



Metro South-West Joint Development Assessment Panel Minutes

Meeting Date and Time: 26 February 2019, 1:00pm
Meeting Number: MSWJDAP/179
Meeting Venue: City of Rockingham Boardroom
Civic Boulevard, Rockingham

Attendance

DAP Members

Mr Tony Arias (Presiding Member)
Ms Lee O'Donohue (Deputy Presiding Member)
Mr Andrew Macliver (Specialist Member)
Cr Deb Hamblin (Local Government Member, City of Rockingham)
Cr Chris Elliott (Local Government Member, City of Rockingham)

Officers in attendance

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

Minute Secretary

Ms Nicole D'Alessandro (City of Rockingham)

Applicants and Submitters

Mr Jon Riley (Riley Consulting)
Mr Alex McGlue (Lavan)
Mr Peter Simpson (PTS Town Planning)
Mr Derek Hays (Hames Sharley)
Mr Alex Drake-Brockman (Arise Developments)
Mr Scott Jansen (Arise Developments)
Mr Geoff Loxton (Property Development Solutions)

Members of the Public / Media

Nil

1. Declaration of Opening

The Presiding Member declared the meeting open at 1.02pm on 26 February 2019 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 Andrew Macliver, declared an impartiality interest in item 10.1. Mr Macliver was an employee of Hames Sharley from 1996 to 2000.

In accordance with section 4.6.1 and 4.6.2 of the DAP Standing Orders 2017, the 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 Alex McGlue (Lavan) addressed the DAP in support of the application at Item 10.1 and responded to questions from the panel.

7.2 Mr Peter Simpson (PTS Town Planning) addressed the DAP in support of the application at Item 10.1 and responded to questions from the panel.



- 7.3 Mr Derek Hays (Hames Sharley) address the DAP in support of the application at Item 10.1 and responded to questions from the panel
- 7.4 Mr Jon Riley (Riley Consulting) addressed the DAP in support of the application at Item 10.1 and responded to questions from the panel.
- 7.5 The City of Rockingham addressed the DAP in relation to the application at Item 10.1 and responded to questions from the panel.

8. Form 1 – Responsible Authority Reports – DAP Application

Nil

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

Nil

10. Appeals to the State Administrative Tribunal

10.1	Property Location:	Lot 301 (2-6) Council Avenue, Rockingham
	Development	Proposed health studio, restaurant, showrooms
	Description:	and convenience store
	Applicant:	PTS Town Planning Pty Ltd
	Owner:	Arise Rockingham Pty Ltd
	Responsible Authority:	City of Rockingham
	DAP File No:	DAP/18/01463

REPORT RECOMMENDATION

Moved by: Cr Chris Elliott

Seconded by: Cr Deb Hamblin

That the Metro South-West Joint Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 314 of 2018, resolves to resolves to:

1. **Reconsider** its decision dated 28th November 2018; and
2. Affirm its decision to **Refuse** DAP Application reference DAP/18/01463 and accompanying:
 - Ground Floor Plan, Drawing No.A003, dated 30.01.19;
 - Level 1 Plan, Drawing No.A004, dated 30.01.19;
 - Roof Plan, Drawing No.A005, dated 30.01.19;
 - Elevations, Drawing No.s A006 & A007, dated 30.01.19;
 - Perspectives, Drawing No.s A002, A008, A009 & A010 dated 30.01.19;

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, subject to the following reasons as follows:



Reasons

1. The development fails to satisfy objectives (f) and (h) of the Primary Centre City Zone under the City's Town Planning Scheme No.2 as the development does not provide a contiguous, activated street front development along Council Avenue, Read Street and Sepia Court and does not provide for a variety of vibrant land-uses more consistent with proximity to transit and the City Centre area.
2. The development application does not satisfy Clause 67 (b), (h), (m) and (t) of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2 – Deemed Provisions)* with the development being contrary to:
 - b&h.* The development provisions, principles and vision for the Rockingham Strategic Regional Centre Activity Centre Plan;
 - m.* The development provisions for *Local Planning Policy 3.2.12 - Development Policy Plan: Southern Gateway and Rockingham Station Sectors* relating to height, scale and appearance of the development and is considered to result in an impoverished design outcome, non-compatible with the surrounding development context.
 - t.* The proposed Council Avenue vehicular access which is located within the functional area of the Council Avenue and Read Street intersection will lead to vehicle manoeuvring that will compromise traffic safety.
3. The development does not provide for a minimum building height of three (3) storeys as required by clause 5.4 'Building Heights and Prominent Sites' of *Planning Policy 3.2.12 - Development Policy Plan: Southern Gateway and Rockingham Station Sectors*.
4. The development does not provide for significant elements that acknowledge arrival upon a Gateway Location as required by Clause 8.1.3 Gateway Locations of *Planning Policy - 3.2.12 Development Policy Plan: Southern Gateway and Rockingham Station Sectors*.
5. The development does not comply with clause 8.1.5 'Planning and Design Principles' and does not satisfy objective 8.1.2 of *Planning Policy 3.2.12 - Development Policy Plan: Southern Gateway and Rockingham Station Sectors* as the development does not provide for visually distinctive buildings to reinforce the townscape structure and add legibility to the access and movement network.
6. The development does not comply with Clause 6.1.5.3 'Required Elements' and does not satisfy objectives 1, 3 and 4 of Clause 6.1.5 'Council Avenue Sub Precinct - Supplementary Design Guidelines of *Planning Policy 3.2.12 Development Policy Plan: Southern Gateway and Rockingham Station Sectors* as the development fails to:
 - a.* To provide for a contiguous, activated street front built form to Council Avenue;
 - b.* To provide for identifiable landmark on the corner of Council Avenue

