



Minutes of the Great Southern Joint Development Assessment Panel

Meeting Date and Time: Monday 4 February 2013, 10.30am
Meeting Number: GSJDAP/5
Meeting Venue: Shire of Denmark
953 South Coast Highway, Denmark

Attendance

DAP Members

Mr Rob Paull (Presiding Member)
Mr Ian Hocking (Deputy Presiding Member)
Mr Terry Tyzack (Specialist Member) - via teleconference
Cr Alex Syme (Local Government Member, Shire of Denmark)
Cr Ross Thornton (Local Government Member, Shire of Denmark)

Officers in attendance

Mr Ron Couacaud (Department of Planning)
Mrs Annette Harbron (Shire of Denmark)

Local Government Minute Secretary

Mrs Kevina Richardson (Shire of Denmark)

Applicants, Submitters and Members of the Public

Mr Graeme Robertson (Bennet Range Pty Ltd)
Cr John Sampson (Shire of Denmark)
Cr Jan Lewis (Shire of Denmark)
Mrs Pat Gill (Denmark Bulletin)
6 x members of the public

1. Declaration of Opening

The Presiding Member, Mr Rob Paull declared the meeting open at 10.30am on 4 February 2013 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*.

2. Apologies

Nil



3. Members on Leave of absence

Nil

4. Noting of minutes

Minutes of the Great Southern JDAP Meeting no. 4 held on 27 July 2012 were noted by DAP members.

5. Disclosure of interests

Panel members, Cr Alex Syme and Cr Ross Thornton, both declared an Impartiality Interest in item 8.1.

In accordance with section 4.6.1 and 4.6.2 of the Standing Orders 2012, the Presiding Member of the Great Southern JDAP resolved that the members listed above, who have disclosed an Impartiality Interest, are permitted to participate in discussion and voting on the items.

6. Declaration of Due Consideration

All members declared that they had duly considered the documents.

7. Deputations and presentations

7.1. Mr Graeme Robertson (Bennet Range Pty Ltd) addressed the DAP in support of Item 8.1.

The presentation addressed the grounds of refusal and advocated the application be approved on tourism and discretionary planning considerations.

In accordance with section 3.5.1 of the Standing Orders 2012, the Presiding Member of the Great Southern JDAP invited persons present at the meeting to advise or inform or make a submission to the DAP.

7.2 Mrs Wendy Alpers (owner of No. 76 Myers Road) addressed the DAP against the application at Item 8.1.

8. Form 1 - Responsible Authority Reports – DAP Application

8.1	Application Details:	Proposed Park Home Development
	Property Location:	No. 421 (Lot 84) Mount Shadforth Road, Shadforth
	Applicant:	Taylor Burrell Barnett
	Owner:	Bennet Range Pastoral Co. Pty Ltd
	Responsible authority:	Shire of Denmark
	Report date:	24 January 2013
	DoP File No:	DP/12/01256



(Note: prior to the meeting, all JDAP member accompanied by Shire staff undertook an inspection of the site)

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Mr Terry Tyzack

Seconded by: Cr Ross Thornton

That the Great Southern Joint Development Assessment Panel resolves to:

Refuse DAP Application reference 2012/186 (DAP Application Reference DP 12/01256) for the Proposed Park Home Development on No. 421 (Lot 84) Mount Shadforth Road, Shadforth (accompanying plans as provided for in Attachment A of the Responsible Authority Report) in accordance with Clause 6.5.3 of the Shire of Denmark's Town Planning Scheme No. 3 for the reasons as follows:

1. A 'Park Home Park' is not a land use specifically provided for in the 'Tourist (T1)' zone provisions of Appendix III of Town Planning Scheme No. 3 (i.e. Condition i), thus is not a permissible development.
2. The development proposal is not consistent with the approved Tourist Development Plan for the site thus is contrary to the 'Tourist (T1)' zone provisions of Appendix III of Town Planning Scheme No. 3 (i.e. Condition ii).
3. The development proposal provides for in excess of 75% permanent residential development on-site, thus is contrary to the 'Tourist (T1)' zone provisions of Appendix III of Town Planning Scheme No. 3 (i.e. Condition xiii).
4. The development proposal is not considered to be ancillary to the existing caravan park development on-site – noting that this proposal involves decommissioning the existing caravan park facilities and infrastructure and that technically the caravan park that is on-site no longer has non-conforming use rights in accordance with Town Planning Scheme No. 3.
5. The proposal is not consistent with the purpose and intent of the 'Tourist' zone given the predominant land use would effectively be permanent residential development.
6. The subject site is a 'tourism site' and consequently any development proposal for the site should retain the primary tourism function of the site.
7. The issue of viability is not a land use planning matter.
8. The proposal as presented is essentially a defacto residential subdivision.
9. The proposal as presented is not considered to comply with the relevant provisions of the Caravan Parks & Camping Grounds Regulations 1997 with respects to mobility, form of construction and ability to disassemble within 24 hours without interruption to other development on-site mainly due to the slope of the land and the nature of construction associated with the park homes.
10. The proposal as presented is contrary to the objectives and provisions of *Planning Bulletin 49 – Caravan Parks (February 2001)* and *Planning Bulletin 71 – Residential Leasehold Estates and Developments (March 2005)*.
11. The development proposal is inconsistent with the principles of orderly and properly planning of the locality.

Mr Rob Paull
Presiding Member, Great Southern Joint Development Assessment Panel



With the approval of the mover and the seconder the JDAP carried out the following changes for further clarity of refusal grounds:

1. Replace the number "86.64%" with the words "in excess of 75%" in condition 3 to read as follows:

3. *"The development proposal provides for in excess of 75% permanent residential development on-site, thus is contrary to the 'Tourist (T1)' zone provisions of Appendix III of Town Planning Scheme No. 3 (i.e. Condition xiii)."*

The motion was put and CARRIED UNANIMOUSLY.

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

Nil

10. Appeals to the State Administrative Tribunal

The Presiding Member advised that an Appeal to the State Administrative Tribunal has been lodged for a proposed Coles Supermarket with attached specialty shops at Lot 401-405 Albany Highway, Albany.

11. Meeting Close

There being no further business, the Presiding Member declared the meeting closed at 11.18am.