



Metro Outer Joint Development Assessment Panel Agenda

Meeting Date and Time: Friday, 7 May 2021; 9:30am
Meeting Number: MOJDAP/84
Meeting Venue: City of Rockingham
Civic Boulevard, Rockingham

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Attendance

DAP Members

Mr Ian Birch (Presiding Member)
Ms Sheryl Chaffer (Deputy Presiding Member)
Mr John Taylor (A/Third Specialist Member)
Cr Mark Jones (Local Government Member, City of Rockingham)
Cr Lorna Buchan (Local Government Member, City of Rockingham)

Officers in attendance

Mr David Banovic (City of Rockingham)
Mr Michael Ross (City of Rockingham)
Mr James Henson (City of Rockingham)

Minute Secretary

Ms Nicole Gardner (City of Rockingham)

Applicants and Submitters

Mr Peter Franklin (Department of Health)
Mr Josh Watson (Planning Solutions)
Mr Joshua Carmody (Planning Solutions)
Mr Lukas Weeks (Leyton Property)
Mr Benham Bordbar (Transcore)
Mr Regan Harray (7 Eleven)
Mr Nic Preston (HCP Architect)
Mr Liam Richer (Cadre Engineering)
Ms Nikki Bombak

Members of the Public / Media

Nil

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.33am on 7 May 2021 and acknowledged the traditional owners and paid respect to Elders past and present 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 2020 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

1.1 Announcements by Presiding Member

The Presiding Member advised that panel members may refer to technical devices, such as phones and laptops, throughout the meeting to assist them in considering the information before them.


Mr Ian Birch
Presiding Member, Metro Outer JDAP



The Presiding Member advised that the meeting is being audio recorded in accordance with Section 5.16 of the DAP Standing Orders 2020 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. Apologises

Mr Jason Hick (Third Specialist Member)
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

The Presiding Member noted that an addendum to the agenda was published to include details of a DAP direction for further information and responsible authority response in relation to Item 8.1, received on 5 May 2021.

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 Members, Cr Lorna Buchan and Cr Mark Jones, declared that they 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 Buchan and Cr Jones acknowledged that they are 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 them which will be considered on its planning merits.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member determined that the members listed above, who have disclosed a Pecuniary Interest, are permitted to participate in the discussion and voting on the item.



7. Deputations and Presentations

- 7.1 Ms Nikki Bombak addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.2 Mr Lukas Weeks (Leyton Property) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.3 Mr Benham Bordbar (Transcore) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.4 Mr Liam Richer (Cadre Engineering) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.5 Mr Josh Watson (Planning Solutions) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.6 The City of Rockingham officers addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

PROCEDURAL MOTION

Moved by: Ms Sheryl Chaffer

Seconded by: Cr Mark Jones

That the meeting be adjourned for a period of 10 minutes to allow members to take a comfort break.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: Comfort break following the lengthy period of presentations.

The meeting was adjourned at 11.48am.

The meeting was reconvened at 11.58am.



8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 265 (40) Talisker Bend, Golden Bay

Development Description:	Mixed commercial development
Applicant:	Planning Solutions
Owner:	Peet Golden Bay Housing Authority
Responsible Authority:	City of Rockingham
DAP File No:	DAP/21/01952

REPORT RECOMMENDATION

Moved by: Cr Lorna Buchan

Seconded by: Cr Mark Jones

That the Metro Outer Joint Development Assessment Panel resolves to:

REFUSE Development Assessment Panel reference DAP/21/01952 and accompanying plans (attachment 1 (c)):

- Site Plan, Revision L dated 25.03.2021;
- Floor Plans, Revision L dated 25.03.2021;
- Elevations, Revision L dated 25.03.2021;
- Perspectives, Revision K dated 29.01.2021;
- Signage Plan, Revision K dated 29.01.2021;
- Site Plan Stage 2 Sketch, Revision K dated 29.01.2021; and
- Landscape Plan, Revision L dated 25.03.2021

in accordance with the Metropolitan Region Scheme and Clause 68 of the amended Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of clause 68(2)(c) of the deemed provisions of the City of Rockingham Town Planning Scheme No. 2, for the reasons detailed below.

1. Sensitive Land Uses, including two approved Child Care Centres are located within the 200m generic separation distance recommended by Environmental Protection Authority Guidance Statement No.3 (Separation Distances between Industrial and Sensitive Land Uses 2005). The applicant has not submitted a scientific study based on site and industry-specific information which demonstrates that a lesser distance will not result in unacceptable health impacts.
2. The potential traffic volume and movements resultant from the proposed development, based on the Left-in/Left out access via Aurea Boulevard and Left-in/Left-out access via Thundelara Drive, is likely to have an adverse impact on traffic flow associated with vehicles queuing during peak hours of operation within the development site and is likely to overflow into the adjacent road network including the traffic light intersection of Warnbro Sound Avenue and Aurea Boulevard and Thundelarra Drive and Aurea Boulevard intersection.



3. The proposed development is situated at the prominent intersection of Warnbro Sound Avenue and Aurea Boulevard, which is a major entry into the Golden Bay Estate. The removal of existing on-street parking bays and perimeter vegetation does not satisfy the requirements of the approved Local Development Plan and has an adverse impact on the amenity of the estate entry.
4. The proposed Pylon Sign adjacent to Warnbro Sound Avenue will result in signage that is not considered appropriate for its location as required by Planning Policy 3.3.1 – Control of Advertisements.

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

For: Mr John Taylor
Cr Lorna Buchan
Cr Mark Jones

Against: Mr Ian Birch
Ms Sheryl Chaffer

REASON: By a majority, members of the panel were not satisfied that issues surrounding traffic management and health concerns have been satisfactorily addressed and the variations to local planning policy in reasons 3 and 4 could not be supported.

With respect to Reason 1, it was considered that without a site specific study being completed, it is not appropriate for a decision to be made on public health grounds.

9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval

Nil



10. State Administrative Tribunal Applications and Supreme Court Appeals

The Presiding Member noted the following SAT Applications -

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/19/01708 DR 138/2020	City of Kwinana	Lot 108 Kwinana Beach Road, Kwinana	Proposed Bulk Liquid Storage for GrainCorp Liquid Terminals	01/07/2020
DAP/01729 DR 176/2020	City of Kalamunda	Lot 130 (74) Warlingham Drive, Lesmurdie	Aged Residential Care Facility	28/8/2020
DAP/20/01764 DR 204/2020	City of Swan	Lot 780 (46) Gaston Road, Bullsbrook	Proposed Stock Feed Grain Mill	8/09/2020
DAP/20/01829 DR 001/2021	City of Swan	Lot 1 (42) Dale Road & Lot 4 (43) Yukich Close, Middle Swan	Aged care and community purpose	08/01/2021

11. General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2020 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.

12. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 12.17pm.