



Minutes of the Metro South-West Joint Development Assessment Panel

Meeting Date and Time: 10 May 2018; 10:30am
Meeting Number: MSWJDAP/159
Meeting Venue: City of Rockingham
Civic Boulevard, Rockingham

Attendance

DAP Members

Mr Tony Arias (A/Presiding Member)
Mr Clayton Higham (A/Deputy Presiding Member)
Mr Andrew Mack (A/Specialist Member)
Cr Chris Elliott (Local Government Member, City of Rockingham)
Cr Joy Stewart (Local Government Member, City of Rockingham)

Officers in attendance

Mr Greg Delahunty (City of Rockingham)
Mr Mike Ross (City of Rockingham)
Mr Jason Carr (Western Australian Planning Commission)

Minute Secretary

Ms Nicole D'Alessandro (City of Rockingham)

Applicants and Submitters

Mr Terry Sanfead
Mrs Annamaria Sanfead
Mr Paul Cunningham (Rowe Group)
Ms Belinda Moharich (Moharich & More)
Ms Dani Martin (EIW Architects)
Ms Lisa Daley (Rockingham Montessori School)
Mr Nigel Denny (Rockingham Montessori School)
Mr Brian Hartley (Showmac Traffic and Transport)
Ms Tamara Smith (360 Environmental)
Ms Jen Longstaff (360 Environmental)

Members of the Public / Media

Nil

1. Declaration of Opening

The A/Presiding Member, Mr Tony Arias declared the meeting open at 10.30am on 10 May 2018 and acknowledged the past and present traditional owners and custodians of the land on which the meeting was being held.

The A/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 A/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 A/Presiding Member granted permission for the minute taker to record proceedings for the purpose of the minutes only.

2. Apologies

Mr Ian Birch (Presiding Member)
Mr Peter Addison (Specialist Member)

3. Members on Leave of Absence

DAP member, Mr Ian Birch has been granted leave of absence by the Director General for the period of 16 April 2018 to 9 August 2018 inclusive.

DAP member, Mr Peter Addison has been granted leave of absence by the Director General for the period of 1 November 2017 to 30 June 2018 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

DAP member, Mr Tony Arias, declared an impartiality interest in item 9.1a and 9.1b. Ms Belinda Moharich (Moharich & More) represented Mr Arias in a separate matter for the City of Busselton in 2016 and early 2017. The matter was concluded and there is no current business association.

In accordance with section 4.6.1 and 4.6.2 of the DAP Standing Orders 2017, the A/Deputy Presiding Member determined that the member listed above, who had disclosed an impartiality interest, was permitted to participate in discussion and voting on the items.

DAP member, Mr Andrew Mack, declared an impartiality interest in item 9.1a and 9.1b. Mr Andrew Mack worked with Ms Tamara Smith for a period of two years between 1998 and 2000. Mr Mack and Ms Smith have maintained an association and professional relationship since that time but have not worked on this or any other related matter.

In accordance with section 4.6.1 and 4.6.2 of the DAP Standing Orders 2017, the A/Presiding Member determined that the member listed above, who had disclosed an impartiality interest, was permitted to participate in discussion and voting on the items.



7. Deputations and Presentations

- 7.1 Mr Terry Sanfead addressed the DAP against the application at Item 9.1a and 9.1b.
- 7.2 Mr Paul Cunningham (Rowe Group) and Ms Belinda Moharich (Moharich & More) addressed the DAP in support of the application at Item 91.a and 9.1b. Mr Cunningham, Ms Moharich, Ms Tamara Smith & Ms Jen Longstaff (360 Environmental) and Ms Lisa Daley & Mr Nigel Denny (Rockingham Montessori School) answered questions from the panel.

8. Form 1 – Responsible Authority Reports – DAP Application

Nil

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

- 9.1a Property Location: Lot 700 (1791) and Lot 11 (1809) Mandurah Road, Karnup
- Development Description: Extension to Term of Development Approval and Minor Realignment of Building Layout
- Applicant: Mr Paul Cunningham, Rowe Group
- Owner: Ms Jozefa Smith
- Responsible Authority: City of Rockingham
- DAP File No: DAP/14/00687

