



Minutes of the Metro South-West Joint Development Assessment Panel

Meeting Date and Time: 10 March 2015; 1pm
Meeting Number: MSWJDAP/63
Meeting Venue: City of Fremantle
William Street,
Fremantle

Attendance

DAP Members

Mr Ian Birch (Acting Presiding Member)
Mr Paul Drechsler (Alternate Deputy Presiding Member)
Mr Robert Nicholson (Specialist Member)
Cr Joshua Wilson (Local Government Member, City of Fremantle)
Cr Jon Strachan (Local Government Member, City of Fremantle)
Cr Joy Stewart (Local Government Member, City of Rockingham)
Cr Richard Smith (Local Government Member, City of Rockingham)

Officers in attendance

Ms Natalie Martin-Goode (City of Fremantle)
Ms Chloe Johnston (City of Fremantle)
Ms Donna Shaw (City of Rockingham)
Mr Mike Ross (City of Rockingham)
Ms Frances Page-Croft (Department of Planning)
Ms Anika Chhabra (Department of Planning)

Local Government Minute Secretary

Ms Michelle Gibson

Applicants and Submitters

Ms Shannon O'Loughlin (Urbis)
Mr Stewart Doran (Urbis)
Mr Simon Wilkes (Urbis)
Mr Paul Cunningham (Rowe Group)
Mr Greg Rowe (Rowe Group)
Mr Tony Shaw (Shawmac)
Ms Tamara Smith (360 Environmental)
Mr Darrel Kramer (RUIC Fire)
Ms Vanessa Aikins (Principal, Rockingham Montessori School)

Members of the Public

Mr Terry Sanfead
Ms Anna Sanfead



1. Declaration of Opening

Due to the absence of the Presiding Member and in accordance with section 2.4.1 of the Standing Orders 2012, the Deputy Presiding Member Mr Ian Birch took the chair and declared the meeting open at 1.00pm on 10 March 2015. The Deputy Presiding Member 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

Mr David Gray (Presiding Member)
Cr Andrew Sullivan (Local Government Member, City of Fremantle)

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.

Minutes of the Metro South-West JDAP meeting no.62 held on 3 March 2015 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

Nil

7. Deputations and presentations

7.1 Mr Simon Wilkes (Urbis) presenting for the application at Item No 8.1. The presentation will speak in support the RAR recommendation and Mr Wilkes will be available to answer questions from the panel.

The presentation at Item 7.1 was heard prior to the application at Item 8.1.

7.2 Mr Greg Rowe (Rowe) presenting for the application at Item No 8.2a and No 8.2b.



- 7.3 Ms Vanessa Aikins (Principal of Rockingham Montessori School) presenting for the application at Item No 8.2a and No 8.2b.
- 7.4 Mr Darrel Krammer (RUC Fire) presenting for the application at Item No 8.2a and No 8.2b.
- 7.5 Mr Tony Shaw (Shawmac) presenting for the application at Item No 8.2a and No 8.2b.
- 7.6 Mr Terry and Ms Anna Sanfead presenting against the application at Item No 8.2a and No 8.2b.

The presentation at Item 7.2 -7.6 was heard prior to the application at Item 8.2a & 8.2b

8. Form 1 - Responsible Authority Reports – DAP Application

- 8.1** Property Location: No. 111 (Lot P82, 11, 14, 15, 16, 700, 12, 13, 173, 175, 172, 10, 701) Stirling Highway , North Fremantle
- Application Details: Additions and alterations to existing Flour Mill
- Applicant: Allied Mills (Urbis)
- Owner: Allied Mills, Commissioner of Railways, Main Roads
- Responsible authority: City of Fremantle
- DoP File No: DAP/15/00716

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Cr Jon Strachan

Seconded by: Cr Joshua Wilson

Approve DAP/15/00716 and accompanying plans 2104-A01, 2104-A02, 2104-A03, 2104 – A04, 2104-A10, 2104-A11, 2104-A12, 2104- A13, 2104-A14, 2104-A15, 2104-A20, DA100, DA103 in accordance with City of Fremantle Local Planning Scheme No. 4 and the Metropolitan Region Scheme subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans dated 13 January 2015. It does not relate to any other development on this lot and must substantially commence within 4 years from the date of the decision letter. If the subject development is not substantially commenced within a 4 year period, the approval shall lapse and be of no further effect.
2. All storm water discharge shall be contained and disposed of on site or otherwise approved by the Chief Executive Officer – City of Fremantle.



