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## Minutes of the Metro South-West Joint Development Assessment Panel

**Meeting Date and Time:** 12 December 2014, 10am  
**Meeting Number:** MSWJDAP/57  
**Meeting Venue:** City of Fremantle  
8 William Street, Fremantle

### Attendance

#### DAP Members

Mr David Gray (Presiding Member)  
Mr Ian Birch (Deputy Presiding Member)  
Mr Robert Nicholson (Specialist Member)  
Cr Dennis Wood (Local Government Member, City of Kwinana)  
Cr Sherilyn Wood (Local Government Member, City of Kwinana)  
Cr Richard Smith (Local Government Member, City of Rockingham)  
Cr Joy Stewart (Local Government Member, City of Rockingham)  
Cr Jon Strachan (Local Government Member, City of Fremantle)  
Cr Bill Massie (Alternate Local Government Member, City of Fremantle)

#### Officers in attendance

Mr Ryan Hall (Development Assessment Panels)  
Ms Natalie Martin Goode (City of Fremantle)  
Ms Felicitas Dhliwayo (City of Kwinana)  
Mr Greg Delahunty (City of Rockingham)

#### Local Government Minute Secretary

Ms Michelle Gibson (City of Fremantle)

#### Applicants and Submitters

Ms Dooren Ding (Meyer Shircore & Associates)  
Mr Hootan Golestani  
Mr Ron Jee (Design Inc Perth)  
Mr Tony Watson (MW Urban)  
Ms Jessica Fragomeni (Momentum Wealth)  
Mr Damian Collins (Momentum Wealth)  
Mr Zac Morrow (Momentum Wealth)  
Mr Arno Staub (Staub Family Pty Ltd)

#### Members of the Public

Ms Wendy McIntyre



## 1. Declaration of Opening

The Presiding Member, Mr David Gray declared the meeting open at 10.02am on 12 December 2014 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 *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

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 meeting no.56 held on 19 November 2014 were noted by DAP members.

## 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 Ms Wendy McIntyre presented against the application at Item No. 8.2.  
***The presentation at Item 7.1 was heard prior to the application at Item 8.2***
- 7.2 Mr Damian Collins presented for the application at Item No. 8.2  
***The presentation at Item 7.2 was heard prior to the application at Item 8.2***
- 7.3 Mr Tony Watson presented for the application at Item No. 8.4.  
***The presentation at Item 7.3 was heard prior to the application at Item 8.4***
- 7.4 Mr Arno Staub presented for the application at Item No. 8.4  
***The presentation at Item 7.4 was heard prior to the application at Item 8.4***



**8.4** Property Location: Lot 159 Minden Lane, Baldivis  
Application Details: Proposed Two & Three Storey Commercial  
Development  
Applicant: MW Urban  
Owner: Staub Family Pty Ltd  
Responsible authority: City of Rockingham  
DoP File No: DAP/14/00631

## **REPORT RECOMMENDATION / PRIMARY MOTION**

**Moved by:** Cr Joy Stewart

**Seconded by:** Cr Richard Smith

### **That the metro South-West JDAP resolves to:**

1. **Refuse** the DAP Application reference 20.2014.00000373 as detailed on the DAP Form 1 dated 19 September 2014 and accompanying Site and Ground Floor Plan (Drawing No.SK.12 Rev G), First Floor Plan (Drawing No.SK.13 Rev G), Second Floor Plan (Drawing No.SK.14 Rev G) and Elevation and Section Plans (Drawing No.SK.15 Rev H), dated 20 August 2014 in accordance with the provisions of the Town Planning Scheme No.2 and the Metropolitan Region Scheme, for the proposed mixed used commercial development at Lot 159 Minden Lane, Baldivis for the following reasons:

- (a) The proposed development fails to make adequate provision of car parking spaces as it does not comply with the parking requirements of clause 4.15.1.1 of the Town Planning Scheme No.2 and clause 8 (b) of the approved Detailed Area Plan.
- (b) The proposed development is not considered to be compatible with its setting – see clause 6.6 (i) of TPS2.
- (c) Adequate provision has not been made for the loading, unloading, manoeuvring and parking of vehicles - see clause 6.6 (q) of TPS2.
- (d) Adequate provision has not been made for cyclists, and the provision of bicycle parking and end-of-trip facilities - see 6.6(u) of TPS2.
- (e) The proposed development does not provide sufficient variety and articulation of street front building facades as required by clause 7.4.3 (iv) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre.
- (f) The configuration and use of ground floor buildings will not define an attractive sequence of outdoor spaces which the public will occupy. Consequently the proposal does not comply with the overall urban design objectives for the Town Centre as is required by clause 8.1.3 (i) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre.
- (g) The building is not designed to achieve an appropriate use profile with an active, ground floor street frontage as is required by clause 8.1.3 (iii) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre.



- (i) The street elevations are not articulated to include defined street front entries which are clearly identifiable from the street as is required by clause 8.1.3 (v) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre.
- (j) A continuous pedestrian shelter has not been provided at street level as is required by clause 8.1.3 (vi) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre and clause 4 (e) of the approved Detailed Area Plan.
- (k) The mezzanine level reads as blank façade visible from public space contrary to clause 8.1.3 (viii) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre and clause 4 (i) of the approved Detailed Area Plan. .
- (l) The proposal lacks variety and high design standards as is required by clause 8.1.3 (ix) of the City's Local Planning Policy 3.2.4 – Baldivis Town Centre.
- (m) The design does not promote activation of the street as is required by clause 4 (a) of the approved Detailed Area Plan.
- (n) The ground level facades fronting the street provides for less than 60% transparency as required by clause 4 (g) of the approved Detailed Area Plan.
- (o) Primary entry to ground floor tenancies (gymnasium) is accessed via the pedestrian corridors contrary to clause 5 (b) of the approved Detailed Area Plan.
- (p) Variety and high urban design standards have not been incorporated into the design contrary to clause 6 (a) of the approved Detailed Area Plan.
- (q) The colour scheme proposed is not consistent with an earthy colour palette as required by clause 6 (b) of the approved Detailed Area Plan.
- (r) Delivery, loading and storage areas are visible from public view contrary to clause 7 (a) of the approved Detailed Area Plan.
- (s) A showroom is not identified as a preferred land use for the Core precinct under the Baldivis Activity Centre Structure Plan.
- (t) The proposed development fails to provide weather-protected car bays for workers and visitors with a disability as required by clause 5.3.2 (5) of State Planning Policy 4.2 Activity Centres for Perth and Peel.

## **PROCEDURAL MOTION**

**Moved by:** Mr Ian Birch

**Seconded by:** Cr Richard Smith

To defer the application to no later than the 27 February 2015.



## **10. Appeals to the State Administrative Tribunal**

Nil

## **11. 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 12.16pm