



Meeting Minutes Template (Regulation 44)

Minutes of the Great Southern Joint Development Assessment Panel

Held in the Shire of Denmark Council Chambers on Monday 17 October 2011

Minute taker: Kevina Richardson, Shire of Denmark

DAP Member Attendees

Mr Robert Paull (Presiding Member)
Mr Ian Hocking (Deputy Presiding Member)
Mr Terry Tyzack (Specialist Member)
Cr Alexander Syme (Shire of Denmark Local Government Member)
Cr John Sampson (Shire of Denmark Alternate Local Government Member)

Local Government Elected Members and Officers

Cr Ross Thornton (Shire of Denmark Local Government Member – observer only at this meeting)
Cr Dawn Pedro (Shire of Denmark Alternate Local Government Member – observer only at this meeting)
Mr Dale Stewart – Chief Executive Officer
Mrs Annette Harbron – Director of Planning & Sustainability

Applicant(s), Submitters and Members of the Public

Messrs Steve Walker, Ron Lister, Addy Khosravi, Geoffrey Lush & Ed Heyworth (Applicant's representatives)
Mr David Caddy (Shire of Denmark representative)
Cr Adrian Hinds, Cr Jan Lewis, Cr Barbara Marshall (from 1.58pm)
Ms Sue Burrows & Mr Mike Schramm (Department of Planning)
Seventeen (17) Public Members in attendance
Mrs Pat Gill – Denmark Bulletin
Mr Josh Nyman – Albany Advertiser

1. Declaration of Opening

The Presiding Member, Mr Robert Paull declared the meeting open at 1.00pm.

The Presiding Member announced, in accordance with Section 5.14 of the Standing Orders 2011: 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 a DAP meeting unless the Presiding Member has given permission to do so*', and he had granted permission for the electronic recording for the purposes of recording the minutes only.

The Presiding Member announced the meeting is the historic first meeting of the Great Southern Joint Development Assessment Panel.

The Presiding Member announced the meeting is run in accordance with the Development Assessment Panel (DAP) Standing Orders 2011 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

Mr Robert Paull
Presiding Member, Great Southern JDAP

The Presiding Member advised the meeting that the Panel had undertaken an inspection of the Site subject of Item 7 earlier in the day in the company of Mrs Annette Harbron. The Panel had also taken an inspection of the town to familiarise themselves with Denmark.

2. Apologies

Nil

3. Leave of absence

Nil

4. Noting of minutes

Nil

5. Disclosure of interests

- a. Mr Robert Paull (Presiding Member) declared an indirect impartiality interest in Item 7.
- b. Cr Alexander Syme (Shire of Denmark Local Government Member) declared an indirect impartiality interest in Item 7.
- c. Cr John Sampson (Shire of Denmark Alternate Local Government Member) declared an indirect impartiality interest in Item 7.

In accordance with Section 4.5.1, 4.5.2 and 6.2 of the Standing Orders 2011, the Presiding Member of the Great Southern JDAP agreed that Cr Alexander Syme and Cr John Sampson, who have disclosed an impartiality interest, are permitted to participate in discussion and voting on the items.

In accordance with Section 4.5.1, 4.5.2 and 6.2 of the Standing Orders 2011, the Deputy Presiding Member of the Great Southern JDAP agreed that Mr Rob Paull, who disclosed an impartiality interest, was permitted to participate in discussion and voting on the items.

6. Deputations and presentations

- a. Messrs Steve Walker, Addy Khosravi, Geoffrey Lush, Ed Heyworth and Ron Lister addressed the DAP in support of the proposed development (that is against the report recommendation) for Item 7.
- b. Mr David Caddy addressed the DAP against the proposed development (that is for the report recommendation) for Item 7.

As per Section 40 (3) of the *Planning and Development (Development Assessment Panel) Regulations 2011*, the Presiding Member invited Mr Alan Davis (a submitter in relation to the proposed development the subject of Item 7) to speak on the basis that the ability to request a Presentation with at least 72 hours notice was not possible.

After Mr Alan Davis's presentation to the DAP, the Presiding Member took the opportunity to inform Mr Alan Davis that Ms Sue Burrows from the Department of Planning was in attendance at today's meeting and that he encouraged them to have further discussions regarding the issues raised in relation to process of consultation with the community and the associated tight timeframes.



