



Metro South-West Joint Development Assessment Panel Minutes

Meeting Date and Time: 10 December 2018; 10:00am
Meeting Number: MSWJDAP/175
Meeting Venue: City of Rockingham Boardroom
Civic Boulevard
Rockingham

Attendance

DAP Members

Mr Tony Arias (Presiding Member)
Ms Samantha Thompson (A/Deputy Presiding Member)
Mr Andrew Macliver (Specialist Member)
Cr Chris Elliot (Local Government Member, City of Rockingham)
Cr Deb Hamblin (Local Government Member, City of Rockingham)

Officers in attendance

Mr Kevin Keyes (City of Rockingham)
Mr Greg Delahunty (City of Rockingham)
Mr Mike Ross (City of Rockingham)
Mr Danny Sriono (City of Rockingham)

Minute Secretary

Ms Nicole D'Alessandro (City of Rockingham)

Applicants and Submitters

Mr Sean Morrison (Urbis)
Mr Malcolm Jones (Meyer Shircore)
Mr Benham Bordbar (Transcore)
Ms Emma Dunning (Urbis)
Mr Regan Harray (7 Eleven)
Mr Noel Ryan (Stockland)
Mr Mao Zhu (Transcore)

Members of the Public / Media

Mr Stuart Horton from The Sound Telegraph was in attendance.

1. Declaration of Opening

The Presiding Member declared the meeting open at 10.01am on 10 December 2018 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 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

DAP Member, Mr Tony Arias, declared an impartiality interest in item 8.1. Mr Arias has utilised the services of the applicant, Urbis.

In accordance with section 4.6.1 and 4.6.2 of the DAP Standing Orders 2017, the A/Deputy Presiding Member determined that the member listed above, who had disclosed an impartiality interest, was permitted to participate in discussion and voting on the item.

7. Deputations and Presentations

7.1 Mr Sean Morrison (Urbis) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.

7.2 Mr Malcolm Jones (Meyer Shircore) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.

7.3 Mr Behnam Bordbar (Transcore) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.



8. Form 1 – Responsible Authority Reports – DAP Application

8.1 Property Location:	Lot 158 Nairn Drive, Baldivis
Development Description:	Proposed Convenience Store and Showroom
Applicant:	Urbis Pty Ltd
Owner:	Trust Company Limited of C/- Stockland Trust Management
Responsible Authority:	City of Rockingham
DAP File No:	DAP/18/01441

REPORT RECOMMENDATION

Moved by: Cr Chris Elliott

Seconded by: Cr Deb Hamblin

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

Refuse DAP Application reference DAP/18/01463 and accompanying plans

- Developed Nemap Diagram, Drawing No.SK006-3, dated June 2018;
- Existing Site Survey, Drawing No.SK007-4, dated June 2018;
- Site Plan, Drawing No.SK008-5, dated September 2018;
- Ground Floor Plans, Drawing No.SK008-6, dated September 2018;
- Elevations, Drawing No.SK008-7, dated September 2018;
- Perspectives 1, Drawing No.SK008-8, dated September 2018; and
- Perspectives 2, Drawing No.SK008-9, dated September 2018.

In accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of 68(2)(b) of the deemed provisions of the City of Rockingham Town Planning Scheme No.2, Clauses 4.5.1, 4.5.2, 4.5.3 and 4.5.4 of the City of Rockingham Town Planning Scheme No.2, State Planning Policy 4.2 - Activities Centres for Perth and Peel (SPP4.2), Baldivis Activity Centre Structure Plan (BACSP), Planning Policy 3.2.4 - Baldivis Town Centre and the Detailed Area Plan for Lot 158 Nairn Drive, subject to the following reasons as follows:

Reasons

1. The development fails to comply with Clauses 4.5.1 and 4.5.3 of the City's Town Planning Scheme No.2 as the development does not have provide a 'Main Street' design and comply with the principles of the adopted planning framework for District Town Centre Zone.
2. The development fails to comply with Clauses 4.5.2 (b) of the City's Town Planning Scheme No.2 as the development does not comply with the requirements of Planning Policy 3.2.4 Baldivis Town Centre as:
 - Buildings do not achieve an appropriate use profile with an active, ground floor street frontage development
 - Sufficient variety and quality of design standards has not been provided most notable the extensive false façade;
 - A showroom is not a preferred land use within the Core Precinct
 - Drive-through facilities are not supported in the Core Precinct
 - Continuous pedestrian shelter at street level has not been provided



