



## **Metro South-West Joint Development Assessment Panel Minutes**

**Meeting Date and Time:** 28 November 2018, 10:00am  
**Meeting Number:** MSWJDAP/173  
**Meeting Venue:** City of Rockingham Boardroom  
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 David Banovic (City of Rockingham)  
Mr Danny Sriono (City of Rockingham)  
Mr Michael Ross (City of Rockingham)  
Mr James Henson (City of Rockingham)  
Mr Andrew Roberts (McLeods on behalf of the City of Rockingham)

#### **Minute Secretary**

Ms Nicole D'Alessandro (City of Rockingham)

#### **Applicants and Submitters**

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

#### **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 10.01am on 28 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 8.1. 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 Peter Simpson (PTS Town Planning) and Mr Derek Hays (Hames Sharley) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.

7.2 Mr Jon Riley (Riley Consulting) and Mr Scott Lambie (Cardno) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.



7.3 Mr Alex McGlue (Lavan) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.

7.4 Mr Andrew Roberts (McLeods on behalf of the City of Rockingham) addressed the DAP against the application at Item 8.1.

## 8. Form 1 – Responsible Authority Reports – DAP Application

8.1 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:** Cr Deb Hamblin

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 19.07.18;
- 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.

**AMENDING MOTION**

**Moved by:** Mr Brian Curtis

**Seconded by:** Cr Deb Hamblin

*The following amendments were moved en bloc:*

- (i) That Reason 2 and accompanying Advice Note 1 be deleted and remaining reasons be renumbered accordingly.

**REASON:** The JDAP has had regard to the advice of the Design Review Panel and the applicant's response in its decision making.

- (ii) That Reason 3 t (now Reason 2 t) be amended to read as follows:

*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.*

**REASON:** To reflect the traffic safety concerns identified in the RAR for the Council Avenue and the Council Avenue and Read Street intersection.

- (iii) That Reason 9 and accompanying Advice Note 2 be deleted.

**REASON:** The concern regarding access from the site to Read Street has been addressed and agreed upon by the Department of Planning, Lands and Heritage.

- (iv) That Reason 10 be deleted.

**REASON:** *State Planning Policy 4.2 – Activities Centres for Perth and Peel* has guided the preparation of the local planning framework which provides clear guidance on the built form outcome sought for this site.

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

For: Mr Brian Curtis



Mr Andrew Macliver  
Cr Chris Elliott  
Cr Deb Hamblin

Against: Mr Tony Arias

## 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

- 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 19.07.18;
- 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. 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 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.
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*.

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

**The Report Recommendation (as amended) was put and CARRIED (4/1).**

For: Mr Brian Curtis  
Mr Andrew Macliver  
Cr Chris Elliott  
Cr Deb Hamblin

Against: Mr Tony Arias

**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 11.39am.