Advice note:

- i. This property is affected by land reserved in the Metropolitan Region Scheme as shown on the enclosed extract of Main Roads drawing (Drawing No. 1.7150) and will be required for road purposes at some time in the future. The planning of Stirling Highway is in its final stages of approval. Whilst the Flour Mill is currently accessed via Stirling Highway, Main Roads advises that in the longer term Main Roads reserves the right to review this access arrangement.

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

8.2a Property Location:	Lot 700 (1791) & Lot 11 (1809) Mandurah Road, Karnup
Application Details:	Educational Establishment
Applicant:	Rowe Group
Owner:	Rockingham Montessori School inc
Responsible authority:	City of Rockingham
DoP File No:	DAP/14/00687

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Cr Richard Smith

Seconded by: Cr Joy Stewart

That the Metro South-West JDAP resolves to:

Refuse DAP Application reference DAP/14/00687 and accompanying plans SKO1 REV A dated 27 November 2014, SK02 (no Rev) dated 26 November 2014, SK03 REV A dated 26 November 2014, SK04 REV B dated 26 November 2014, SK05 REV A dated 26 November 2014, SK06 REV A dated 26 November 2014, SK07 REV A dated 26 November 2014, SK08 REV A dated 26 November 2014, SK09 REV A dated 26 November 2014, SK10 REV A dated 27 November 2014, SK11 REV A dated 26 November 2014, SK12 REV A dated 26 November 2014, SK 13 REV B dated 26 November 2014, SK 14 REV 1 dated November 2014, in accordance with Clause 6.7.1(b) of the City of Rockingham Local Planning Scheme No. 2, for the following reasons:

Reasons

1. An 'Educational Establishment' is not permitted on Lots 700 and 701 Mandurah Road by virtue of not meeting the prerequisites of clause 7.3 of Town Planning Scheme No.2 for a change of non-conforming use, as the development would be more detrimental to the amenity of the locality than the existing non-conforming use, and it would not be closer to the intended purpose of the zone than the existing non-conforming use.
2. The proposed development is inconsistent with clause 4.11.1 of Town Planning Scheme No.2, being the objectives of the Rural Zone, as the proposal does not preserve land for farming nor foster semi-rural development which is sympathetic to the characteristics of the area in which it is located.
3. The development cannot provide for safe and efficient access to and from Mandurah Road.



4. The proposed development is inconsistent with the objectives of Planning Unit No.4C of Planning Policy 3.1.1 - Rural Land Strategy, Planning Unit C as the proposed development is not setback 40m from Mandurah Road and 10m from all other boundaries and the scale of the development is considered to intrude into the landscape.
5. The traffic generated by the development will adversely affect the functioning and safety of Mandurah Road, which is inconsistent with its role as a Regional Road.
6. The proposed development is inconsistent with clause 1.6.2(b) of Town Planning Scheme No.2 as it is not considered to secure the amenity, health and convenience of the Scheme Area and the inhabitants thereof by virtue of:
 - (a) introducing a land use that substantially increases traffic and noise and results in adverse visual impacts;
 - (b) not demonstrating that the method of providing drinking water to service the development will not result in an unacceptable risk to human health by virtue of the effluent disposal area being on the same site as the groundwater abstraction.
7. The proposed development is inconsistent with clause 1.6.2(e) of Town Planning Scheme No.2, which aims to protect and enhance the environmental values and natural resources of the Scheme Area and to promote ecologically and environmentally sustainable land use and development which minimises resource use and waste, as the development:
 - (a) will result in extensive vegetation clearing and reduction; and
 - (b) requires extensive cut and fill.
8. The development is inconsistent with Clause 4.11.2(a) of Town Planning Scheme No.2 as it does not achieve the required 30 metre setback to Mandurah Road which is required to provide for a vegetated visual buffer and the intrusion of parking and access areas within the required setback area results in an adverse visual impact.
9. The development does not provide for adequate protection to life and property from bushfire as required by the Western Australian Planning Commission's Planning for Bush Fire Protection Guidelines.
10. The development will adversely impact on local rural amenity as a result of the substantial vegetation clearing and modification and earthworks required to facilitate the development on the site.

