



Metro South-West Joint Development Assessment Panel Minutes

Meeting Date and Time: 2 November 2018; 10:00am
Meeting Number: MSWJDAP/171
Meeting Venue: City of Rockingham
Civic Boulevard
Rockingham

Attendance

DAP Members

Mr Tony Arias (Presiding Member)
Mr Brian Curtis (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 Neels Pretorius (City of Rockingham)
Mr David Banovic (City of Rockingham)
Mr Greg Delahunty (City of Rockingham)
Mr Danny Sriono (City of Rockingham)
Mr Michael Ross (City of Rockingham)

Minute Secretary

Ms Nicole D'Alessandro (City of Rockingham)

Applicants and Submitters

Item 8.1

Mr John Watson
Mr Scott Vincent (Planning Solutions)
Mr Alessandro Stagno (Planning Solutions)
Mr Behnam Bordbar (Transcore)
Mr Scott Ferguson (OTB Developments)
Mr Stefan Piruh (OTB Developments)
Mr Geoff Loxton (PDS Consult)

Item 8.2

Mr Derek Hays (Hames Sharley)
Mr Scott Lambie (Cardno)
Mr Peter Simpson (PTS Town Planning Pty Ltd)
Mr Alex McGlue (Lavan)
Mr Alex Drake-Brockman (Arise Rockingham Pty Ltd)
Mr Adam Lisle (Arise Rockingham Pty Ltd)
Mr Scott Jansen (Arise Rockingham Pty Ltd)



Members of the Public / Media

There was 1 member of the public in attendance.

Mr Stuart Horton from The Sound Telegraph was in attendance.

1. Declaration of Opening

The Presiding Member declared the meeting open at 10.02am on 2 November 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 Andrew Macliver, declared an impartiality interest in item 8.2. 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 John Watson addressed the DAP against the application at Item 8.1.
- 7.2 Mr Scott Vincent (Planning Solutions) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.
- 7.3 Mr Alessandro Stagno (Planning Solutions) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.
- 7.4 Mr Behnam Bordbar (Transcore) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.
- 7.5 Mr Danny Sriono (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 Item 7.1 – 7.5 were heard prior to the application at Item 8.1.

- 7.6 Mr Derek Hays (Hames Sharley) addressed the DAP in support of the application at Item 8.2 and responded to questions from the panel.
- 7.7 Mr Scott Lambie (Cardno) addressed the DAP in support of the application at Item 8.2.
- 7.8 Mr Peter Simpson (PTS Town Planning Pty Ltd) addressed the DAP in support of the application at Item 8.2 and responded to questions from the panel.
- 7.9 Mr Alex McGlue (Lavan) addressed the DAP in support of the application at Item 8.2.
- 7.10 Mr Danny Sriono (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 Item 7.6 – 7.10 were heard prior to the application at Item 8.2.

8. Form 1 – Responsible Authority Reports – DAP Applications

- | | | |
|-----|--------------------------|--------------------------------------------|
| 8.1 | Property Location: | Lot 297 (No. 67) Ridge Boulevard, Baldivis |
| | Development Description: | Proposed Convenience Store |
| | Applicant: | Planning Solutions |
| | Owner: | Rosov Pty Ltd |
| | Responsible Authority: | City of Rockingham |
| | DAP File No: | DAP/18/01456 |

REPORT RECOMMENDATION

Moved by: Cr Chris Elliott

Seconded by: Cr Deb Hamblin

That the Metro South-West JDAP resolves to:

Refuse DAP Application reference DAP/18/01456 and accompanying plans:



- Proposed Site Plan;
- Proposed Convenience Store Floor Plan;
- Convenience Floor Elevations; and
- Canopy and Pylon sign Elevations.

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 *City of Rockingham Town Planning Scheme No. 2*, for the following reasons:

