



## Regional Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Friday, 25 February 2022; 9:30am  
**Meeting Number:** RJDAP/47  
**Meeting Venue:** Electronic Means

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

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## Attendance

### DAP Members

Ms Kanella Hope (A/Presiding Member)  
Mr Brian Curtis (A/Deputy Presiding Member)  
Ms Leigh Penney (A/Third Specialist Member)  
Cr Paul Gillett (Local Government Member, Shire of Harvey)  
Cr Craig Carbone (Local Government Member, Shire of Harvey)

### Officers in attendance

Ms Kelly Beaglehole (Shire of Harvey)  
Ms Nicole Shore (Shire of Harvey)  
Mr Mark Chadwick (Shire of Harvey)

### Minute Secretary

Ms Adele McMahon (DAP Secretariat)  
Ms Sam Hansen (DAP Secretariat)

### Applicants and Submitters

Mr Trent Durward (Megara)

### Members of the Public / Media

Nil

## 1. Opening of Meeting, Welcome and Acknowledgement

The A/Presiding Member declared the meeting open at 9:32am on 25 February 2022 and acknowledged the traditional owners and paid respect to Elders past and present 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 2020 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

### 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.

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)  
Mr Justin Page (Third Specialist 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

The Presiding Member noted that an addendum to the agenda was published to include details of a DAP direction for further information and responsible authority response in relation to Item 8.1, received on 24 February 2022.

All members declared that they had duly considered the documents.

## 6. Disclosure of Interests

DAP Member, Mr Paul Kotsoglo, declared a Direct Pecuniary Interest in item 8.1. Mr Kotsoglo is the Managing Director of Planning Solutions. Planning Solutions has acted on behalf of the applicant, Megara in the recent past.

DAP Member, Mr Justin Page, declared an Indirect Pecuniary Interest in item 8.1. Mr Page is employed by Element Advisory of whom the applicant, Megara are a client.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the A/Presiding Member, Ms Kanella Hope, determined that the members listed above, who have disclosed a Pecuniary Interest and an Indirect Pecuniary Interest respectively are not permitted to participate in the discussion and voting on the items.

## 7. Deputations and Presentations

7.1 Mr Trent Durward (Megara) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

7.2 Ms Kelly Beaglehole (Shire of Harvey) 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 9601 Ditchingham Road & Lot 4 Saltwood Drive, Australind

Development Description: Showrooms/ Warehouse and Health Centre  
Applicant: Megara Property – Mr Trent Durward  
Owner: TRD Development Pty Ltd & Treendale Central Pty Ltd  
Responsible Authority: Shire of Harvey  
DAP File No: DAP/21/02164

### REPORT RECOMMENDATION

**Moved by:** Ms Leigh Penney

**Seconded by:** Cr Craig Carbone

*With the agreement of the mover and seconder the following amendments were made to the report recommendation;*

(i) To amend Condition 17 to read as follows:

*Prior to occupation of the approved development, to enable legal access between the subject Lot 4 and adjoining Lot 9601, an Easement In Gross shall be registered on the Certificate of Title of both lots to secure rights of carriageway over the vehicle access way(s) in accordance with the ~~Treendale Commercial Structure Plan (Amendment 1 dated 2 September 2020)~~ **Treendale Local Development Plan as dated 14 October 2022**. The easements shall be at the full cost of the land owner(s) and they shall be registered and constructed to the satisfaction of the Shire.*

**REASON:** To secure the easement for the Right of Carriageway as intended but without picking up all the roads and easements proposed in the structure plan, being the north south road between Bronzewing and Ditchingham Place as per the Treendale Commercial Precinct Stage 1B LD.

That the Regional JDAP resolves to:

1. **Approve** DAP Application reference DAP/22/02164 and accompanying plans (A01-C to A05-C) 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 4.2.1 of the Shire of Harvey District Planning Scheme No. 1, subject to the following conditions:

### Conditions

1. The development and/or use shall be in accordance with the attached approved plans, subject to modifications required as a consequence of any condition(s) of this approval. The approved plans shall not be modified or altered without first obtaining approval from the Shire.



2. This approval is valid for a period of two (2) years. If the development is not substantially commenced within this period, a new approval shall be obtained before commencing or continuing development.
3. Prior to a Building Permit being issued, an updated Traffic Impact Assessment shall be submitted and approved by the Shire addressing the following:
  - a. Assess the proposed rear access laneway including access to the rear of future lots for loading and unloading, overall circulation and egress arrangements; and
  - b. Assess the proposed rear access laneway with respect to its safety and efficiency.
4. Prior to a Building Permit being issued, recommendations from the approved updated Traffic Impact Assessment shall be addressed by the submission of an amended plan for approval by the Shire.
5. Prior to a Building Permit being issued, a detailed Landscaping and Reticulation Plan shall be submitted and approved by the Shire. The landscape plan shall address the following:
  - a. A site plan of existing and proposed development with natural and finished ground levels;
  - b. The location, species and size of existing vegetation and vegetation to be removed;
  - c. Exact species, location and number of proposed plants;
  - d. A key or legend detailing proposed species type grouped under the subheadings of tree, shrub and ground cover;
  - e. Mulching or similar treatments of garden beds including edges;
  - f. Details of reticulation of landscaped areas including the source of the water supply and proposed responsibility for maintenance;
  - g. Treatment of paved areas (parking and pedestrian areas);
  - h. Screening of car parking areas; and
  - i. Fence material, height and treatment.
6. Prior to a Building Permit being issued, a Bank Guarantee or Bond of \$5000.00 shall be submitted for the purpose of establishing and maintaining the approved Landscaping Plan. Such Bank Guarantee or Bond shall be held by the Shire of Harvey for a minimum period of 2 years from the completion of the works until the establishment and maintenance of vegetation is confirmed by the Shire as satisfactory.