Tony Arias



- c. and Read Street which consists of high quality buildings; and
To provide for shop front activation along Read Street and shop front activation along Sepia Court.
7. The proposed Pylon Sign and Convenience Store Roof Sign will result in signage that is not considered to be appropriate for its location as required by Clause 3(a) of *Planning Policy 3.3.1 - Control of Advertisements*.

Advice Notes:

1. It is advised that a member of the City's Design Review Panel recommended that the amended design should not be supported. Matters relating to built-form, activation, articulation and vehicular access have not been addressed.

AMENDING MOTION

Moved by: Mr Tony Arias

Seconded by: Cr Deb Hamblin

That reasons for refusal 1 and 5 be deleted and the remaining reasons be renumbered accordingly.

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

For: Mr Tony Arias
Cr Deb Hamblin
Cr Chris Elliott

Against: Mr Andrew Macliver
Ms Lee O'Donohue

REASON: Refusal Reasons 1 and 5 were not considered relevant as the proposed uses were discretionary under TPS No.2 and considered appropriate to the Primary Centre City Zone. The revised application provided generally contiguous activation along Council Avenue. Further, refusing the application based on an opinion that it is not visually distinctive is not supported.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro South-West Joint Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 314 of 2018, resolves to resolves to:

1. **Reconsider** its decision dated 28th November 2018; and
2. Affirm its decision to **Refuse** DAP Application reference DAP/18/01463 and accompanying:
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 - Roof Plan, Drawing No.A005, dated 30.01.19;
 - Elevations, Drawing No.s A006 & A007, dated 30.01.19;



- Perspectives, Drawing No.s A002, A008, A009 & A010 dated 30.01.19;

Reasons

1. The development application does not satisfy Clause 67 (b), (h), (m) and (t) of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2 – Deemed Provisions)* with the development being contrary to:
 - b&h.* The development provisions, principles and vision for the Rockingham Strategic Regional Centre Activity Centre Plan;
 - m.* The development provisions for *Local Planning Policy 3.2.12 - Development Policy Plan: Southern Gateway and Rockingham Station Sectors* relating to height, scale and appearance of the development and is considered to result in an impoverished design outcome, non-compatible with the surrounding development context.
 - t.* The proposed Council Avenue vehicular access which is located within the functional area of the Council Avenue and Read Street intersection will lead to vehicle manoeuvring that will compromise traffic safety.
2. The development does not provide for a minimum building height of three (3) storeys as required by clause 5.4 'Building Heights and Prominent Sites' of *Planning Policy 3.2.12 - Development Policy Plan: Southern Gateway and Rockingham Station Sectors*.
3. The development does not provide for significant elements that acknowledge arrival upon a Gateway Location as required by Clause 8.1.3 Gateway Locations of *Planning Policy - 3.2.12 Development Policy Plan: Southern Gateway and Rockingham Station Sectors*.
4. The development does not comply with Clause 6.1.5.3 'Required Elements' and does not satisfy objectives 1, 3 and 4 of Clause 6.1.5 'Council Avenue Sub Precinct - Supplementary Design Guidelines' of *Planning Policy 3.2.12 Development Policy Plan: Southern Gateway and Rockingham Station Sectors* as the development fails to:
 - a.* To provide for a contiguous, activated street front built form to Council Avenue;
 - b.* To provide for identifiable landmark on the corner of Council Avenue and Read Street which consists of high quality buildings; and
 - c.* To provide for shop front activation along Read Street and shop front activation along Sepia Court.
5. The proposed Pylon Sign and Convenience Store Roof Sign will result in signage that is not considered to be appropriate for its location as required by Clause 3(a) of *Planning Policy 3.3.1 - Control of Advertisements*.

Advice Notes:

1. It is advised that a member of the City's Design Review Panel recommended that the amended design should not be supported. Matters relating to built-form, activation, articulation and vehicular access have not been addressed.

Tony Arias



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

For: Mr Tony Arias
Cr Deb Hamblin
Cr Chris Elliott

Against: Mr Andrew Macliver
Ms Lee O'Donohue

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

The Presiding Member noted the following State Administrative Tribunal Applications –

Current Applications		
LG Name	Property Location	Application Description
City of Fremantle	Lot 1 (193) South Terrace, South Fremantle	Mixed use development

Finalised Applications		
LG Name	Property Location	Application Description
City of Rockingham	Lot 158 Nairn Drive, Baldivis	Proposed Convenience Store and Showroom (7-Eleven)

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 2.37pm.