Mr Robert Paull
Presiding Member, Great Southern JDAP

7. Responsible Authority reports

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| 1. Property location and subject: | No. 50 (Lot 358) Smith Street, Denmark –
Proposed 64 Grouped Dwellings |
| 2. Applicant's name: | Shahyar Gorjy |
| 3. Responsible authority: | Shire of Denmark |
| 4. Report date: | 19 September 2011 |

REPORT RECOMMENDATION:

That the Great Southern JDAP resolves to:

1. **Refuse** Planning Application 2011/127 (DAP Application Reference DP/11/01607/01) for Proposed 64 Grouped Dwellings on No. 50 (Lot 358) Smith Street, Denmark (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 following reasons:
 - a) The development proposal is not of a high standard in terms of design and aesthetics and is not consistent with the adopted Conceptual Structure Plan for the site, thus as per Clause 5.3.5 of Town Planning Scheme No. 3 the 'R10' density code development standards shall apply to the site and not the 'R20' density code development standards that the development proposal has been based on.
 - b) The development proposal is not consistent with Clause 1.6 Scheme Objectives of Town Planning Scheme No. 3, in particular:
 - to zone land for various purposes in order to promote orderly and properly development of the Shire; and
 - to provide for the protection of the natural environment and landscape from inappropriate development.
 - c) The development proposal is not consistent with the purpose and intent of the 'Residential' zone of Town Planning Scheme No. 3, which pertains to "low density residential", on the basis that the proposed lot sizes are more akin to that of an 'R30' density coding (classified as medium density in the Residential Design Codes).
 - d) The development proposal with proposed lot sizes ranging from 244m² – 320m² does not comply with the Acceptable Development or Performance Criteria provisions of Element 6.1 Housing Density Requirements of the Residential Design Codes on the basis that:
 - The 'R10' density code development standards should apply to the site having regard to the provisions of Clause 5.3.5 of Town Planning Scheme No. 3;
 - Notwithstanding the above reference that 'R10' density code development standards should apply, if the 'R20' density code is considered to apply, then Acceptable Development provision A3 iv) of Element 6.1.3 Variation to the Minimum Site Area Requirements is not applicable as the Shire of Denmark only supported the application of the 'R20' density coding on 22 November 2005, thus as at 4 October 2002 the lower density coding of 'R20' applied to the site; and
 - Notwithstanding the above reference that 'R10' density code development standards should apply, if the 'R20' density code is considered to apply, then the Performance Criteria P3.1 provisions are not satisfied/applicable with this development proposal in this instance.



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- e) The development proposal does not comply with the Acceptable Development or Performance Criteria provisions of the Residential Design Codes in relation to Element 6.2 Streetscape requirements on the basis that:
- The 'R10' density code development standards should apply to the site having regard to the provisions of Clause 5.3.5 of Town Planning Scheme No. 3 – that is front setbacks should be 7.5 metre average with a 3.75 minimum (as per Acceptable Development Provision A1.1 of Element 6.2.1 Setback of Buildings Generally), noting that 42 of the 64 grouped dwellings (65.6%) do not comply with this requirement;
 - Notwithstanding the above reference that 'R10' density code development standards should apply, if the 'R20' density code is considered to apply, proposed Lots 5, 13, 14, 19, 20, 21, 22, 24, 26, 28, 29, 33, 36 and 38 do not comply with the front setback requirement of 6.0 metre average with a 3.0m minimum (as per Acceptable Development Provision A1.1 of Element 6.2.1 Setback of Buildings Generally); and
 - Notwithstanding the above reference that 'R10' density code development standards should apply, if the 'R20' density code is considered to apply, then the Performance Criteria P1 provisions are not satisfied as the development proposal does not contribute to an attractive low-density residential streetscape character, nor provides for adequate privacy and open space for the grouped dwellings.
- f) The development proposal does not comply with the Acceptable Development or Performance Criteria provisions of the Residential Design Codes in relation to Element 6.5 Access and Parking Requirements on the basis that:
- Fifteen (15) visitor's car parking spaces are required to be provided as per Acceptable Development provision A1 of Element 6.5.1 On-site Parking Provision and the proposal only provides for eleven (11);
 - The visitor's car parking spaces are not located close to, nor are they visible from, the point of entry to the development as required by Acceptable Development provision A3.1 of Element 6.5.3 Design of Parking Spaces;
 - The driveways associated with the dwellings on proposed Lots 5, 6, 8, 9, 13, 14, 15, 19, 20, 21, 22, 33, 34, 36, 37, 38, 39, 49, 51, 52, 53 and 54 occupy more than 40% of the frontage of the proposed Lots contrary to Acceptable Development provision A4.2 of Element 6.5.4 Vehicular Access;
 - Given that the driveways associated with the dwellings on proposed Lots 5, 6, 8, 9, 13, 14, 15, 19, 20, 21, 22, 33, 34, 36, 37, 38, 39, 49, 51, 52, 53 and 54 occupy more than 40% of the frontage of the proposed Lots, it is considered that Performance Criteria P4 of Element 6.5.4 is not adequately addressed as the extent of driveways detracts from the associated streetscapes;
 - A passing point cannot be accommodated within the common property driveway which provides vehicular access to proposed Lots 18-24 without encroachment into one or more of the adjoining survey strata lots contrary to Acceptable Development provision A4.5 of Element 6.5.4 Vehicular Access;
- g) The development proposal does not comply with the Acceptable Development or Performance Criteria provisions of the Residential Design Codes in relation to Element 6.9 Design For Climate Requirements on the basis that:
- A number of grouped dwellings (at least 18.75%) exceed the overshadowing requirement of 25% of the site area contrary to Acceptable Development provision A1 of Element 6.9.1 Solar Access for Adjoining Sites;
 - The development proposal has not been designed to protect solar access for neighbouring properties from an overshadowing perspective, thus Performance Criteria P1 of Element 6.9.1 Solar Access for Adjoining Sites is not satisfied.



