



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

**Meeting Date and Time:** 11 September 2019, 9:00am  
**Meeting Number:** MSWJDAP/191  
**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 Greg Delahunty (City of Rockingham)  
Mr Mike Ross (City of Rockingham)  
Mr John Di Rosso (Western Australia Planning Commission)

#### **Minute Secretary**

Ms Nicole D'Alessandro (City of Rockingham)  
Mrs Justine Archibald (City of Rockingham)

#### **Applicants and Submitters**

Mr Paul Cunningham (Rowe Group)  
Ms Ella Compton (Rowe Group)  
Mr John Gastev  
Mr Victor Mirauda (Mirauda Constructions)  
Ms Manny Braude (Braude Architects)

#### **Members of the Public / Media**

There was one member of the public in attendance.

**Mr Tony Arias**  
Presiding Member, Metro South-West JDAP



## 1. Declaration of Opening

The Presiding Member declared the meeting open at 9:01am on 11 September 2019 and acknowledged the traditional owners and paid respects to Elders past and present 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

Ms Lee O'Donohue (Deputy Presiding Member)

## 3. Members on Leave of Absence

DAP Member, Ms Lee O'Donohue has been granted leave of absence by the Director General for the period of 5 September 2019 to 19 September 2019 inclusive.

## 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

Nil

## 7. Deputations and Presentations

7.1 Mr Paul Cunningham (Rowe Group) addressed the DAP against the application at Item 8.1.

7.2 Mr John Gastev addressed the DAP against the application at Item 8.1 and responded to questions from the panel.



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

8.1a Property Location:	Lots 2 and 13 (Nos. 1447 and 1457) Mandurah Road, Baldivis
Development Description:	Lifestyle Village/Park Home
Applicant:	Urbanista Town Planning
Owner:	Mirauda Constructions Pty Ltd
Responsible Authority:	City of Rockingham
DAP File No:	DAP/18/01451

### REPORT RECOMMENDATION

**Moved by:** Cr Chris Elliott

**Seconded by:** Cr Deb Hamblin

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

1. **Refuse** the DAP Application reference DAP/18/01451 and accompanying plans:

- Site Plan, Drawing No SK1 Rev A, dated 16.03.2018;
- Ground Floor Plan, Drawing No SK2 Rev 01.01, dated 16.03.2018;
- Unit Floor Plan and Elevations, Drawing No SK3 Rev 01.01, dated 16.03.2018;
- Club House Floor Plan and Elevations, Drawing No SK4 Rev 01.01, dated 16.03.2018;
- Site Plan Tank Locations, Drawing No SK5, dated 16.03.2018;
- Recreational Area Site Plan, Drawing No SK6, dated 16.03.2018;
- Site Sections, Drawing No SK7, dated 16.03.2018;
- Perspectives, Drawing No SK8, dated 16.03.2018;
- Survey Plan, Drawing No SK9, dated 16.03.2018

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, subject to the following reason as follows:

### Reason

1. The proposed development is for a land use which is prohibited ('X') under Town Planning Scheme No.2.

### AMENDING MOTION

**Moved by:** Mr Tony Arias

**Seconded by:** Cr Chris Elliott

That an additional reason for refusal be added to read as follows:

*The proposed development conflicts with the purpose and objectives of the Rural Zoning under the City of Rockingham Town Planning Scheme No.2.*

**The Amending Motion was put and CARRIED UNANIMOUSLY.**



**REASON:** The proposed development is essentially a residential development and has not been demonstrated to be consistent with the intent and objectives of the Rural Zoning under the City of Rockingham Town Planning Scheme No.2.

**REPORT RECOMMENDATION (AS AMENDED)**

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

1. **Refuse** the DAP Application reference DAP/18/01451 and accompanying plans:
  - Site Plan, Drawing No SK1 Rev A, dated 16.03.2018;
  - Ground Floor Plan, Drawing No SK2 Rev 01.01, dated 16.03.2018;
  - Unit Floor Plan and Elevations, Drawing No SK3 Rev 01.01, dated 16.03.2018;
  - Club House Floor Plan and Elevations, Drawing No SK4 Rev 01.01, dated 16.03.2018;
  - Site Plan Tank Locations, Drawing No SK5, dated 16.03.2018;
  - Recreational Area Site Plan, Drawing No SK6, dated 16.03.2018;
  - Site Sections, Drawing No SK7, dated 16.03.2018;
  - Perspectives, Drawing No SK8, dated 16.03.2018;
  - Survey Plan, Drawing No SK9, dated 16.03.2018

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, subject to the following reasons as follows:

**Reason**

1. The proposed development is for a land use which is prohibited ('X') under Town Planning Scheme No.2.
2. The proposed development conflicts with the purpose and objectives of the Rural zoning under the City of Rockingham Town Planning Scheme No.2.

