



## Metro Outer Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Monday, 9 May 2022; 9:30am  
**Meeting Number:** MOJDAP/171  
**Meeting Venue:** Electronic Means

*This DAP meeting was conducted by electronic means (Zoom) open to the public rather than requiring attendance in person*

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## **Attendance**

### **DAP Members**

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

### **Officers in attendance**

Mr David Banovic (City of Rockingham)  
Mr Mike Ross (City of Rockingham)

#### *Item 8.1*

Mr Neels Pretorius (City of Rockingham)  
Mr Danny Sriono (City of Rockingham)

#### *Item 8.2*

Mr Chris Parlane (City of Rockingham)  
Mrs Emma Lambert (City of Rockingham)

### **Minute Secretary**

Ms Megan Ventriss (DAP Secretariat)  
Ms Zoe Hendry (DAP Secretariat)

### **Applicants and Submitters**

#### *Item 8.1*

Mr Alessandro Stagno (Apex Planning)  
Mr Behnam Bordbar (Transcore)  
Mr Scott Ferguson (Jarra Property)

#### *Item 8.2*

Mr Gorki Bogdanich (Archetype Design Studio)  
Ms Clare McLean (Peter Webb & Associates)  
Mr Satish Devata (Japa)  
Mr Michael Paton  
Ms Kathy Paton  
Mr Gregory Spoonheim  
Mr Brad Woolley  
Ms Margaret Smith  
Ms Michelle Harvey  
Ms Debbie MacKenzie  
Mr Peta Sims  
Ms Julie Davey

### **Members of the Public / Media**

There were 4 members of the public in attendance.

**Mr Ian Birch**  
Presiding Member, Metro Outer JDAP



## 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:38am on 9 May 2022 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 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 meeting would not be recorded.

This meeting was convened via electronic means (Zoom). Members were reminded to announce their name and title prior to speaking.

## 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

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 and 8.2, received on 6 May 2022.

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 Member, 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 and 8.2. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr Lorna Buchan and Cr Mark Jones acknowledged that they are not bound by any previous decision or resolution of the local government and undertake 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 Impartiality Interest, are permitted to participate in the discussion and voting on the items.

## 7. Deputations and Presentations

- 7.1 Mr Behnam Bordbar (Transcore) 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 Alessandro Stagno (Apex Planning) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.3 The City of Rockingham addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

***The presentations at Items 7.1 – 7.3 were heard prior to the application at Item 8.1.***

- 7.4 Mr Michael Paton addressed the DAP in support of the recommendation for the application at Item 8.2.
- 7.5 Mr Gregory Spoonheim addressed the DAP in support of the recommendation for the application at Item 8.2.
- 7.6 Mr Brad Woolley's presentation was noted by the DAP in support of the recommendation for the application at Item 8.2.
- 7.7 Ms Margaret Smith addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.
- 7.8 Ms Peta Sims provided Ms Caroline Meeusen's presentation to the DAP in support of the recommendation for the application at Item 8.2.
- 7.9 Ms Debbie MacKenzie provided Mr Geoffrey Tomlinson's presentation to the DAP in support of the recommendation for the application at Item 8.2.
- 7.10 Ms Michelle Harvey addressed the DAP in support of the recommendation for the application at Item 8.2.



- 7.11 Ms Debbie MacKenzie addressed the DAP in support of the recommendation for the application at Item 8.2.
- 7.12 Ms Peta Sims addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.
- 7.13 Ms Peta Sims provided Ms Fiona Tassell's presentation to the DAP in support of the recommendation for the application at Item 8.2.
- 7.14 Ms Julie Davey addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.
- 7.15 Ms M Christensen provided a written presentation in support of the recommendation for the application at Item 8.2 and was noted by the panel.
- 7.16 Mr Ross McCamish provided a written presentation in support of the recommendation for the application at Item 8.2 and was noted by the panel.
- 7.17 Ms Kym Robinson provided a written presentation in support of the recommendation for the application at Item 8.2 and was noted by the panel.
- 7.18 Mr Rob Link provided a written presentation in support of the recommendation for the application at Item 8.2 and was noted by the panel.
- 7.19 Mr Gorki Bogdanich (Archetype Design Studio) addressed the DAP against the recommendation for the application at Item 8.2 and responded to questions from the panel.
- 7.20 Ms Clare McLean (Peter Webb & Associates) addressed the DAP against the recommendation for the application at Item 8.2 and responded to questions from the panel.
- 7.21 The City of Rockingham addressed the DAP in relation to the application at Item 8.2 and responded to questions from the panel.

