



Southern Joint Development Assessment Panel Minutes

Meeting Date and Time: 29 January 2019; 11:00am
Meeting Number: SJDAP/42
Meeting Venue: City of Busselton Council Chambers
2 Southern Drive
Busselton

Attendance

DAP Members

Mr Robert Fenn (Presiding Member)
Mr Vernon Butterly (A/Deputy Presiding Member)
Mr Andrew Mack (A/Specialist Member)
Mayor Grant Henley (Local Government Member, City of Busselton)
Cr John McCallum (Local Government Member, City of Busselton)

Officers in attendance

Ms Joanna Wilson (City of Busselton)
Ms Lee Reddell (City of Busselton)

Minute Secretary

Ms Maureen Dolan (City of Busselton)

Applicants and Submitters

Mr Scott Vincent (Planning Solutions)
Mr Chris Aberly (Deep End Services)
Mr Alan Erceg (Realview Holdings Pty Ltd)

Members of the Public / Media

There were 8 members of the public in attendance.

1. Declaration of Opening

The Presiding Member declared the meeting open at 11:03 am on 29 January 2019 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 DAP Standing Orders 2017 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

The Presiding Member advised that Section 5.16 of the DAP Standing Orders 2017 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.

2. Apologies

Mr Geoffrey Klem (Deputy Presiding Member)
Ms Shelley Shepherd (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

All members declared that they had duly considered the documents.

6. Disclosure of Interests

Nil

7. Deputations and Presentations

7.1 Mr Scott Vincent (Planning Solutions) addressed the DAP in support the application at Item 8.1 and responded to questions from the panel.

7.2 Mr Chris Abery (Deep End Services) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.

7.3 Ms Lee Reddell (City of Busselton) responded to questions from the panel in relation to Item 8.1.

8. Form 1 – Responsible Authority Reports – DAP Application

8.1 Property Location:	Lot 182 (No 86) West Street, Busselton
Development Description:	Mixed Use - Market and Tavern
Applicant:	Mr Ross Underwood, Planning Solutions
Owner:	Realview Holdings Pty Ltd and West Street Nominees Pty Ltd
Responsible Authority:	City of Busselton
DAP File No:	DAP/18/01519

AMENDING MOTION

Moved by: Mr Robert Fenn

Seconded by: Cr John McCallum

That the Development Description be amended to read as "Market".

The Amending Motion was put and CARRIED (3/2).



For: Mr Robert Fenn
Mr Vernon Butterly
Cr John McCallum

Against: Mr Andrew Mack
Mayor Grant Henley

REASON: The City of Busselton advertised the project to adjoining residents as a 'Market' and the Southern JDAP did not want to pre-empt the outcomes of a future application for liquor licensing.

REPORT RECOMMENDATION

Moved by: Mayor Grant Henley

Seconded by: Cr John McCallum

With the agreement of the mover and seconder, the reference to "(Attachment 2)" is to be replaced with "A000, A001, A010 and A020 (Project 178-007) for a Market".

REASON: *To clarify the accompanying plans for refusal.*

That the Southern JDAP resolves to:

1. **Refuse** DAP Application reference DAP/18/01519 and accompanying plans A000, A001, A010 and A020 (Project 178-007) for a Market in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Clauses 3.2.3, 4.8, 4.10, 4.21, 4.22, 4.23, 5.3 and Schedule 3 of the City of Busselton Local Planning Scheme No. 21, for the following reasons:
 1. It will significantly detract from the commercial primacy of the Busselton City Centre;
 2. It will have a detrimental impact on surrounding commercial centres;
 3. It would allow for the creation of an ad hoc, unplanned activity centre; and
 4. It creates significant risks of unacceptable impacts on the amenity of nearby and adjacent residential development.

PROCEDURAL MOTION

Moved by: Mr Robert Fenn

Seconded by: Mayor Grant Henley

That the Standing Orders be suspended in accordance with section 5.10.2h of the DAP Standing Orders 2017 to allow members to speak more than once on the same item and continue further debate on details.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: To allow open discussion on land use issues and the capacity of an approval to prevent market stalls converting over time into 'shops' (a prohibited land use).

*The Standing Orders were suspended at 12:00pm.
The Standing Orders were reinstated at 12:13pm.*



The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: In accordance with details contained in the Responsible Authority Report.

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

Nil

10. Appeals to the State Administrative Tribunal

Nil

11. General Business / Meeting Close

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2017 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.

There being no further business, the Presiding Member declared the meeting closed at 12:14pm.

A handwritten signature in black ink, appearing to be 'RF', with a long horizontal line extending to the right.