- The design does not achieve an adequate level of articulation and detail consistent with the intent of the Policy requirements
- 3. The development does not comply with Clause 5.2 'Activity', Clause 5.3 'Movement', Clause 5.4 'Urban Form', Clause 5.6 'Out of centre Development' and Clause 6.6 'Development Control' and does not satisfy Clause 4 'Policy Objectives' of State Planning Policy 4.2 - Activities Centres for Perth and Peel.
- 4. The development fails to comply with the Baldivis Town Centre Lot 158 Nairn Drive Local Development Plan, in particular as the development fails to provide a contiguous built form framing of the Town Centre along the Nairn Drive frontage and subsequently, this will reduce the potential for active, ground floor street frontage development.
- 5. The development fails to sufficiently demonstrate that the safe traffic movement onto Nairn Drive and the surrounding road network as per Clause 67 (s) of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2 – Deemed Provisions)*.
- 6. The development fails to sufficiently demonstrate that the development has the capacity to manage traffic flows on-site without creating a traffic hazard as per Clause 67 (s) of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2 – Deemed Provisions)*.
- 7. The proposal fails to provide sufficient information to determine the potential environmental impacts of the development on Tamworth Hill Swamp (Conservation Category Westland) as per clause 67 (n) and (o) of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2 – Deemed Provisions)*.

AMENDING MOTION

Moved by: Mr Tony Arias

Seconded by: Cr Chris Elliott

That Reasons 5, 6 and 7 be deleted.

REASON: These reasons haven't been sufficiently demonstrated and should not form part of the refusal. Reason 7 has also now been resolved since the Responsible Authority Report has been presented.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REPORT RECOMMENDATION (AS AMENDED)

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

Refuse DAP Application reference DAP/18/01463 and accompanying plans

- Developed Nearmap Diagram, Drawing No.SK006-3, dated June 2018;
- Existing Site Survey, Drawing No.SK007-4, dated June 2018;
- Site Plan, Drawing No.SK008-5, dated September 2018;
- Ground Floor Plans, Drawing No.SK008-6, dated September 2018;



- Elevations, Drawing No.SK008-7, dated September 2018;
- Perspectives 1, Drawing No.SK008-8, dated September 2018; and
- Perspectives 2, Drawing No.SK008-9, dated September 2018.

In accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of 68(2)(b) of the deemed provisions of the City of Rockingham Town Planning Scheme No.2, Clauses 4.5.1, 4.5.2, 4.5.3 and 4.5.4 of the City of Rockingham Town Planning Scheme No.2, State Planning Policy 4.2 - Activities Centres for Perth and Peel (SPP4.2), Baldivis Activity Centre Structure Plan (BACSP), Planning Policy 3.2.4 - Baldivis Town Centre and the Detailed Area Plan for Lot 158 Nairn Drive, subject to the following reasons as follows:

Reasons

1. The development fails to comply with Clauses 4.5.1 and 4.5.3 of the City's Town Planning Scheme No.2 as the development does not have provide a 'Main Street' design and comply with the principles of the adopted planning framework for District Town Centre Zone.
2. The development fails to comply with Clauses 4.5.2 (b) of the City's Town Planning Scheme No.2 as the development does not comply with the requirements of Planning Policy 3.2.4 Baldivis Town Centre as:
 - Buildings do not achieve an appropriate use profile with an active, ground floor street frontage development
 - Sufficient variety and quality of design standards has not been provided most notable the extensive false façade;
 - A showroom is not a preferred land use within the Core Precinct
 - Drive-through facilities are not supported in the Core Precinct
 - Continuous pedestrian shelter at street level has not been provided
 - The design does not achieve an adequate level of articulation and detail consistent with the intent of the Policy requirements
3. The development does not comply with Clause 5.2 'Activity', Clause 5.3 'Movement', Clause 5.4 'Urban Form', Clause 5.6 'Out of centre Development' and Clause 6.6 'Development Control' and does not satisfy Clause 4 'Policy Objectives' of State Planning Policy 4.2 - Activities Centres for Perth and Peel.
4. The development fails to comply with the Baldivis Town Centre Lot 158 Nairn Drive Local Development Plan, in particular as the development fails to provide a contiguous built form framing of the Town Centre along the Nairn Drive frontage and subsequently, this will reduce the potential for active, ground floor street frontage development.

REASON: In accordance with details contained in the Responsible Authority Report and Amending Motion.

The Report Recommendation (as amended) was put and CARRIED UNANIMOUSLY.



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

Nil

10. Appeals to the State Administrative Tribunal

The Presiding Member noted the following State Administrative Tribunal Application -

Current Applications		
LG Name	Property Location	Application Description
City of Rockingham	Lot 301 (2-6) Council Avenue, Rockingham	Proposed health studio, restaurant, showrooms and convenience store

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 11.39am.