompanying plans ‘245638 – 000 – DRG – LA – 0038 - Rev D’ & ‘245638 – 000 – DRG – LA – 0022 - Rev D’ in accordance with the provisions of the City of Kwinana Town Planning Scheme No. 2 and the Metropolitan Region Scheme for the proposed minor amendment to the approved General Industry – Bitumen Storage, Processing and Distribution Facility on Part Lot 9002 Port Road, Kwinana Beach, subject to the conditions and advice notes of the 8 July 2016 approval, and extend the approval term date under regulation 17(1)(a) by 2 years.

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

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

Due to their direct pecuniary interest in Item 9.2, Mr Rob Nicholson and Ms Stacey Towne left the meeting at 9.17am.



9.2 Property Location: Lot 2003 Secret Harbour Boulevard and
Lots 2010 & 2013 Oneida Road, Secret Harbour
Application Details: Amendment to JDAP Development Approval
for Additions and Alterations to Secret Harbour
Shopping Centre
Applicant: Rowe Group Pty Ltd
Owner: Perpetual Limited
Responsible Authority: City of Rockingham
DoP File No: DAP/14/00649

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Cr Chris Elliott

Seconded by: Cr Joy Stewart

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

1. **Accept** that the DAP Application reference DAP/14/00649 as detailed on the DAP Form 2 date 01.09.2016 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Refuse** the request for modifications to condition 14.
3. **Approve** the DAP Application reference DAP/14/00649 as detailed on the DAP Form 2 date 01.09.2016 and accompanying plans:
 - Site Plan, Drawing No.DA02 issue Q dated 27.10.2016;
 - Site Plan Car Park Shade Sales, Drawing No DA02.2 issue C, dated 30.08.2016;
 - Entry Plan 1 - Townhall Square, Drawing No.DA03 Rev H, dated 30.08.2016;
 - Entry Plan 2 - Drawing No.DA04 Rev F, dated 13.07.2015;
 - Entry 3 Plan - Drawing No.DA04.1 Rev A, dated 13.07.2015;
 - Entry 4 Plan, Drawing No.DA05 Rev G, dated 16.08.2016;
 - Roof Plan, Drawing No.DA06 Rev H, dated 30.08.2016;
 - Elevations, Drawing No.DA07 Rev H, dated 16.08.2016;
 - Elevations, Drawing No.DA08 Rev I, dated 16.08.2016;
 - Sections and Views, Drawing No.DA010 Rev G, dated 16.08.2016;
 - Signage Plan External, Drawing No.DA011 Rev I, dated 16.08.2016;
 - Signage External, Drawing No.DA012 Rev I, dated 16.08.2016; and
 - Signage External, Drawing No.DA013 Rev I, dated 16.08.2016

in accordance with the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 and the Metropolitan Region Scheme, subject to the approvals dated 18 February 2015, 12 October and 3 May 2016 and the following amended conditions 4 and 16 and additional condition 29:

4. Prior to occupation of the proposed development, engineering drawings and specifications and a full independent Road Safety Audit is to be completed for the upgrading of the intersection of Oneida Road and Warnbro Sound Avenue



in accordance with Main Roads WA specifications, where applicable, and to the satisfaction of the City of Rockingham.

The intersection must only be upgraded to a signalised intersection should the applicant fail to demonstrate an alternative solution that is acceptable to the City of Rockingham and Main Roads WA. 16.

16. Thirty-five (35) on-street car parking spaces must be provided for short term parking along Oasis Drive. The parking must be designed in accordance with the High Turnover Use Category of the Australian Standard AS 2890.5—1993, Parking facilities, Part 5: On-street parking, approved by the City of Rockingham prior to issue of a Building Permit, and constructed prior to occupation of the development at the applicant’s expense.

29. Prior to issue of a Building Permit, plans and details for the proposed 1.2m high decorative screen must be submitted to and approved by the City of Rockingham. The screen must be installed prior to the occupation of the development and maintained in good condition for the duration of the development.

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

9.3	Property Location:	Lot 61 (No.37) & Lot 62 (No.39) Council Avenue, Rockingham
	Application Details:	Mixed Use Development (99 Residential Apartments and 2 Ground Floor Retail Shops)
	Applicant:	Urbis Pty Ltd
	Owner:	Rockingham No 1 Pty Ltd
	Responsible Authority:	City of Rockingham
	DoP File No:	DAP/14/00523

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Cr Chris Elliott **Seconded by:** Mr Rob Nicholson

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

1. **Accept** that the DAP application reference DAP/14/00523 as detailed on the DAP Form 2 dated 16 October 2016 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/14/00523 and accompanying plans DA01 to DA22 dated March 2014 for a mixed-use development, comprising 99 residential apartments and 2 retail shops in accordance with Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, subject to the conditions and advice notes of the approval dated 13 June 2014.



AMENDING MOTION

Moved by: Mr Rob Nicholson

Seconded by: Ms Stacey Towne

To amend the preamble to read as follows:

*“Approve the DAP Application reference DAP/14/00523 and accompanying plans DA01 to DA22 dated March 2014 for a mixed-use development, comprising 99 residential apartments and 2 retail shops in accordance with Clause 68(2)(b) of the Planning and Development (Local Planning Schemes) Regulations 2015, subject to the conditions and advice notes of the approval dated 13 June 2014, **and extend the approval term date under regulation 17 (1)(a) by 2 years.**”*

REASON: To clarify the term of extension for approval.

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

PRIMARY MOTION (AS AMENDED)

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

1. **Accept** that the DAP application reference DAP/14/00523 as detailed on the DAP Form 2 dated 16 October 2016 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/14/00523 and accompanying plans DA01 to DA22 dated March 2014 for a mixed-use development, comprising 99 residential apartments and 2 retail shops in accordance with Clause 68(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, subject to the conditions and advice notes of the approval dated 13 June 2014, and extend the approval term date under regulation 17(1)(a) by 2 years.

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

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

10. Appeals to the State Administrative Tribunal

Nil

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 9.27am.