



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

**Meeting Date and Time:** 14 May 2019; 1:00pm  
**Meeting Number:** MSWJDAP/183  
**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 Chris Elliott (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 Australian Planning Commission)  
Mr John Pride (Western Australian Planning Commission)

#### **Minute Secretary**

Ms Nicole D'Alessandro (City of Rockingham)

#### **Applicants and Submitters**

Mr Nathan Stewart (Rowe Group)  
Ms Belle Smithies (Rowe Group)  
Mr John Gastev  
Mr Vic Gastev  
Mr Brendan Foley (LSV Borrello Lawyers)  
Mr Petar Mrdja (Urbanista Town Planning)  
Mr Victor Mirauda (Mirauda Constructions)  
Ms Daniella Mrdja (Urbanista Town Planning)  
Mr Manny Braude (Braude Architects)

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

There was 1 member of the public in attendance.



## 1. Declaration of Opening

The Presiding Member declared the meeting open at 1:02pm on 14 May 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

Nil

## 7. Deputations and Presentations

7.1 Mr Nathan Stewart (Rowe Group) addressed the DAP against the application at Item 8.1 and responded to questions from the panel.

7.2 Mr Victor Miraudó (Miraudó Constructions) addressed the DAP in support of the application at Item 8.1.

7.3 Mr Brendan Foley (LSV Borrello Lawyers) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.

7.4 Mr Petar Mrdja (Urbanista Town Planning) addressed the DAP in support of the application at Item 8.1.



**7.5** Mr John Pride (WAPC) addressed the DAP in relation to the application at Item 8.1.

**7.6** Mr Greg Delahunty (City of Rockingham) addressed the DAP in relation to the application at Item 8.1.

## **PROCEDURAL MOTION**

**Moved by:** Mr Andrew Macliver

**Seconded by:** Ms Lee O'Donohue

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

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

**REASON:** To allow panel members to discuss confidential legal advice which had been received.

*The meeting was closed to the public at 2:02pm.*

*The meeting was reopened to the public at 2:20pm.*

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

<b>8.1a</b> 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:** Nil

**Seconded by:** Nil

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

**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.

**The Report Recommendation LAPSED for want of a mover and a seconder.**

**PROCEDURAL MOTION**

**Moved by:** Ms Lee O'Donohue

**Seconded by:** Mr Andrew Macliver

That the Metro South-West Joint Development Assessment Panel resolves to defer the DAP Application reference DAP/18/01451 for a period of 4 months to allow the applicant the opportunity to clarify its application in terms of:

- The actual use approval sought whether as a "caravan Park" or a "Park Home Park";
- How in general the proposed habitation forms are not buildings and will satisfy the meaning of a park home including how the park homes will be brought to their sites as a vehicle as a means of transport so as to be capable of being drawn on a road on wheels; and
- Demonstration that the proposal will address the rural and planning context of the land.

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

**REASON:** That the application be deferred to allow the applicant to provide further information to justify the proposal and for the proponent and City officers to meet and discuss in detail how it is believed the proposal meets as a park home definition, and allow the application to be assessed in greater detail.

<b>8.1b</b> Property Location:	Lots 2 & 13 Mandurah Road, Baldivis
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Applicant:	Urbanista Town Planning
Owner:	Mirauda Constructions Pty Ltd
Responsible Authority:	Western Australian Planning Commission
DAP File No:	DAP/18/01451

**REPORT RECOMMENDATION**

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**Seconded by:** Nil

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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 proposal 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)*.

**The Report Recommendation LAPSED for want of a mover and a seconder.**

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**Seconded by:** Mr Andrew Macliver

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- Demonstration that the proposal will address the rural and planning context of the land.

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

**REASON:** That the application be deferred to allow the applicant to provide further information to justify the proposal and for the proponent and City officers to meet and discuss in detail how it is believed the proposal meets as a park home definition, and allow the application to be assessed in greater detail.

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

Nil

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

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
City of Rockingham	Lot 301 (2-6) Council Avenue, Rockingham	Proposed health studio, restaurant, showrooms and convenience store

**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 2:28pm.