



Regional Joint Development Assessment Panel Minutes

Meeting Date and Time: Tuesday, 12 April 2022; 10:30am
Meeting Number: RJDAP/52
Meeting Venue: Electronic Means

This DAP meeting was conducted by electronic means (Zoom) open to the public rather than requiring attendance in person

1 Table of Contents

1.	Opening of Meeting, Welcome and Acknowledgement.....	2
2.	Apologies.....	3
3.	Members on Leave of Absence	3
4.	Noting of Minutes.....	3
5.	Declaration of Due Consideration.....	3
6.	Disclosure of Interests.....	3
7.	Deputations and Presentations.....	4
8.	Form 1 – Responsible Authority Reports – DAP Applications.....	4
8.1	Lot 303 (No. 15) Albatross Crescent, Eaton.....	4
9.	Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval	10
	Nil	10
10.	State Administrative Tribunal Applications and Supreme Court Appeals ...	11
11.	General Business.....	11
12.	Meeting Closure	11



Attendance

DAP Members

Mr Ray Haeren (Presiding Member)
Mr Gene Koltasz (A/Deputy Presiding Member)
Mr Justin Page (Third Specialist Member)
Cr Michael Bennett (Local Government Member, Shire of Dardanup)
Cr Peter Robinson (Local Government Member, Shire of Dardanup)

Officers in attendance

Ms Cecilia Muller (Shire of Dardanup)
Mr Murray Connell (Shire of Dardanup)
Ms Sonja Pienaar (Shire of Dardanup)

Minute Secretary

Ms Samantha Hansen (DAP Secretariat)
Ms Megan Ventriss (DAP Secretariat)

Applicants and Submitters

Mr Nik Hidding (Peter Webb and Associates)
Mr Tom Carmody (Tomahawk Property)
Mr Jared Robertson (Tomahawk Property)
Mr James Wortley (Tomahawk Property)

Members of the Public / Media

Nil.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 10:32am on 21 April 2022 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

Due to the conflict of interest of the Presiding Member and the Deputy Presiding Member, Mr Ray Haeren has been appointed as Presiding Member for this meeting in accordance with regulation 27(3A) of the *Planning and Development (Development Assessment Panel) Regulations 2011*.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2020 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

Mr Ray Haeren
Presiding Member, Regional JDAP



1.1 Announcements by Presiding Member

The Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2020 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 meeting would not be recorded.

In response to the COVID-19 situation, this meeting was convened via electronic means (Zoom). Members were reminded to announce their name and title prior to speaking.

2. Apologies

Mr Paul Kotsoglo (Presiding Member)
Ms Kanella Hope (Deputy Presiding Member)

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

DAP Member, Ms Kanella Hope, declared an Indirect Pecuniary Interest in item 8.1. Ms Hope advised that she is currently and directly involved with Peter Webb and Associates, the applicant in this item, for a service station nearby to Eaton, in Dalyellup.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member, Mr Paul Kotsoglo determined on 29 March 2022 that Ms Kanella Hope, who disclosed an Indirect Pecuniary Interest, was not permitted to participate in the discussion and voting on the item.

DAP Member, Mr Paul Kotsoglo, declared an Indirect Pecuniary Interest in item 8.1. Mr Kotsoglo advised that Planning Solutions, the company that he is Managing Director of, had been requested by the project manager to present a proposal. The persona Planning Solutions submitted the proposal to is not the party involved in the application however, Mr Kotsoglo considered it appropriate to declare an indirect pecuniary interest and not participate in this matter.



In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member, Mr Ray Haeren determined that Mr Paul Kotsoglo who disclosed an Indirect Pecuniary Interest, was not permitted to participate in the discussion and voting on the item.

7. Deputations and Presentations

7.1 Mr Nik Hidding (Peter Webb and Associates) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

7.2 Mr Robin White (Transcore) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

7.3 The Shire of Dardanup Officers addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 303 (No. 15) Albatross Crescent, Eaton

Development Description:	Service Station Development
Applicant:	Peter Webb & Associates
Owner:	West Coast Property Development Pty Ltd
Responsible Authority:	Shire of Dardanup
DAP File No:	DAP/22/02162

REPORT RECOMMENDATION

Moved by: Cr Michael Bennett

Seconded by: Cr Peter Robinson

It is recommended that Regional JDAP resolves to:

Approve DAP Application reference DAP/22/02162 and accompanying plans in accordance with Clause 68 of Schedule 2 (deemed provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause 7.3 of the Shire of Dardanup Town Planning Scheme No. 3, subject to the following:

Mr Ray Haeren
Presiding Member, Regional JDAP



Conditions:

1. All development must be carried out in accordance with the approved plans listed below, unless amended with the written consent of the Shire. In the event of an inconsistency between the approved plans and a requirement of the conditions of this development approval, the requirement of the conditions prevail.
 - Schedule Finishes A002 C
 - Site Plan Proposed A102L
 - Plan Building A103C
 - Canopy Plan A104 C
 - Elevation Building Sheet 1 A201C
 - Elevation Building Sheet 2 A202C
 - Elevation Canopy Car Sheet 1 A203C
 - Elevation Canopy Car Sheet 2 A204C
 - Elevation Building Sheet 3 A205E
 - Plan Site Signage S101F
 - Elevation Signage S201C
 - Stormwater Drainage Plan and Details C1
 - Vegetation Plan A105C
2. The approved signs must at all times:
 - a. not be moving, pulsating, flashing, incorporate animation or movement into their design or structure.
 - b. only advertise services or products available on the subject lot.
 - c. have a minimum 1.5m setback to any part of any crossover.
 - d. be maintained to the approval of the Shire of Dardanup.
3. Prior to an application for a building permit, the Traffic Impact Statement must be updated to include the level of service for all intersections.
4. Should modifications to the road network be required as a result of the updated Traffic Impact Statement, these modifications shall be undertaken to the satisfaction of the Shire of Dardanup at the applicant's cost.
5. The approved fencing must be installed prior to the commencement of the use and thereafter maintained to the approval of the Shire of Dardanup.
6. The landowner/proponent is responsible to ensure that the installations, activities and processes associated with the development are carried out at all times and in all respects in accordance with the Environmental Noise Impact Report prepared by Reverberate Consulting, dated 10 December 2021.
7. Prior to the works commencing, a landscaping plan for the subject site and the road verge along Eaton Drive, Blue Wren Drive and Albatross Crescent must be submitted to and approved by the Shire of Dardanup.



- The approved landscaping plan must be fully implemented within 9 months of the use commencing, unless another date is specified in writing by the Shire of Dardanup, and must be maintained thereafter to the approval of the Shire of Dardanup.
8. Prior to the use commencing, an illumination report must be prepared by a suitably qualified person to demonstrate to the approval of the Shire of Dardanup that the completed development including signage complies with the requirements of '*AS/NZS 4282:2019 Control of the obtrusive effects of outdoor lighting*'.
 9. All stormwater is to be disposed of on-site to the approval of the Shire of Dardanup.
 10. The existing southern crossover onto Albatross Crescent as indicated on the approved plans shall be removed and the verge reinstated to the approval of the Shire of Dardanup.
 11. All vehicle crossovers are to be installed and constructed to the specification of Council Policy '*Infr CP050 – Crossovers – Approvals, Standards and Subsidy*' to the approval of the Shire of Dardanup.
 12. The area set aside for the parking of vehicles together with the associated access as shown on the approved plans shall:
 - a. be installed to the approval of the Shire of Dardanup prior to the use commencing;
 - b. be maintained thereafter to the approval of the Shire of Dardanup;
 - c. be made available for such use at all times and not used for any other purpose unless otherwise approved in writing by the Shire of Dardanup;
 - d. be properly formed to such levels that it can be used in accordance with the approved plans and approved use;
 - e. be drained and sealed with an all-weather seal coat to the approval of the Shire of Dardanup;
 - f. have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the approved plans; and
 - g. be designed in accordance with AS/NZS 2890 including the provision of accessible car parking for people with disabilities.
 13. Prior to works commencing, engineering drawings and specifications are to be submitted to and approved by the Shire of Dardanup, and works undertaken in accordance with the approved plan for the provision of:
 - a. a shared path and pedestrian crossing point on Eaton Drive connecting the development with the existing footpath on the western side of Eaton Drive; and
 - b. a shared path along the northern side of Blue Wren Drive connecting to the existing footpath on Albatross Crescent.



14. All loading and unloading of goods must only be carried out within the lot boundaries and must not disrupt the circulation and parking of vehicles on the land.
15. Suitable arrangements must be made to the satisfaction of the Shire of Dardanup to effectively screen vehicle headlight impacts from the vehicle crossover on Blue Wren Drive to the residential properties opposite the application site.