REPORT RECOMMENDATION

Moved by: Cr Chris Elliott

Seconded by: Cr Joy Stewart

That the Metro South-West JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/14/00687 as detailed on the DAP Form 2 dated 29 November 2017 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Refuse** the DAP Application reference DAP/14/00687 as detailed on the DAP Form 2 date 29 November 2017 and accompanying plans:
 - Masterplan, Drawing No.SK01 Rev E, dated 14.09.2017;
 - Administrative/Sports Centre, Drawing No. SK08 Rev B, dated 15.08.2017;
 - Administrative/Sports Centre, Drawing No. SK07 Rev B, dated 15.08.2017;
 - Administrative/Sports Centre Elevations, Drawing No. SK09 Rev B, dated 15.08.2017;
 - Administrative/Sports Centre Elevations, Drawing No. SK010 Rev B, dated 15.08.2017;
 - Site Sections, Drawing No. SK02 Rev B, dated 14.09.2017;
 - Site Sections, Drawing No. SK03, dated 14.09.2017; and
 - Staging Plan, Drawing No. SK00 Rev C, dated 03.11.2017



in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the 6.2 of the City of Rockingham Planning Scheme No. 2, for the proposed extension of time and minor amendment to the approved Educational Establishment at Lot 11 (No.1809) and Lot 700 (No.1791) Mandurah Road, Karnup, for the following reasons:

Reasons

1. An 'Educational Establishment' is not permitted on Lots 700 and 701 Mandurah Road by virtue of not meeting the prerequisites of clause 7.3 of Town Planning Scheme No.2 for a change of non-conforming use, as the development would be more detrimental to the amenity of the locality than the existing non-conforming use, and it would not be closer to the intended purpose of the zone than the existing nonconforming use.
2. The proposed development is inconsistent with clause 4.11.1 of Town Planning Scheme No.2, being the objectives of the Rural Zone, as the proposal does not preserve land for farming nor foster semi-rural development which is sympathetic to the characteristics of the area in which it is located.
3. The development cannot provide for safe and efficient access to and from Mandurah Road.
4. The proposed development is inconsistent with the objectives of Planning Unit No.4C of Planning Policy 3.1.1 - Rural Land Strategy, Planning Unit C as the proposed development is not setback 10m from all lot boundaries and the scale of the development is considered to intrude into the landscape.
5. The traffic generated by the development will adversely affect the functioning and safety of Mandurah Road, which is inconsistent with its role as a Regional Road.
6. The proposed development is inconsistent with clause 1.6.2(b) of Town Planning Scheme No.2 as it is not considered to secure the amenity, health and convenience of the Scheme Area and the inhabitants thereof by virtue of:
 - a) introducing a land use that substantially increases traffic and noise and results in adverse visual impacts;
 - b) not demonstrating that the method of providing drinking water to service the development will not result in an unacceptable risk to human health by virtue of the effluent disposal area being on the same site as the groundwater abstraction.
7. The proposed development is inconsistent with clause 1.6.2(e) of Town Planning Scheme No.2, which aims to protect and enhance the environmental values and natural resources of the Scheme Area and to promote ecologically and environmentally sustainable land use and development which minimises resource use and waste, as the development:
 - a) will result in extensive vegetation clearing and reduction; and
 - b) requires extensive cut and fill.



8. The development is inconsistent with Clause 4.11.2(a) of Town Planning Scheme No.2 as it does not achieve the required 30 metre setback to Mandurah Road which is required to provide for a vegetated visual buffer and the intrusion of parking and access areas within the required setback area results in an adverse visual impact.
9. The proposed development fails to comply with State Planning Policy 3.7 – Planning in Bushfire Prone Areas, as an appropriate balance between bushfire risk management measures and, biodiversity conservation values, environmental protection and biodiversity management and landscape amenity has not been achieved.
10. The development will adversely impact on local rural amenity as a result of the substantial vegetation clearing and modification and earthworks required to facilitate the development on the site.