Reasons

1. The development application does not satisfy Clause 67 (h) of *the Planning and Development (Local Planning Schemes) Regulations 2015* (Schedule 2 – Deemed Provisions) with the development being contrary to the development vision and the indicative development plan for the Neighbourhood Centre for the Ridge Local Structure Plan for a ‘Main Street’ development.
2. The proposed convenience store fails to comply with Clause 4.6.2 of the *City of Rockingham Town Planning Scheme No.2* Form of Development in the Commercial Zone as it will not contribute positively to the streetscape, appearance and amenity of the locality.
3. The proposed access from Nairn Drive fails to comply with the access requirements required in terms Austroads’ Guide to Road Design Part 4 and the Liveable Neighbourhoods’ junction spacing requirements for an ‘Integrator Arterial’ class road with a 70km/h speed limit which requires a 130m spacing between intersections.
4. The proposed development is unlikely to comply with the Environmental Protection (Noise) Regulations 1997 may result in unacceptable noise impacts to nearby noise sensitive premises and also fails to comply with the *Environmental Protection Authority Guidance Statement No 3 – Separation Distance between Industrial and Sensitive Land Uses* which recommends a 200m generic buffer distance to noise sensitive premises from fuel stations operating 24/7.
5. The proposed development fails to comply with Clause 67 (m) of *the Planning and Development (Local Planning Schemes) Regulations 2015* (Schedule 2 – Deemed Provisions) as it is considered to be non-compatible with its setting and it will have a negative impact on the streetscape regarding the orientation and appearance of the development.
6. The proposed development fails to comply with Clause 67 (t) of *the Planning and Development (Local Planning Schemes) Regulations 2015* (Schedule 2 – Deemed Provisions) as it will have a negative impact on traffic flow and safety surrounding the site.
7. The proposed Convenience Store fails to comply with Clause 67 (n) of *the Planning and Development (Local Planning Schemes) Regulations 2015* (Schedule 2 – Deemed Provisions) as it is considered that the development will have a negative impact on the amenity of the locality in relation to the character of the locality.



8. The development does not comply with Clause 5.3 'Movement' and Clause 5.4 'Urban Form' of *State Planning Policy 4.2 - Activities Centres for Perth and Peel*.

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

For: Cr Chris Elliott
Cr Deb Hamblin

Against: Mr Tony Arias
Mr Brian Curtin
Mr Andrew Macliver

ALTERNATE MOTION

Moved by: Mr Brian Curtis

Seconded by: Mr Andrew Macliver

With agreement of the mover and seconder, the alternate recommendation provided by the City of Rockingham is to incorporate the deletion of Conditions 4, 10, 15 and 16, as recommended by the proponent.

That the Metro South-West JDAP resolves to:

Approve DAP Application reference DAP/18/01456 and accompanying plans:

- Proposed Site Plan;
- Proposed Convenience Store Floor Plan;
- Convenience Floor Elevations; and
- Canopy and Pylon sign Elevations.

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 *City of Rockingham Town Planning Scheme No. 2*, subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.
2. 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.



3. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.
4. ~~No vehicular access to or egress from the site shall be permitted to/from Nairn Drive.~~
5. The carpark must:
 - (i) provide a minimum of 14 car parking spaces;
 - (ii) be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 3 of Australian/New Zealand Standard AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking* unless otherwise specified by this approval, prior to applying for a Building Permit;
 - (iii) provide one car parking space(s) dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, *Parking facilities, Part 6: Off-street parking for people with disabilities* and which are linked to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1—2009, *Design for access and mobility, Part 1: General Requirements for access—New building work*;
 - (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and
 - (v) comply with the above requirements for the duration of the development.
6. 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.
7. 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.

8. The bin storage area must be designed with a size suitable to service the development and screened from view of the street, to the satisfaction of the City, prior to applying for a Building Permit - Certified. It must be constructed prior to the occupation of the development and must be retained and maintained in good condition at all times.



9. 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.

- ~~10. The hours of operation are restricted to between 6:00am and 11:00pm seven days per week.~~

11. Access of delivery vehicles and the operation of forklifts is only permitted between the hours of 7:00am and 7:00pm from Monday to Saturday (inclusive) and between 9:00am and 7:00pm on Sunday and public holidays, for the duration of the development

12. The recommendations of the Llyod George Acoustics' Environmental Noise Assessment Reference: 18044408-01 are to be implemented for the duration of the development

13. 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.

14. 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*.

- ~~15. Prior to applying for a Building Permit, the applicant must demonstrate to the satisfaction of the City of Rockingham that ground floor glazing fronting Arenaria Lane has a minimum visible light transmission rate of at least 79% and a maximum visible reflectivity rate of 9% in order ensure that a commercial, interactive frontage is available to the development from all streets.~~

~~The glazing must be thereafter be installed and maintained to the satisfaction of the City of Rockingham for the duration of the development.~~

- ~~16. An access door must be provided to Arenaria Lane frontage of the building. This door must be kept unlocked during all hours when the subject premises is trading.~~

17. Entries and window frontages facing the street of ground floor tenancies must not be covered, closed or screened off (including by means of dark tinting,



shutters, curtains, blinds, roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from Arenaria Lane, for the duration of the development.