***The presentations at Items 7.4 - 7.21 were heard prior to the application at Item 8.2.***

## **8. Form 1 – Responsible Authority Reports – DAP Applications**

### **8.1 Lot 503 (113-121) Safety Bay Road, Shoalwater**

Development Description:	Proposed Service Station
Applicant:	APEX Planning
Owner:	MPX Group Pty Ltd
Responsible Authority:	City of Rockingham
DAP File No:	DAP/22/02177

**Mr Ian Birch**  
Presiding Member, Metro Outer JDAP



## REPORT RECOMMENDATION

**Moved by:** Cr Mark Jones

**Seconded by:** Cr Lorna Buchan

With the approval of the Mover and Seconder, the following amendment was made:

(i) *That the preamble be amended to include the following:*

*The City of Rockingham responsible authority report (RAR) is to be submitted to the DAP Secretariat by midday on the 29 June 2022.*

**REASON:** A deferral cannot be indefinite.

That the Metro Outer Joint Development Assessment Panel resolves to:

**DEFER** Development Assessment Panel reference DAP22/02177 and accompanying plans to give the applicant time to prepare an updated site plan which considers alternative access arrangements for Safety Bay Road:

- Overall Site Plan, dated 13.12.2021;
- Proposed Site Plan, dated 13.12.2021;
- Demolition Plan, dated 23.02.2021;
- Proposed Levels Plan, dated 13.12.2021;
- Proposed Floor Plan, dated 24.06.2021;
- Proposed Canopy Plan, dated 23.02.2021;
- Proposed Elevations Shop, dated 13.12.2021;
- Proposed Elevations Canopy, dated 23.02.2021; and
- Proposed Landscaping Plan, dated 13.12.2021.

The City of Rockingham responsible authority report (RAR) is to be submitted to the DAP Secretariat by midday on 29 June 2022.

### Reason

1. There will be a traffic conflict between the proposed southern crossover for the Service Station and the existing adjoining main crossover for the Shoalwater Neighbourhood Shopping Centre, which is likely to have an unacceptable traffic safety risk and conflict with traffic entering and exiting from Safety Bay Road. The applicant must submit a revised site plan for the Service Station and the Shopping Centre to reconcile this traffic conflict between the crossovers, to the extent that the development can comply with Austroad's requirements.

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

For: Cr Mark Jones  
Cr Lorna Buchan

Against: Mr Ian Birch  
Ms Sheryl Chaffer  
Mr Jason Hick

**Mr Ian Birch**  
Presiding Member, Metro Outer JDAP



## ALTERNATE MOTION

**Moved by:** Ms Sheryl Chaffer

**Seconded by:** Mr Jason Hick

With the approval of the Mover and Seconder, the following amendment was made:

That Condition No. 3a be deleted and the remaining sub-points be re-alphabetised accordingly.

**REASON:** The condition is considered to significantly change the approval. The RAR motion to defer the application to achieve the same end was, by majority, rejected by the panel.