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

For: Cr Chris Elliott
Cr Joy Stewart

Against: Mr Tony Arias
Mr Clayton Higham
Mr Andrew Mack

ALTERNATE MOTION

Moved by: Mr Clayton Higham

Seconded by: Mr Andrew Mack

That the Metro South-West JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/14/00687 as detailed on the DAP Form 2 dated 29 November 2017 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** the DAP Application reference DAP/14/00687 as detailed on the DAP Form 2 dated 29 November 2017 and accompanying plans:
 - Masterplan, Drawing No. SK01 Rev E, dated 14.09.2017;
 - Administrative/Sports Centre, Drawing No. SK08 Rev B, dated 15.08.2017;
 - Administrative/Sports Centre, Drawing No. SK07 Rev B, dated 15.08.2017;
 - Administrative/Sports Centre Elevations, Drawing No. SK09 Rev B, dated 15.08.2017;
 - Administrative/Sports Centre Elevations, Drawing No. SK010 Rev B, dated 15.08.2017;
 - Site Sections, Drawing No. SK02 Rev B, dated 14.09.2017;
 - Site Sections, Drawing No. SK03, dated 14.09.2017; and
 - Staging Plan, Drawing No. SK00 Rev C, dated 03.11.2017



in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the 6.2 of the *City of Rockingham Town Planning Scheme No. 2*, for the proposed extension of time and minor amendment to the approved Educational Establishment at Lot 11 (No.1809) and Lot 700 (No.1791) Mandurah Road, Karnup, subject to the conditions and advice notes of the approval dated 18 December 2015 including the following amended condition No. 25:

Condition

25. The requirements of the Bushfire Management Plan (RUIC, Version 2.1, dated 15 February 2018) are to be implemented for the duration of the development.

AMENDING MOTION

Moved by: Mr Clayton Higham

Seconded by: Mr Andrew Mack

To amend the preamble to include the following words after 'for the proposed extension of time':

'for a period of three years from the expiry date of the original approval being 18 December 2017'.

REASON: To grant a three year timeframe for approval as opposed to two years. It was considered that a further three years was reasonable given the complex and time consuming process that is involved in getting the various approvals from government agencies to commence development.

The Amending Motion was put and CARRIED (3/2).

For: Mr Tony Arias
Mr Clayton Higham
Mr Andrew Mack

Against: Cr Chris Elliott
Cr Joy Stewart

ALTERNATE MOTION (AS AMENDED)

That the Metro South-West JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/14/00687 as detailed on the DAP Form 2 dated 29 November 2017 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** the DAP Application reference DAP/14/00687 as detailed on the DAP Form 2 dated 29 November 2017 and accompanying plans:
 - Masterplan, Drawing No. SK01 Rev E, dated 14.09.2017;
 - Administrative/Sports Centre, Drawing No. SK08 Rev B, dated 15.08.2017;
 - Administrative/Sports Centre, Drawing No. SK07 Rev B, dated 15.08.2017;



- Administrative/Sports Cntr Elevations, Drawing No. SK09 Rev B, dated 15.08.2017;
- Administrative/Sports Cntr Elevations, Drawing No. SK010 Rev B, dated 15.08.2017;
- Site Sections, Drawing No. SK02 Rev B, dated 14.09.2017;
- Site Sections, Drawing No. SK03, dated 14.09.2017; and
- Staging Plan, Drawing No. SK00 Rev C, dated 03.11.2017

in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the 6.2 of the *City of Rockingham Town Planning Scheme No. 2*, for the proposed extension of time for a period of three years from the expiry date of the original approval being 18 December 2017 and minor amendment to the approved Educational Establishment at Lot 11 (No.1809) and Lot 700 (No.1791) Mandurah Road, Karnup, subject to the conditions and advice notes of the approval dated 18 December 2015 including the following amended condition No. 25:

Condition

25. The requirements of the Bushfire Management Plan (RUIC, Version 2.1, dated 15 February 2018) are to be implemented for the duration of the development.

REASON: The proposal has already received approval through previous JDAP proceedings and is seeking an extension to the substantial commencement period. The planning framework has not substantially changed since the approval was granted in December 2015; and the land holder has actively and consciously pursued the implementation of the Development Approval.

The Alternate Motion (as amended) was put and CARRIED (3/2).

For: Mr Tony Arias
Mr Clayton Higham
Mr Andrew Mack

Against: Cr Chris Elliott
Cr Joy Stewart

9.1b Property Location: Lot 700 (1791) and Lot 11 (1809) Mandurah Road, Karnup
Development Description: Extension to Term of Development Approval and Minor Realignment of Building Layout
Applicant: Mr Paul Cunningham, Rowe Group
Owner: Ms Jozefa Smith
Responsible Authority: Western Australian Planning Commission
DAP File No: DAP/14/00687