18. Street awnings must be provided to Arenaria Lane across the full width of the proposed building at the width of 2.5m as shown on the plans, with lighting being provided under the street awnings.
19. Prior to applying for a Building Permit, all service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, must be designed to be located away from public view and/or screened, and this design must be provided to, and approved by, the City of Rockingham.
20. Materials, sea containers, goods or bins must not be stored within the car park at any time.

FOOTNOTES

- Note 1: If the development the subject of this approval is not substantially commenced with within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
- Note 2: 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 3: 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 4: With respect to Condition 5, the applicant and owner should liaise with the City's Land and Development Infrastructure Services to confirm requirements for landscaping plans.
- Note 5: 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 6: 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.



AMENDING MOTION

Moved by: Mr Tony Arias

Seconded by: Cr Chris Elliott

The following amendments were moved en bloc:

- (i) That the deleted Condition 4 be replaced with the following:

Vehicular access to the site from Nain Drive will be in accordance with the specifications and satisfaction of the Department of Planning, Lands and Heritage on the advice of the City of Rockingham.

REASON: This condition needs to be in place to have a condition that ensures access is in a form that is satisfactory to the Department of Planning, Lands and Heritage who have responsibility for the road.

- (ii) That a new Condition (now Condition 18) be added to read as follows:

External materials and finishes of the convenience store being modified to the specifications and satisfaction of the City of Rockingham.

REASON: To provide scope to modify the external appearance to make it more satisfactory in terms of the expectations of the responsible authority.

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

For: Mr Tony Arias
Mr Brian Curtis
Mr Andrew Macliver
Cr Chris Elliott

Against: Cr Deb Hamblin

ALTERNATE MOTION (AS AMENDED)

That the Metro South-West JDAP resolves to:

Approve DAP Application reference DAP/18/01456 and accompanying plans:

- Proposed Site Plan;
- Proposed Convenience Store Floor Plan;
- Convenience Floor Elevations; and
- Canopy and Pylon sign Elevations.

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 *City of Rockingham Town Planning Scheme No. 2*, subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially



commenced within the 2 year period, the approval shall lapse and be of no further effect.

2. 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.

3. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.
4. Vehicular access to the site from Nairn Drive will be in accordance with the specifications and satisfaction of the Department of Planning, Lands and Heritage on the advice of the City of Rockingham.

5. The carpark must:

- (i) provide a minimum of 14 car parking spaces;
- (ii) be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 3 of Australian/New Zealand Standard AS/NZS 2890.1:2004, *Parking facilities, Part 1: Off-street car parking* unless otherwise specified by this approval, prior to applying for a Building Permit;
- (iii) provide one car parking space(s) dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, *Parking facilities, Part 6: Off-street parking for people with disabilities* and which are linked to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1—2009, *Design for access and mobility, Part 1: General Requirements for access—New building work*;
- (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and
- (v) comply with the above requirements for the duration of the development.

6. 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.

7. 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.

8. The bin storage area must be designed with a size suitable to service the development and screened from view of the street, to the satisfaction of the City, prior to applying for a Building Permit - Certified. It must be constructed prior to the occupation of the development and must be retained and maintained in good condition at all times.
9. 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.

10. Access of delivery vehicles and the operation of forklifts is only permitted between the hours of 7:00am and 7:00pm from Monday to Saturday (inclusive) and between 9:00am and 7:00pm on Sunday and public holidays, for the duration of the development
11. The recommendations of the Llyod George Acoustics' Environmental Noise Assessment Reference: 18044408-01 are to be implemented for the duration of the development
12. 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.

13. 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*.
14. Entries and window frontages facing the street of ground floor tenancies must not be covered, closed or screened off (including by means of dark tinting, shutters, curtains, blinds, roller doors or similar), to ensure that a commercial,



interactive frontage is available to the development from Arenaria Lane, for the duration of the development.

15. Street awnings must be provided to Arenaria Lane across the full width of the proposed building at the width of 2.5m as shown on the plans, with lighting being provided under the street awnings.
16. Prior to applying for a Building Permit, all service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, must be designed to be located away from public view and/or screened, and this design must be provided to, and approved by, the City of Rockingham.
17. Materials, sea containers, goods or bins must not be stored within the car park at any time.
18. External materials and finishes of the convenience store being modified to the specifications and satisfaction of the City of Rockingham.