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

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



**8.1b** Property Location: Lots 2 and 13 Mandurah Road, Baldivis  
Development Description: Lifestyle Village/Park Homes  
Applicant: Urbanista Town Planning  
Owner: Miraudo Constructions  
Responsible Authority: Western Australian Planning Commission  
DAP File No: DAP/18/01451

## 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/18/01451 and accompanying plans:

- Site Plan, Drawing No SK1 Rev A, dated 16.03.2018;
- Ground Floor Plan, Drawing No SK2 Rev 01.01, dated 16.03.2018;
- Unit Floor Plan and Elevations, Drawing No SK3 Rev 01.01, dated 16.03.2018;
- Club House Floor Plan and Elevations, Drawing No SK4 Rev 01.01, dated 16.03.2018;
- Site Plan Tank Locations, Drawing No SK5, dated 16.03.2018;
- Recreational Area Site Plan, Drawing No SK6, dated 16.03.2018;
- Site Sections, Drawing No SK7, dated 16.03.2018;
- Perspectives, Drawing No SK8, dated 16.03.2018;
- Survey Plan, Drawing No SK9, dated 16.03.2018

received by the Department of Planning, Lands and Heritage on 23 January 2019 for the following reasons:

1. The land is zoned 'Rural' in the Metropolitan Region Scheme and 'Rural' in the City of Rockingham Town Planning Scheme No.2 and the proposed Lifestyle Village/Park Home Estate development, which is essentially a residential development, conflicts with the purpose and objectives of this zoning.
2. The proposed Lifestyle Village/Park Home Estate development, which is essentially a residential development, is not consistent with the *South Metropolitan Peel Sub-Regional Planning Framework* which classifies the subject land as Rural Residential.
3. The proposed Lifestyle Village/Park Home Estate development is not consistent with *City of Rockingham Planning Policy 3.1.1 - Rural Land Strategy* which identifies the site for potential Special Rural development to a minimum lot size of one hectare.
4. The proposed Lifestyle Village/Park Home Estate, which is essentially a residential development, is not consistent with *State Planning Policy 2.5 – Rural Planning and Development Control Policy 3.4 – Subdivision of Rural Land* as the subject land is not identified for residential development in either the *South Metropolitan Peel Sub-regional Planning Framework* or a local planning strategy which has been endorsed by the Western Australian Planning Commission.



5. Insufficient information has been provided to support a reduced setback to the neighbouring tavern/brewery from that recommended in *Environmental Protection Authority Guidance Statement 3 - Separation Distances Between Industrial and Sensitive Land Uses*.
6. An approved Bushfire Management Plan has not been provided to ensure the proposal complies with Element 1: Location and Element 2: Siting and Design of *State Planning Policy 3.7 – Planning in Bushfire Prone areas*.
7. Insufficient information has been provided to demonstrate the proposal complies with Section 6.2 of the *Draft Government Sewerage Policy (2016)*.

### **AMENDING MOTION**

**Moved by:** Mr Brian Curtis

**Seconded by:** Mr Andrew Macliver

That Reason for refusal 6 be amended to read as follows:

*The submitted Bushfire Management Plan has not demonstrated compliance with Element 1: Location and Element 2: Siting and Design of State Planning Policy 3.7 – Planning in Bushfire Prone areas.*

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** To clarify that a Bushfire Management has been submitted, however was not to the satisfaction of DFES.

### **REPORT RECOMMENDATION (AS AMENDED)**

That the Metro South-West JDAP resolves to refuse DAP Application reference DAP/18/01451 and accompanying plans:

- Site Plan, Drawing No SK1 Rev A, dated 16.03.2018;
- Ground Floor Plan, Drawing No SK2 Rev 01.01, dated 16.03.2018;
- Unit Floor Plan and Elevations, Drawing No SK3 Rev 01.01, dated 16.03.2018;
- Club House Floor Plan and Elevations, Drawing No SK4 Rev 01.01, dated 16.03.2018;
- Site Plan Tank Locations, Drawing No SK5, dated 16.03.2018;
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- Site Sections, Drawing No SK7, dated 16.03.2018;
- Perspectives, Drawing No SK8, dated 16.03.2018;
- Survey Plan, Drawing No SK9, dated 16.03.2018

received by the Department of Planning, Lands and Heritage on 23 January 2019 for the following reasons:

1. The land is zoned 'Rural' in the Metropolitan Region Scheme and 'Rural' in the City of Rockingham Town Planning Scheme No.2 and the proposed Lifestyle Village/Park Home Estate development, which is essentially a residential development, conflicts with the purpose and objectives of this zoning.



2. The proposed Lifestyle Village/Park Home Estate development, which is essentially a residential development, is not consistent with the *South Metropolitan Peel Sub-Regional Planning Framework* which classifies the subject land as Rural Residential.
3. The proposed Lifestyle Village/Park Home Estate development is not consistent with *City of Rockingham Planning Policy 3.1.1 - Rural Land Strategy* which identifies the site for potential Special Rural development to a minimum lot size of one hectare.
4. The proposed Lifestyle Village/Park Home Estate, which is essentially a residential development, is not consistent with *State Planning Policy 2.5 – Rural Planning and Development Control Policy 3.4 – Subdivision of Rural Land* as the subject land is not identified for residential development in either the *South Metropolitan Peel Sub-regional Planning Framework* or a local planning strategy which has been endorsed by the Western Australian Planning Commission.
5. Insufficient information has been provided to support a reduced setback to the neighbouring tavern/brewery from that recommended in *Environmental Protection Authority Guidance Statement 3 - Separation Distances Between Industrial and Sensitive Land Uses*.
6. The submitted Bushfire Management Plan has not demonstrated compliance with Element 1: Location and Element 2: Siting and Design of *State Planning Policy 3.7 – Planning in Bushfire Prone areas*.
7. Insufficient information has been provided to demonstrate the proposal complies with Section 6.2 of the *Draft Government Sewerage Policy (2016)*.

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

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

**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 9:21am.

A handwritten signature in black ink that reads "Tony Arias".