REPORT RECOMMENDATION

Moved by: Nil

Seconded by: Nil

That the Metro South-West JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/14/00687 as detailed on the DAP Form 2 dated 28 November 2017 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*; and
2. **Refuse** the DAP Application reference DAP/14/00687 as detailed on the DAP Form 2 dated 28 November 2017 and accompanying plans:
 - Masterplan, Drawing No. SK01, Rev E, dated 14.09.2017;
 - Administration/Sports Centre, Drawing No. SK08, Rev B, dated 15.08.2017;
 - Administration/Sports Centre, Drawing No. SK07, Rev B, dated 15.08.2017;
 - Administration/Sports Cntr Elevations, Drawing No. SK09, Rev B, dated 15.08.2017;
 - Administration/Sports Cntr Elevations, Drawing No. SK10, Rev B, dated 15.08.2017;
 - Site Sections, Drawing No. SK02, Rev B, dated 14.09.2017;
 - Site Sections, Drawing No. SK03, dated 14.09.2017; and
 - Staging Plan, Drawing No. SK.00, Rev C, dated 03.11.2017

in accordance with the provisions of the *Metropolitan Region Scheme* for the proposed extension of time and minor amendment to the approved Educational Establishment at Lots 11, 700 & Part 701 Rockingham Rd, Karnup, for the following reasons:

Reasons

The development is inconsistent with State Planning Policy 3 – Urban Growth and Settlement, and Development Control Policy 2.4 – School Sites as it:

- a) does not represent a sustainable or well planned development due to the rural nature of the locality and relative isolation from urban facilities, such as a local road network, pedestrian and cyclist facilities, public transport, community services, supporting activity and residential uses;
- b) does not contribute to a sustainable or liveable neighbourhood form, or a sense of neighbourhood and community identity;
- c) does not integrate land use and transport planning to reduce the need to travel, promote the use of public transport and reduce dependence on private cars; and
- d) does not facilitate the efficient use of existing urban infrastructure and proposes significant development and demand for infrastructure and services in an area where they are unlikely to be provided.



The development does not achieve the intent of the matters to be given regard pursuant to Cl.30(1) of the Metropolitan Region Scheme, as it would prejudice the orderly and proper planning of the locality by significantly intensifying development on the subject land, contrary to the purpose, character and amenity of the 'Rural' zone pursuant to the Metropolitan Region Scheme.

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

ALTERNATE MOTION

Moved by: Mr Andrew Mack

Seconded by: Mr Clayton Higham

That the Metro South-West JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/14/00687 as detailed on the DAP Form 2 dated 29 November 2017 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** the DAP Application reference DAP/14/00687 as detailed on the DAP Form 2 dated 29 November 2017 and accompanying plans:
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 - Administrative/Sports Centre, Drawing No. SK07, Rev B, dated 15.08.2017;
 - Administrative/Sports Cntr Elevations, Drawing No. SK09, Rev B, dated 15.08.2017;
 - Administrative/Sports Cntr Elevations, Drawing No. SK010, Rev B, dated 15.08.2017;
 - Site Sections, Drawing No. SK02, Rev B, dated 14.09.2017;
 - Site Sections, Drawing No. SK03, dated 14.09.2017; and
 - Staging Plan, Drawing No. SK00, Rev C, dated 03.11.2017

in accordance with the provisions of the *Metropolitan Region Scheme*, for the proposed extension of time for a period of three years from the expiry date of the original approval being 18 December 2017 and minor amendment to the approved Educational Establishment at Lots 11, 700 and Part Lot 701 Rockingham Road, Karnup, subject to the conditions and advice notes of the approval dated 18 December 2015 with the inclusion of the following new condition No. 8:

New Condition

8. The requirements of the Bushfire Management Plan (RUIC, Version 2.1, dated 15 February 2018) are to be implemented for the duration of the development.

REASON: The proposal has already received approval through previous JDAP proceedings and is seeking an extension of the substantial commencement period. The planning framework has not substantially changed since the approval was granted in December 2015; and the land holder has actively and consciously pursued the implementation of the Development Approval.



The Alternate Motion was put and CARRIED (3/2).

For: Mr Tony Arias
Mr Clayton Higham
Mr Andrew Mack

Against: Cr Chris Elliott
Cr Joy Stewart

10. Appeals to the State Administrative Tribunal

Nil

11. General Business / Meeting Close

The A/Presiding Member reminded the meeting that in accordance with Section 7.3 of DAP Standing Order 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 A/Presiding Member declared the meeting closed at 11.40am.