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

8.2b Property Location: Lot 700 (1791) & Lot 11 (1809) Mandurah Road,
Karnup
Application Details: Educational Establishment
Applicant: Rowe Group
Owner: Rockingham Montessori School Inc.
Responsible authority: WAPC
DoP File No: DAP/14/00687



REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Cr Richard Smith

Seconded by: Mr Paul Drechsler

That the Metro South-West JDAP resolves to:

Refuse DAP Application reference DAP/14/00687 and accompanying plans SK01 Rev A, SK02, SK03 Rev A, SK04 Rev B, SK05 Rev A, SK06 Rev A, SK07 Rev A, SK08 Rev A, SK09 Rev 9, SK10 Rev A, SK11 Rev A, SK12 Rev A, SK13 Rev B, SK14 Rev A for an educational establishment at Lots 11 and 700 Mandurah Road Karnup, for the following reasons:

Reasons

1. *The development does not comply with State Planning Policy 1 - State Planning Framework Policy, State Planning Policy 2.5 - Land Use Planning in Rural Areas and State Planning Policy 3 - Urban Growth and Settlement as it:*
 - (a) *does not facilitate the efficient use of existing urban infrastructure and human services and represents a development in an area which is not well serviced, where services and facilities are difficult to provide and which creates unnecessary demands for infrastructure and human services,*
 - (b) *does not provide for accessible community resources, including education,*
 - (c) *does not integrate land use and transport planning to reduce the need for transport, promote the use of public transport and reduce the dependence on private cars, and*
 - (d) *does not encourage a safe environment in respect of access, bushfire and health and safety, high standard of urban design and a sense of neighbourhood and community identity.*
2. *The development does not comply with State Planning Policy 2 - Environment and Natural Resources Policy as it:*
 - (a) *does not protect, conserve and enhance the natural environment;*
 - (b) *does not promote and assist in the wise and sustainable use and management of natural resources;*
 - (c) *does not take account of the availability of water resources to ensure maintenance of water quality and quantity for existing and future environmental and human uses.*
3. *The development does not comply with State Planning Policy 3.4 - Natural Hazards and Disasters as it does not demonstrate compliance with the Western Australian Planning Commission's Planning for Bushfire Protection Guidelines in respect of safe access/egress and secure water supplies.*
4. *The development does not comply with Development Control Policy 5.1 - Regional Roads (Vehicular Access), which seeks to minimise and rationalise*



existing access arrangements to regional roads. The development will result in the intensification of use of two existing access points to the site and require alterations to Mandurah Road leading to adverse traffic safety issues, this being contrary to the purpose of Mandurah Road as a Primary Regional Road reserved under the Metropolitan Region Scheme. No other alternative access is achievable.

5. *The development would prejudice the orderly and proper planning of the locality by reason of intensifying the land use on the subject site contrary to the objectives of the 'Rural' zone of the Metropolitan Region Scheme and 'Special Rural' and 'Rural' zones of the City of Rockingham Town Planning Scheme No. 2, as it does not:*
- (a) *provide for a variety of rural living environments based on defined lot sizes, land form and natural environmental characteristics,*
 - (b) *provide for a range of associated compatible development, consistent with the environmental opportunities and constraints applicable to individual sites, and*
 - (c) *ensure development is sited, designed and managed in harmony with the natural environment so as to protect the rural landscape and amenity.*

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

9. Appeals to the State Administrative Tribunal

Nil

10. 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 2.45pm.