



Metro South West Joint Development Assessment Panel Minutes

Meeting Date and Time: 9 December 2019; 10:00am
Meeting Number: MSWJDAP/196
Meeting Venue: City of Rockingham
Civic Boulevard, Rockingham

Attendance

DAP Members

Mr Tony Arias (Presiding Member)
Ms Lee O'Donohue (Deputy Presiding Member)
Mr John Taylor (A/Specialist Member)
Cr Deb Hamblin (Local Government Member, City of Rockingham)
Cr Joy Stewart (Local Government Member, City of Rockingham)

Officers in attendance

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

Minute Secretary

Ms Nicole D'Alessandro (City of Rockingham)

Applicants and Submitters

Mr Alessandro Stagno (Planning Solutions)
Mr Vladimir Baltic (Transcore)
Mr Shane Mauger (YMCA)
Mr Elton Swarts (Claradon Property Pty Ltd)
Mrs Chevaunne Swarts (Claradon Property Pty Ltd)
Mr Michael Stevents (Claradon Property Pty Ltd)

Members of the Public / Media

There were 2 members of the public in attendance.

1. Declaration of Opening

The Presiding Member declared the meeting open at 10:01am on 9 December 2019 and acknowledged the traditional owners and pay 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 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 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

Nil

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

All members declared that they had duly considered the documents.

6. Disclosure of Interests

Nil

7. Deputations and Presentations

7.1 Mr Shane Mauger (YMCA) addressed the DAP in support of the application at Item No.8.1.

7.2 Mr Alessandro Stagno (Planning Solutions) addressed the DAP in support of the application of Item No.8.1 and responses to questions from the panel.

7.3 Mr Vladimir Baltic (Transcore) addressed the DAP in support of the application of Item No.8.1 and responses to questions from the panel.

8. Form 1 – Responsible Authority Reports – DAP Application

8.1 Property Location:	Lots 726 (591) and 107 (577) Eighty Road, Baldivis
Development Description:	Child Care Premises
Applicant:	Planning Solutions
Owner:	Mr George & Mrs Margaret Yiannakis, Mr Blair Thomas
Responsible Authority:	City of Rockingham
DAP File No:	DAP/19/01660

REPORT RECOMMENDATION

Moved by: Cr Deb Hamblin

Seconded by: Cr Joy Stewart



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

Refuse the DAP Application reference DAP/19/01660 and accompanying plans:

- Locality Plan, Sheet 01, dated 22 August 2019;
- Demolition Plan, Sheet 02, dated 22 August 2019;
- Site Plan, Sheet 03, dated 22 August 2019;
- Floor Plan, Sheet 04, dated 22 August 2019;
- Elevations, Sheet 05, dated 22 August 2019;
- Streetscape, Sheet 06, dated 22 August 2019;
- Carpark Plan, Sheet 07, dated 22 August 2019;
- Landscape Plan, Sheet 08, dated 22 August 2019;
- Activity Plan, Sheet 09, dated 22 August 2019;
- Roof Plan, Sheet 10, dated 22 August 2019;
- Fencing Plan, Sheet 11, dated 22 August 2019;

in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of Metropolitan Region Scheme and Clause 68(2)(c) of the deemed provisions of the City of Rockingham Town Planning Scheme No.2, subject to the following reasons as follows:

Reasons

1. The location of the Child Care Premises adjacent to an operational Landscape Supply Yard / Nursery is contrary to orderly and properly planning principles.
2. The proposed Child Care Premises is incompatible with characteristics of the immediate area in which it is located and therefore fails to comply with the objectives of the Rural zone in City of Rockingham Town Planning Scheme No.2.
3. The development fails to provide a required right turn pocket on Eighty Road, thus failing to provide adequate safe access to the site as required by Clause 67(r) and 67(s) of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2 – Deemed Provisions)*.
4. The proposed Child Care Premises will have an adverse impact on the amenity of the community through increased vehicular movements and being an incompatible (non-rural) land use.
5. As required by Clause 67(m) of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2 – Deemed Provisions)* it has not been demonstrated that this development is compatible with its setting, as the Child Care Premises, which is a sensitive land use, is proposed to be located adjacent to an Industrial land use (Landscape Supply Yard / Nursey).
6. The location of the proposed Child Care Premises is unsuitable as the proposal fails to meet the location, site characterises and design considerations criteria contained within City of Rockingham Planning Policy 3.3.5 - Child Care Premises.
7. The proposed Child Care Premises is not consistent with the City of



Rockingham Planning Policy 3.3.1 - Rural Land Strategy which identifies the site for potential Special Rural development with a minimum lot size of 0.5 hectare and requires development to be of a scale that minimises intrusion into the landscape.

8. The proposed Child Care Premises is not consistent with State Planning Policy 2.5 - Rural Planning as the development is contrary to the City of Rockingham rural planning framework and is likely to generate land use conflicts.

ALTERNATE MOTION

Moved by: Mr Tony Arias

Seconded by: Ms Lee O'Donohue

That the consideration of DAP Application DAP/19/01660 be deferred, in accordance with section 5.10.1a of the DAP Standing Orders 2017, for the following reasons:

- To allow the proponent to provide further information addressing mitigation measures associated with the nursery and its operation within 60 days (7 February 2020).

The Alternate Motion was put and CARRIED (4/1).

For: Mr Tony Arias
Ms Lee O'Donohue
Mr John Taylor
Cr Joy Stewart

Against: Cr Deb Hamblin

REASON: Based on the conditions outlined it is considered that issues relating to the nursery have not been sufficiently clarified in order to ensure it can prevent an adverse impact on both operations given the nursery has a legitimate existing approval.

Issues relating to the rural zone could be addressed by modification of the development as it is located within the Urban framework.

The child care centre is considered low impact in terms of traffic generation, the traffic impact can be mitigated and could be satisfactorily addressed.

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

Nil

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

Nil



11. General Business / Meeting Close

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 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 11:09am.