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- h) The development proposal is inconsistent with the provisions of Town Planning Scheme Policy No. 2.5: Residential Areas, namely on the basis that:
- The development proposal provides for a development form that was not envisaged with a density coding of 'R10/20'; and
 - The development proposal provides for 1.8m high solid boundary fencing adjacent to the communal open space areas (including the drainage basin areas adjoining Smith Street road reserve) as opposed to 1.5m high open/permeable style fencing.
- i) The development proposal is inconsistent with the provisions of Town Planning Scheme Policy No. 15: Townscape, namely on the basis that the development proposal provides for a development form that was not envisaged with a density coding of 'R10/20', thus resulting in a development that does not harmonise with the built form of Denmark.
- j) The development proposal is inconsistent with the provisions of Town Planning Scheme Policy No. 28: Settlement Strategy, namely on the basis that the development proposal provides for a development form that was not envisaged with a density coding of 'R10/20', thus resulting in a development that is not consistent with the expectations of surrounding land uses, residential densities or established or emerging character of Denmark.
- k) The development proposal is inconsistent with the provisions of Town Planning Scheme Policy No. 33: Energy Efficient Subdivision Design and Residential Building Design, namely on the basis that:
- Lot layout is not predominantly north-south;
 - Good winter sun access is not available to dwelling windows in the majority of instances (in particular the Colarado, Alessia, Merivale, Riviera, Aspen, Applecross, Annetta and Fabio house designs), noting highlight windows are proposed on the majority of side elevations in response to addressing building setback requirements – thus resulting in an unfavourable design response for the occupants/occupiers of such dwellings from a light, solar access and overall amenity perspective;
 - There is not a range of residential lot sizes proposed, noting that of the 64 sites, 59 of them are 260m² or less;
 - The proposed lot sizes have not had regard to site constraints;
 - Lots are not fronting parkland (noting it is communal open space and not public open space);
 - Street frontages are dominated by garages and parked cars and/or create unsafe conditions (based on excessive number of crossovers); and
 - Primary living areas with good solar access facing north are not achieved.
- l) The development proposal is inconsistent with the principles of orderly and properly planning of the locality.
2. Advises the applicant and the Shire of Denmark of its decision accordingly.

Moved by: Terry Tyzack

Seconded by: Ian Hocking

For: Robert Paull, Ian Hocking, Terry Tyzack, Cr Alexander Syme and Cr John Sampson

Against: Nil

The motion was put and carried 5/0.



Mr Robert Paull
Presiding Member, Great Southern JDAP

8. Amending or cancelling DAP development approval

Nil

9. Appeals

Nil

10. General Business

Nil

11. Meeting Close

There being no further business, the Presiding Member declared the meeting closed at 2.14pm.



Mr Robert Paull
Presiding Member, Great Southern JDAP