That the Metro Outer Joint Development Assessment Panel resolves to:

**Approve** DAP Application reference DAP/22/02177 and the accompanying plans:

- Overall Site Plan, dated 13.12.2021;
- Proposed Site Plan, dated 13.12.2021;
- Demolition Plan, dated 23.02.2021;
- Proposed Levels Plan, dated 13.12.2021;
- Proposed Floor Plan, dated 24.06.2021;
- Proposed Canopy Plan, dated 23.02.2021;
- Proposed Elevations Shop, dated 13.12.2021;
- Proposed Elevations Canopy, dated 23.02.2021; and
- Proposed Landscaping Plan, dated 13.12.2021.

In accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of clause 68(2)(b) of the deemed provisions of the City of Rockingham Town Planning Scheme No. 2, subject to the following conditions:-

### Conditions

1. This decision constitutes development approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. All development must be carried out in accordance with the approved plans, save that, in the event of an inconsistency between the approved plans and a requirement of the conditions set out below, the requirements of the conditions shall prevail.
3. Prior to apply for a Building Permit, revised plans shall be provided, illustrating:
  - a. The proposed Service Station Pylon Sign and the existing Shopping Centre Pylon Sign to the north do not restrict sight distances.
  - b. The existing Shopping Centre Pylon Sign to the north is relocated to provide at least 1.0m horizontal clearance from the road pavement.

**Mr Ian Birch**  
Presiding Member, Metro Outer JDAP



4. Stormwater from all roofed and paved areas shall be collected and contained on site. Stormwater must not affect or be allowed to flow onto or into any other property or road reserve. All stormwater generated by the development must be managed in accordance with Planning Policy 3.4.3 - Urban Water Management to the satisfaction of the City of Rockingham. The approved plans must be implemented and all works must be maintained for the duration of the development.
5. Prior to applying for a Building Permit, a Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham:
  - (i) the location of bin storage areas and bin collection areas;
  - (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
  - (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
  - (iv) frequency of bin collections.

All works must be carried out in accordance with the Waste Management Plan and maintained at all times, for the duration of development.

6. Prior to applying for a Building Permit, a Landscaping Plan to the satisfaction of the City of Rockingham must be prepared and must include the following detail:
  - (i) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
  - (ii) any lawns to be established and areas to be mulched;
  - (iii) any natural landscape areas to be retained;
  - (iv) those areas to be reticulated or irrigated; and
  - (v) proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas.

The landscaping, paving and reticulation must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City of Rockingham for the duration of the development.

7. Prior to applying for a building permit, an external lighting plan is to be submitted and approved by the City of Rockingham demonstrating compliance with AS 4282 – Control of Obtrusive Effects of Outdoor Lighting. External lighting is to be implemented in accordance with the lighting plan for the duration of the development, to the satisfaction of the City of Rockingham.
8. Prior to the occupation of the development, any damage to existing City infrastructure within the road reservation including kerb, road pavement, turf, irrigation, bollards and footpaths is to be repaired to the satisfaction of the City of Rockingham at the cost of the applicant.
9. Prior to occupation, a final Acoustic Assessment must be prepared and submitted to the City of Rockingham which demonstrates to the City's satisfaction, that the completed development complies with the *Environmental Protection (Noise) Regulations 1997*.





10. The recommendations of the Llyod George Acoustics' Environmental Noise Assessment Reference: 20115960-01 are to be implemented for the duration of the development.
11. All commercial vehicle movements associated with service delivery and refuelling shall outside the AM and PM peak hour periods to minimise traffic safety risk.
12. The Service Station development shall incorporate Stage 1 vapour recovery and Stage 2 vapour recovery systems which are to be installed and operated at all times under a regular program of inspection and maintenance for the life of the development.

### FOOTNOTES

- Note 1: Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
- Note 2: A separate approval from the City's Health Services is required under the Food Act 2008 and Food Safety Standards. This is required prior to the lodgement of an application for a Building Permit - Certified. The applicant should liaise with the City's Health Services in this regard.
- Note 3: A Building Permit must be obtained for the proposed works prior to commencement of site works. The applicant and owner should liaise with the City's Building Services in this regard.
- Note 4: All works in the road reserve, including construction of a crossover, planting of street trees, and other streetscape works and works to the road carriageway must be to the specifications of the City of Rockingham; the applicant should liaise with the City of Rockingham's Engineering Services in this regard.
- Note 5: A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building. The applicant should liaise with the City of Rockingham's Building Services in this regard.