FOOTNOTES

- Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.
- Note 2: 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 3: 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 4: With respect to Condition 5, the applicant and owner should liaise with the City's Land and Development Infrastructure Services to confirm requirements for landscaping plans.
- Note 5: 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 6: 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.

REASON: The panel considered that the proposed Convenience Store use was consistent with the local planning framework, in particular, the Commercial zoning under the Town Planning Scheme No. 2; local centre classification under the Local Commercial Strategy and the Ridge West Local Structure Plan.



The panel also considered that the convenience store would make a significant contribution to the creation of an active Local Centre, without compromising the potential for additional local facilities in the future. The proposed hours of operation were acceptable, and there is potential for further consideration to the external materials and finishes particularly with regard to the northern facade of the building. It was felt that practical and suitable safe vehicular access arrangements to Nairn Drive (an Other Regional Road) were needed to be achieved on completion, and in future when Nairn Drive is duplicated, to the satisfaction of the Department of Planning, Lands and Heritage.

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

For: Mr Tony Arias
Mr Brian Curtis
Mr Andrew Macliver
Cr Chris Elliott

Against: Cr Deb Hamblin

With the Presiding Member's permission, Cr Deb Hamblin left the meeting at 12.30pm.

8.2 Property Location: 301 (No.2-6) Council Avenue, Rockingham
Development Description: Proposed Health Studio, Restaurant, Showrooms 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: Nil

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

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

- Cover Page, Drawing No.A000, dated 30.08.18;
- Perspectives, Drawing No.A001, A002, A003, dated 30.08.18;
- Site Survey, Drawing No.A004, dated 30.08.18;
- Site Plan, Drawing No.A005, dated 30.08.18;
- Ground Floor Plan, Drawing No.A006, dated 30.08.18;
- Roof Plan, Drawing No.A007, dated 30.08.18;
- Site Access & Activation, Drawing No.A008, dated 30.08.18;
- Elevations, Drawing No.A009, A010, dated 30.08.18;
- Sections, Drawing No.A011, dated 30.08.18;
- Materials, Drawing No.A012, A013, dated 30.08.18;
- Signage Location Plan, Drawing No.A014, dated 30.08.18;
- Signage Elevation, Drawing No.A015, A016, dated 30.08.18

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. Pursuant to Clause 6.1.3 of the City's Town Planning Scheme No.2 the development application fails to sufficiently address the recommendations raised by the Design Review Panel relating to built-form, activation, articulation and vehicular access.
3. 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.
4. 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*.
5. 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*.
6. 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.
7. 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.
8. 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*.
 9. The development does not comply with section 3.3.2 of *Development Control Policy 5.1 - Regional Roads (Vehicular Access)*, as no access is permitted from the site to Read Street.
 10. The development does not comply with Clause 5.1 'Activity Centre Hierarchy', 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*.

Advice Notes:

1. In relation to Condition 2, the City's Design Review Panel advised that the design cannot be supported. Matters relating to built-form, activation, articulation and vehicular access have not been addressed.
2. In relation to Condition 9, the proposal seeks a left in / left out access point to Read Street which is a Category 1 Other Regional Road under the Metropolitan Region Scheme and is not supported by Department of Planning, Lands and Heritage.

The Report Recommendation LAPSED for want of a seconder.

PROCEDURAL MOTION

Moved by: Mr Brian Curtis

Seconded by: Mr Andrew Macliver

That the Metro South-West JDAP consider legal advice from representatives of the Department of Planning, Lands and Heritage behind closed doors, in accordance with section 5.10.2g of the DAP Standing Orders 2017.

REASON: To allow members to consider the Department's legal advice, which was previously sought and received.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

*The meeting was closed to the public at 1.05pm.
The meeting was reopened to the public at 1.22pm.*



PROCEDURAL MOTION

Moved by: Mr Brian Curtis

Seconded by: Cr Chris Elliott

That the consideration of DAP Application DAP/18/01463 be deferred until no later than 30 November 2018, in accordance with section 5.10.1a of the DAP Standing Orders 2017, for the following reasons:

- The panel received legal advice on behalf of the proponents which raised significant issues and it is suggested that the panel seek a legal response.
- To allow the proponent and City of Rockingham to negotiate and seek to resolve suitable access and egress arrangements to the site.

REASON: The panel is not satisfied that it has sufficient information available to make an informed decision on this issue.

The Procedural Motion 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

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 1.30pm.