Advice Notes:

- i. Detailed drawings are to be submitted with the building licence application identifying means of access from car parking areas to the entrance of the building and throughout the building, as required by AS1428.1-2009.
- ii. A demolition permit must be obtained from the Shire of Dardanup prior to the removal/demolition of the existing buildings.
- iii. Storage of dangerous goods must comply with the *Dangerous Goods Safety Act 2004* and its regulations and all relevant requirements of the Department of Mines, Industry Regulation and Safety.
- iv. The hardstand vehicle refuelling area is to be designed to ensure that hydrocarbons cannot enter the stormwater system.
- v. Any clearing permit that may be required are the responsibility of the landowner/proponent

AMENDING MOTION 1

Moved by: Mr Gene Koltasz

Seconded by: Mr Justin Page

That Condition No. 4 be deleted and the remaining conditions be renumbered accordingly.

The Amending Motion was put and CARRIED (4/1).

For: Mr Ray Haeren
Mr Gene Koltasz
Mr Justin Page
Cr Peter Robinson

Against: Cr Michael Bennett

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The Applicant's justification for removal of Condition 4 is acceptable, on the basis that the supporting Transport Impact Statement forecast traffic generated by the proposed development is not significant enough, on its own, to warrant modifications to the existing road network at the cost of the developer. The proposed Condition 4 was considered open ended and without any justification or link between the need and nexus. Based on feedback from officers, the provision of the data analysis was considered important.

Mr Ray Haeren
Presiding Member, Regional JDAP



REPORT RECOMMENDATION (AS AMENDED)

It is recommended that Regional JDAP resolves to:

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 - a. not be moving, pulsating, flashing, incorporate animation or movement into their design or structure.
 - b. only advertise services or products available on the subject lot.
 - c. have a minimum 1.5m setback to any part of any crossover.
 - d. be maintained to the approval of the Shire of Dardanup.
3. Prior to an application for a building permit, the Traffic Impact Statement must be updated to include the level of service for all intersections.
4. The approved fencing must be installed prior to the commencement of the use and thereafter maintained to the approval of the Shire of Dardanup.
5. The landowner/proponent is responsible to ensure that the installations, activities and processes associated with the development are carried out at all times and in all respects in accordance with the Environmental Noise Impact Report prepared by Reverberate Consulting, dated 10 December 2021.



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The approved landscaping plan must be fully implemented within 9 months of the use commencing, unless another date is specified in writing by the Shire of Dardanup, and must be maintained thereafter to the approval of the Shire of Dardanup.

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 - d. be properly formed to such levels that it can be used in accordance with the approved plans and approved use;
 - e. be drained and sealed with an all-weather seal coat to the approval of the Shire of Dardanup;
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- iii. Storage of dangerous goods must comply with the *Dangerous Goods Safety Act 2004* and its regulations and all relevant requirements of the Department of Mines, Industry Regulation and Safety.
- iv. The hardstand vehicle refuelling area is to be designed to ensure that hydrocarbons cannot enter the stormwater system.
- v. Any clearing permit that may be required are the responsibility of the landowner/proponent

The Report Recommendation (as amended) was put and CARRIED UNANIMOUSLY.

REASON: The Panel, having considered the Responsible Authority Report and all materials and information presented, was satisfied with the RAR recommendation but with the amended conditions. A key issue that was discussed by the Panel with the Responsible Authority and the Applicant was whether the proposed development would lead to an increase in traffic, which would warrant the developer having to meet the costs for modifications to the existing road network. The Panel acknowledged the proposed development would be an intensification of the current approved land use of the subject site, however there is no definitive 'need and nexus' which would warrant the developer having to undertake modifications to the existing road network, of which, historically the traffic accommodated within the existing road network has been the result of cumulative development over time. Based upon the RAR and consideration of the proposal the development was considered appropriate in the site context subject to conditions managing the amenity of the locality.

9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval

Nil



10. State Administrative Tribunal Applications and Supreme Court Appeals

The Presiding Member noted the following SAT Applications -

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DP/14/00039 DR 65/2020	Shire of York	Lots 4869 (2256), 5931, 9926 (2948) and 26934 Great Southern Highway, St Ronans	Construction and Use of Allawuna Farm for the purposes of a Class II Landfill	28 July 2020
DAP/21/02063 DR241/2021	Shire of Dardanup	Lot 2 Banksia Road, Crooked Brook	Cleanaway Dardanup Landfill Facility	5 November 2021
DAP/21/02102 DR11/2022	City of Busselton	Lot 108 (No.57) Dunn Bay Road & Lot 109 (No. 6) Cyrilleen Way, Dunsborough	Mixed Use Development (Office, Shops, Restaurant/Cafe, Liquor Store – Small & 42 Multiple Dwellings)	13 January 2022
DAP/21/02120 DR49/2022	City of Busselton	Lot 400 (No.24) Dunn Bay Road, Dunsborough	Proposed six storey mixed use (Restaurant/Cafe and Multiple Dwellings) Development	23 March 2022

11. General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2020 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.

12. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 11:17am.