### **AMENDING MOTION 1**

**Moved by:** Mr Ian Birch

**Seconded by:** Ms Sheryl Chaffer

That Condition No. 12 be amended to read as follows:

*The Service Station development shall incorporate Stage 1 vapour recovery ~~and Stage 2 vapour recovery~~ system which ~~are~~ **is** to be installed and operated at all times under a regular program of inspection and maintenance for the life of the development.*

**Mr Ian Birch**  
Presiding Member, Metro Outer JDAP



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

For: Mr Ian Birch  
Ms Sheryl Chaffer  
Mr Jason Hick

Against: Cr Lorna Buchan  
Cr Mark Jones

**REASON:** The addition of a stage 2 recovery system required by the condition is not considered sustainable. As acknowledged in the Responsible Authority Report, the Emissions Impact Assessment, peer reviewed by the City, concludes that the application as submitted meets required air quality standards. It was noted that current industry standards in WA do not require that new petrol stations apply a VR2 system at their bowser hoses.

**ALTERNATE RECOMMENDATION (AS AMENDED)**

That the Metro Outer Joint Development Assessment Panel resolves to:

**Approve** DAP Application reference DAP/22/02177 and the accompanying plans:

- Overall Site Plan, dated 13.12.2021;
- Proposed Site Plan, dated 13.12.2021;
- Demolition Plan, dated 23.02.2021;
- Proposed Levels Plan, dated 13.12.2021;
- Proposed Floor Plan, dated 24.06.2021;
- Proposed Canopy Plan, dated 23.02.2021;
- Proposed Elevations Shop, dated 13.12.2021;
- Proposed Elevations Canopy, dated 23.02.2021; and
- Proposed Landscaping Plan, dated 13.12.2021.

In accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of clause 68(2)(b) of the deemed provisions of the City of Rockingham Town Planning Scheme No. 2, subject to the following conditions:-

Conditions

1. This decision constitutes development approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. All development must be carried out in accordance with the approved plans, save that, in the event of an inconsistency between the approved plans and a requirement of the conditions set out below, the requirements of the conditions shall prevail.

**Mr Ian Birch**  
Presiding Member, Metro Outer JDAP



3. Prior to apply for a Building Permit, revised plans shall be provided, illustrating:
  - a. The proposed Service Station Pylon Sign and the existing Shopping Centre Pylon Sign to the north do not restrict sight distances.
  - b. The existing Shopping Centre Pylon Sign to the north is relocated to provide at least 1.0m horizontal clearance from the road pavement.
4. Stormwater from all roofed and paved areas shall be collected and contained on site. Stormwater must not affect or be allowed to flow onto or into any other property or road reserve. All stormwater generated by the development must be managed in accordance with Planning Policy 3.4.3 - Urban Water Management to the satisfaction of the City of Rockingham. The approved plans must be implemented and all works must be maintained for the duration of the development.
5. Prior to applying for a Building Permit, a Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham:
  - (i) the location of bin storage areas and bin collection areas;
  - (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
  - (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
  - (iv) frequency of bin collections.

All works must be carried out in accordance with the Waste Management Plan and maintained at all times, for the duration of development.
6. Prior to applying for a Building Permit, a Landscaping Plan to the satisfaction of the City of Rockingham must be prepared and must include the following detail:
  - (i) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
  - (ii) any lawns to be established and areas to be mulched;
  - (iii) any natural landscape areas to be retained;
  - (iv) those areas to be reticulated or irrigated; and
  - (v) proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas.