7. Prior to occupation of the approved development, a minimum of 62 parking bays shall be provided as per the approved plans to the satisfaction of the Shire.
8. Prior to the commencement of any works, a Construction Management Plan shall be submitted for approval by the Shire that:
  - a. minimises the impact of the approved development on the amenity of the locality due to the transportation of materials to and from the site;
  - b. ensures the use of buildings, works and materials on the site do not generate unreasonable levels of noise, vibration, dust, drainage, wastewater, waste products or reflected light;
  - c. details the management applicable to construction traffic movement, occupational health and safety, signage, dust management and environmental management in relation to the approved development;
  - d. manages weed and pest nuisances on the site and in the locality; and
  - e. incorporates any suggested management measures from accompanying technical assessment reports.
9. Prior to a Building Permit being issued, a Stormwater and Drainage Management Plan shall be prepared in accordance with the Department of Water and Environmental Regulation's Stormwater Management Manual and submitted for approval by the Shire.
10. Prior to commencement of works, an External Lighting Plan shall be submitted for approval by the Shire and shall include lighting details for the access way(s), parking area(s) and turning area(s).
11. During construction of the approved development, the approved Construction Management Plan shall be implemented to the satisfaction of the Shire.
12. Prior to occupation of the approved development, the approved Landscaping and Reticulation Plan shall be implemented to the satisfaction of the Shire.
13. Prior to occupation of the approved development, the approved Stormwater and Drainage Management Plan shall be implemented to the satisfaction of the Shire.
14. Prior to occupation of the approved development, the approved External Lighting Plan shall be implemented to the satisfaction of the Shire.
15. Prior to occupation of the approved development, all verge areas shall be suitably grassed or planted and maintained at all times. The verge shall not be used for the purpose of parking nor for overflow parking in the case of a common driveway being shared.
16. Prior to occupation of the approved development, the property shall be connected to the Water Corporation reticulated sewerage system.



17. Prior to occupation of the approved development, to enable legal access between the subject Lot 4 and adjoining Lot 9601, an Easement In Gross shall be registered on the Certificate of Title of both lots to secure rights of carriageway over the vehicle access way(s) in accordance with the Treendale Local Development Plan as dated 14 October 2022. The easements shall be at the full cost of the land owner(s) and they shall be registered and constructed to the satisfaction of the Shire.
18. Prior to occupation of the approved development, car parking areas, crossovers and access ways shall be suitably constructed, sealed, drained, kerbed, line marked and signposted, and thereafter maintained, in accordance with the approved plans to the satisfaction of the Shire.
19. Prior to occupation of the approved development, all external surfaces of concrete tilt panel shall be painted and/or finished to the satisfaction of the Shire.
20. Advertising signs shall be located in accordance with the approved plans and are not to exceed the dimensions as indicated on the application without written approval from the Shire.
21. Any illuminated signage is not to flash or pulsate and shall be of an illumination level that is suitable to off-street ambient lighting that does not cause nuisance to the amenity.
22. Goods or materials shall not be stored within the car parking, landscaping areas or access driveways.
23. At all times, all loading and unloading shall take place within the designated loading areas within boundaries of the site.

#### **Advice Notes**

1. The development the subject of this approval is also regulated by the Building Code of Australia and a separate building permit must be granted before the development commences.
2. The development is required to comply with the *Disability Access to Premises Building Standards 2010* and AS 1428.1 Design for Access and Mobility.
3. The development must comply with the requirements of the Health (Public Buildings) Regulations 1992 in relation to emergency exits.
4. The development must comply with the *Environmental Protection Act 1986* and the Environmental Protection (Noise) Regulations 1997 in relation to noise emissions.
5. The 'Health Centre' must comply with the requirements of *the Health (Miscellaneous Provisions) Act 1911* and the *Public Health Act 2016* in relation to ventilation in the ablutions and the Health (Public Buildings) Regulations 1992.
6. A COVID-19 Safety Plan is required to be submitted to the Shire prior to occupation of the 'Health Centre' and implemented as determined by the State Government of Western Australia.



**REASON:** The panel was satisfied the proposal complies with the planning framework. The background to conditions 3, 4 and 17 was discussed with both the applicant and the Shire, and the panel was satisfied these conditions were reasonable and workable in the circumstances of this development. The decision was to approve, incorporating the administrative correction to condition 17 that was agreed before the meeting between the applicant and the Shire

**The Report Recommendation was put and CARRIED UNANIMOUSLY**

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

Nil

**10. State Administrative Tribunal Applications and Supreme Court Appeals**

The A/Presiding Member noted the following SAT Applications -

<b>Current SAT Applications</b>				
<b>File No. &amp; SAT DR No.</b>	<b>LG Name</b>	<b>Property Location</b>	<b>Application Description</b>	<b>Date Lodged</b>
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

**11. General Business**

The A/Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2020 only the A/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 A/Presiding Member declared the meeting closed at 9:48am.