



Minutes of the Great Southern Joint Development Assessment Panel

Meeting Date and Time: Thursday, 12 June 2014; 2:30pm
Meeting Number: GSJDAP/12
Meeting Venue: Department of Planning
140 William Street, Perth

Attendance

DAP Members

Ms Stacey Towne (A/Presiding Member)
Mr Robert Fenn (A/Deputy Presiding Member)
Mr Terry Tyzack (Specialist Member)
Cr John Sampson (Local Government Member, Shire of Denmark)
Cr Dawn Pedro (Local Government Member, Shire of Denmark)

Officers in attendance

Ms Annette Harbron (Shire of Denmark) – *via teleconference*
Ms Sally Grebe (Department of Planning)

Department of Planning Minute Secretary

Ms Dallas Downes (Development Assessment Panels)

Applicants and Submitters

Mr Angus Witherby (Wakefield Planning)

Members of the Public

Nil

1. Declaration of Opening

Due to the absence of the Presiding Member and in accordance with section 2.4.1 of the Standing Orders 2012, the Deputy Presiding Member Ms Stacey Towne took the chair and declared the meeting open at 2:25pm on 12 June 2014. The Acting Presiding Member acknowledged the past and present traditional owners and custodians of the land on which the meeting was being held.

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

2. Apologies

Mr David Gray (Presiding Member)

3. Members on Leave of absence

Nil

4. Noting of minutes

Minutes of the Great Southern JDAP meeting no.11 held on 10 April 2014 were noted by DAP members.

5. Disclosure of interests

Panel member, Mr David Gray, declared a direct pecuniary interest in Item 10.1 – Trustee in Self Managed Superannuation Fund which holds shares in Metcash.

The Acting Presiding Member noted that Councillors J Sampson and D Pedro have attended a prior Council meeting in relation to DAP application Item 10.1 which is to be considered today, and subsequently allowed the Councillors to elaborate.

Cr D Pedro and Cr J Sampson stated that under Clause 2.4.9 of the DAP Code of Conduct, they had participated in the prior Council decision in accordance with her functions as a member of a local government. However, under clause 2.1.2 of the DAP Code of Conduct, they acknowledged that they was not bound by any previous decision or resolution of the local government, and undertook to exercise independent judgement in relation to any DAP application before them, which they would consider on its planning merits.

The Acting Presiding Member stated that having considered these matters she determined there were no impartiality interests that would prevent Cr D Pedro or Cr J Sampson from participation or voting in relation to the DAP application at this meeting.

6. Declaration of Due Consideration

All members declared that they had duly considered the documents.

7. Deputations and presentations

7.1 Mr Angus Witherby (Wakefield Planning) addressed the DAP for the application at Item 10.1. Mr Witherby 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

Nil

10. Appeals to the State Administrative Tribunal

10.1 Property Location:	No. 82-90 (Lot 50) South Coast Highway, Denmark
Application Details:	Proposed Shopping Centre Development
Applicant:	Wakefield Planning
Owner:	Metcash Food & Grocery Pty Ltd
Responsible authority:	Shire of Denmark
Report date:	5 June 2014
DoP File No:	DP/13/00690

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Mr Robert Fenn

Seconded by: Mr Terry Tyzack

That the Great Southern Joint Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT Application DR 453 of 2013, resolves to:

Reconsider its decision dated 10 April 2014 and **approve** DAP Application (Shire Ref: 2013/153 & A457.a; Department of Planning Ref: DP/13/00690) for the Proposed Shopping Centre Development on No. 82-90 (Lot 50) South Coast Highway, Denmark in accordance with the Shire of Denmark's Town Planning Scheme No.3 subject to all development conditions as listed on the original Planning Approval 2013/153 dated 10 April 2014 (refer Attachment A of the Responsible Authority Report), with the following variations:

- Amended Condition 7: *The vehicle crossover to South Coast Highway to be approved, located, constructed, drained and sealed (concrete, asphalt or brick paved) to the satisfaction of Main Roads WA (noting the in principle agreement from MRWA for the crossover to the South Coast Highway).*
- Amended Condition 9: *Provision of a minimum 2.5 metre wide footpath (comprising of brick paving and concrete with brick paving being the predominant material (i.e. at least 50%)) to the specifications and satisfaction of the Shire of Denmark.*
- Amended Condition 10: *Provision of a minimum 2.0 metre wide footpath from the eastern end of the arbour through to South Coast Highway footpath, with such footpath to be located within adjoining Reserve 46256 (Hamilton Reserve) – refer Advice Note 14.*
- Amended Condition 22 Point b): *Site layout and context, including property boundaries, street names, building/s, parking areas, paved areas, adjacent verges, existing trees and vegetation to be retained (noting the two existing*



mature trees within the South Coast Highway road reserve should be retained where possible).

- *Amended Condition 22 Advice Note 3c): Where possible, and consistent with Crime Prevention Through Environmental Design principles, consideration should be given to retaining existing vegetation along the boundaries rather than removing and replacing with new stock.*
- *Amended Condition 40: This decision constitutes planning approval and is valid for a period of 36 months from the date hereof. If development is not substantially completed within that period, a fresh approval must be obtained.*
- *New Advice Note 14: In relation to Condition 10, the Shire of Denmark's agreement to the footpath being located with adjoining Reserve 46256 (Hamilton Reserve) should not be construed as an acknowledgment of or consent to the commencement or carrying out of the proposed works without further approval from the Shire of Denmark – noting the following:*
 - *Current Condition 16 of Planning Approval 2013/153 as issued by GSJDAP requires engineering plans (addressing a range of engineering related matters including the subject footpath) to be submitted and approved by the Shire of Denmark prior to the issuance of a building permit for the Shopping Centre Development.*
 - *As per Council Resolution 101013, the following provisions to apply to such footpath proposal:*
 - *Formal stormwater management plan details demonstrating best practice being implemented both on-site and off-site through the reserve; and*
 - *Formal details of the pedestrian connectivity to South Coast Highway through the reserve – location, construction details etc. with due regard to be given to the issues including but not limited to stormwater management arrangements and services that exist in the area.*

The Report Recommendation/Primary Motion was put and CARRIED UNANIMOUSLY.

11. Meeting Close

The Acting Presiding Member reminded the meeting that in accordance with Standing Order 7.3 only the Acting 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 Acting Presiding Member declared the meeting closed at 2:42pm.