The landscaping, paving and reticulation must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City of Rockingham for the duration of the development.
7. Prior to applying for a building permit, an external lighting plan is to be submitted and approved by the City of Rockingham demonstrating compliance with AS 4282 – Control of Obtrusive Effects of Outdoor Lighting. External lighting is to be implemented in accordance with the lighting plan for the duration of the development, to the satisfaction of the City of Rockingham.



8. Prior to the occupation of the development, any damage to existing City infrastructure within the road reservation including kerb, road pavement, turf, irrigation, bollards and footpaths is to be repaired to the satisfaction of the City of Rockingham at the cost of the applicant.
9. Prior to occupation, a final Acoustic Assessment must be prepared and submitted to the City of Rockingham which demonstrates to the City's satisfaction, that the completed development complies with the *Environmental Protection (Noise) Regulations 1997*.
10. The recommendations of the Llyod George Acoustics' Environmental Noise Assessment Reference: 20115960-01 are to be implemented for the duration of the development.
11. All commercial vehicle movements associated with service delivery and refuelling shall outside the AM and PM peak hour periods to minimise traffic safety risk.
12. The Service Station development shall incorporate Stage 1 vapour recovery system which is to be installed and operated at all times under a regular program of inspection and maintenance for the life of the development.

#### FOOTNOTES

- Note 1: Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
- Note 2: A separate approval from the City's Health Services is required under the Food Act 2008 and Food Safety Standards. This is required prior to the lodgement of an application for a Building Permit - Certified. The applicant should liaise with the City's Health Services in this regard.
- Note 3: A Building Permit must be obtained for the proposed works prior to commencement of site works. The applicant and owner should liaise with the City's Building Services in this regard.
- Note 4: All works in the road reserve, including construction of a crossover, planting of street trees, and other streetscape works and works to the road carriageway must be to the specifications of the City of Rockingham; the applicant should liaise with the City of Rockingham's Engineering Services in this regard.
- Note 5: A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building. The applicant should liaise with the City of Rockingham's Building Services in this regard.



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

For: Mr Ian Birch  
Ms Sheryl Chaffer  
Mr Jason Hick

Against: Cr Lorna Buchan  
Cr Mark Jones

**REASON:** The Alternate Motion as provided by the City of Rockingham under DAP Regulation 13 request. Whilst acknowledging that the number of crossovers serving the site from Safety Bay Road is not ideal in terms of current traffic engineering design standards, it was noted that this situation has been in place for many years and on evidence provided, has operated without undue traffic safety hazard. Modifications proposed to the two crossovers adjacent to the proposed petrol station slightly improve the current situation. Further, the revision of access by rationalisation of crossovers for the overall site would require significant modifications to the carpark currently serving the adjacent shopping centre and while recognising that this is all within the one lot, arguably it could be considered beyond the scope of the application before the panel. By majority, the panel was satisfied that the application could be approved, with appropriate conditions provided by the City.

**PROCEDURAL MOTION**

**Moved by:** Ms Sheryl Chaffer

**Seconded by:** Cr Mark Jones

That the meeting be adjourned for a period of 5 minutes.

*The meeting was adjourned at 11:18am.*

*The meeting was reconvened at 11:22am.*

**The Procedural Motion was put and CARRIED UNANIMOUSLY**

**REASON:** To allow members a comfort break

**8.2 Lot 53 (No.67) Folly Road, Baldivis**

Development Description:	Proposed Place of Worship (Hindu Temple)
Applicant:	Archetype Design Studio
Owner:	Ms A P Byers
Responsible Authority:	City of Rockingham
DAP File No:	DAP/21/02148

**Mr Ian Birch**  
Presiding Member, Metro Outer JDAP



## REPORT RECOMMENDATION

**Moved by:** Cr Mark Jones

**Seconded by:** Cr Lorna Buchan

That the Metro Outer Joint Development Assessment Panel resolves to:

**Refuse** DAP Application reference DAP/21/02148 and the accompanying plans:

- Location Plan, Drawing No. 01, Revision 1, dated 2 March 2022;
- Site Plan: Total Lot, Drawing No. 02, Revision 1, dated 2 March 2022;
- Proposed Development East of Mid Tree Line, Drawing No.3, Revision 1, dated 2 March 2022;
- Temple Plan, Priests Quarters & Toilet Block, Drawing No.4, Revision 1, dated 2 March 2022;
- Elevations, Drawing No.5, Revision 1, dated 2 March 2022;
- Multi-Purpose Hall, Dining & Library Plan, Drawing No.6, Revision 1, dated 2 March 2022;
- Multi-Purpose Hall, Dining & Library Elevations, Drawing No.7, Revision 1, dated 2 March 2022;
- Guests Accommodation Plan & Elevations, Drawing No.8, Revision 1, dated 2 March 2022;
- Landscape Plan, Drawing No.9, Revision 1, dated 2 March 2022;
- Staging Diagram, Drawing No.10, Revision 1, dated 2 March 2022;
- Perspective Renders, Drawing No.11, Revision 1, dated 2 March 2022.

In accordance with Clause 68 of the 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 following reasons:

1. The proposed development is not consistent with the City's Town Planning Scheme No.2 Objective of the Rural Zone (Clause 4.11.1), which is to preserve land for farming and foster semi-rural development which is sympathetic to the rural character of the area.
2. The proposed development is not consistent with the strategic intent for Planning Precinct 2A under the City of Rockingham Planning Policy 3.3.1 – Rural Land Strategy, as it has not been sufficiently demonstrated that the development will protect and enhance the visual character of the rural area.
3. The intensity of the proposed development exceeds what could reasonably be expected within this rural area, based on the number of people likely to attend the site.
4. The proposed development has not demonstrated that the existing or proposed landscaping treatments, intended to visually screen the development, can be retained in its entirety and maintain compliance with State Planning Policy 3.7 - Planning Bushfire Prone Areas.

**Mr Ian Birch**  
Presiding Member, Metro Outer JDAP



5. The acoustic barrier required to mitigate noise on Lot 923 Young Road, Baldivis is considered to adversely impact visual amenity when viewed from land to the north of the site; Young Road adjoining the site to the east, and potentially from Folly Road to the south.
6. The proposed development includes 'Grouped Dwellings' which is a prohibited ('X') land use in the Rural zone, under the City's Town Planning Scheme No.2.
7. The proposed development is contrary to orderly and proper planning principles.

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

For: Cr Lorna Buchan  
Cr Mark Jones

Against: Mr Ian Birch  
Ms Sheryl Chaffer  
Mr Jason Hick

**PROCEDURAL MOTION**

**Moved by:** Mr Ian Birch

**Seconded by:** Mr Jason Hick

That the consideration of DAP Application DAP/21/02148 be deferred until 8 August 2022, in accordance with section 5.10.1a of the DAP Standing Orders 2020, for the following reason:

To enable further discussion with the City to consider the late information provided by the applicant and seek clarification concerning:

- Landfill requirement for stormwater management and effluent disposal
- Hours of operation as it affects environmental noise measures
- Bushfire management requirements as they affect landscaping and screening
- Housing accommodation proposed on site

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

For: Mr Ian Birch  
Ms Sheryl Chaffer  
Mr Jason Hick

Against: Cr Lorna Buchan  
Cr Mark Jones

**REASON:** To enable the applicant and the City to consider and assess the outstanding matters referred to in the above procedural motion.

*Ms Sheryl Chaffer (Deputy Presiding Member) left the meeting at 2:30pm.*



**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 -

<b>Current SAT Applications</b>				
<b>File No. &amp; SAT DR No.</b>	<b>LG Name</b>	<b>Property Location</b>	<b>Application Description</b>	<b>Date Lodged</b>
DAP/21/2047 DR257/2021	City of Swan	Lots 136 (26) & 3235 (34) Asturian Drive and Lots 137 (238) & 138 (230) Henley Street, Henley Brook	Proposed education facility	03/12/2021

**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 2:33pm.