



Southern Joint Development Assessment Panel Minutes

Meeting Date and Time: 17 June 2019; 10.00am
Meeting Number: SJDAP/45
Meeting Venue: Department of Planning, Lands and Heritage
140 William Street
Perth

Attendance

DAP Members

Mr Robert Fenn (Presiding Member)
Mr Geoffrey Klem (Deputy Presiding Member)
Mr Patrick Dick (A/Specialist Member)
Cr Betty McCleary (Local Government Member, City of Bunbury) - *via teleconference*
Cr Murray Cook (Local Government Member, City of Bunbury) - *via teleconference*

Officers in attendance

Ms Barbara Macaulay (City of Bunbury) - *via teleconference*
Mr Matthew Young (City of Bunbury) - *via teleconference*
Mr Kyle Daly (City of Bunbury) - *via teleconference*
Ms Katie McKelvie (Governance Officer, DAP Secretariat)

Minute Secretary

Ms Ashlee Kelly (DAP Secretariat)
Ms Zoe Hendry (DAP Secretariat)

Applicants and Submitters

Ms Belinda Moharich (Moharich and More)
Mr Rick Gartner (i2C Architects)
Mr Darren Levey (Uloth and Associates)
Mr Aaron Lohman (element)

Members of the Public / Media

There was 1 member of the public.



1. Declaration of Opening

The Presiding Member declared the meeting open at 10.06am on 14 June 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 in accordance with Section 5.16 of the DAP Standing Orders 2017 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.

2. Apologies

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 Ms Belinda Moharich (Moharich and More) addressed the DAP in support of the application at Item 10.1 and responded to questions from the panel.

7.2 Mr Rick Gartner (i2C Architects) addressed the DAP in support of the application at Item 10.1.

7.3 Mr Darren Levey (Uloth and Associates) addressed the DAP in relation to the application at Item 10.1.



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

10.1a Property Location:	Lot 63 Sandridge Road; Lot 68, 69, 70 Pennant Road; and Lot 150 Strickland Street, East Bunbury
Development Description:	Expansion to Bunbury Forum Shopping Centre
Applicant:	Challenger Life Nominees Pty Ltd C/- Moharich and More
Owner:	Challenger Life Nominees Pty Ltd
Responsible Authority:	City of Bunbury
DAP File No:	DAP/18/01496

REPORT RECOMMENDATION

Moved by: Cr Murray Cook

Seconded by: Cr Betty McCleary

That the Southern Joint Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 28 of 2019, resolves to:

- 1. Reconsider** its decision dated 17 December 2018 and **approve** DAP Application reference (DAP/18/01496) and additional accompanying plans, Figure 2B (i) (ii), 2E and Drawing A816 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the City of Bunbury Local Planning Scheme No.8 and the Greater Bunbury Region Scheme.
2. Modify the conditions of the development approval as follows:
 - 16(b) Modifications to Pennant Road to be undertaken in accordance with the attached Figure 2Bi & ii, and the installation of street lighting in median strip to the extent shaded green on that plan.
 - 16(c) The Sandridge Road and Driveway 8 intersection is to be modified to permit a left out movement only in accordance with attached Figure 2E.
- 25 Before the development is occupied, a revised Servicing/Access Management Plan for that part of the shopping centre the subject of this approval is to be submitted to the City of Bunbury for approval. The plan is to provide supporting information describing how loading and servicing will take place and operate in an acceptable manner. The Servicing/Access Management Plan as approved by the City shall be provided to all tenants affected by the Plan and must be complied with at all times to the satisfaction of the City of Bunbury.



- 16(f) Upgrade to the portion of Strickland Street as identified on the attached Drawing 816: Strickland Street Works (as amended). Detailed Plans are to be submitted to the satisfaction of the City of Bunbury.
3. Delete the following condition:
- 13(a) The upgrade (retrospective) of the traffic signal intersection at Pennant and Sandridge Road. The contribution amount is \$248,894, which is equal to one-third of the total cost of the completed works.
4. Delete the following advice note:
- c. In relation to Condition 13(a), the City of Bunbury may accept that the cash contribution required in Condition 13(a) be credited towards the requirement to upgrade Strickland Street subject to a streetscape plan being submitted for the length of Strickland Street identified in Plan DA02 to the satisfaction of the City of Bunbury
5. Delete plan 'Fig 3A'.
6. Add the additional development plans for approval, Fig. 2Bi & ii, Fig 2E, Drawing A816 (as amended).

AMENDING MOTION

Moved by: Mr Robert Fenn

Seconded by: Mr Geoffrey Klem

That motion 1 and motion 6 be amended to read as follows:

Reconsider its decision dated 17 December 2018 and **approve** DAP Application reference (DAP/18/01496) and additional accompanying plans, Figure 2B (i) (ii), 2E and Drawing A816 **(as amended and with notation 2 reading 'Pedestrian Ramp and footpath levels to be transitioned into the Entertainment precinct to provide a continuous accessible path of travel)** in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the City of Bunbury Local Planning Scheme No.8 ~~and the Greater Bunbury Region Scheme.~~

Add the additional development plans for approval, Fig. 2Bi & ii, Fig 2E, Drawing A816 **(as amended and with notation 2 reading 'Pedestrian Ramp and footpath levels to be transitioned into the Entertainment precinct to provide a continuous accessible path of travel).**

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To clarify the developer's design and construction requirements.



REPORT RECOMMENDATION (AS AMENDED)

That the Southern Joint Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 28 of 2019, resolves to:

1. **Reconsider** its decision dated 17 December 2018 and approve DAP Application reference (DAP/18/01496) and additional accompanying plans, Figure 2B (i) (ii), 2E and Drawing A816 (as amended and with notation 2 reading 'Pedestrian Ramp and footpath levels to be transitioned into the Entertainment Precinct to provide a continuous accessible path of travel') in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, the City of Bunbury Local Planning Scheme No.8
2. Modify the conditions of the development approval as follows:
 - 16(b) Modifications to Pennant Road to be undertaken in accordance with the attached Figure 2Bi & ii, and the installation of street lighting in median strip to the extent shaded green on that plan.
 - 16(c) The Sandridge Road and Driveway 8 intersection is to be modified to permit a left out movement only in accordance with attached Figure 2E.
 - 25 Before the development is occupied, a revised Servicing/Access Management Plan for that part of the shopping centre the subject of this approval is to be submitted to the City of Bunbury for approval. The plan is to provide supporting information describing how loading and servicing will take place and operate in an acceptable manner. The Servicing/Access Management Plan as approved by the City shall be provided to all tenants affected by the Plan and must be complied with at all times to the satisfaction of the City of Bunbury.
 - 16(f) Upgrade to the portion of Strickland Street as identified on the attached Drawing 816: Strickland Street Works (as amended). Detailed Plans are to be submitted to the satisfaction of the City of Bunbury.
3. Delete the following condition:
 - 13(a) The upgrade (retrospective) of the traffic signal intersection at Pennant and Sandridge Road. The contribution amount is \$248,894, which is equal to one-third of the total cost of the completed works.
4. Delete the following advice note:
 - c. In relation to Condition 13(a), the City of Bunbury may accept that the cash contribution required in Condition 13(a) be credited towards the requirement to upgrade Strickland Street subject to a streetscape plan being submitted for the length of Strickland Street identified in Plan DA02 to the satisfaction of the City of Bunbury
5. Delete plan 'Fig 3A'.



6. Add the additional development plans for approval, Fig. 2Bi & ii, Fig 2E, Drawing A816 (as amended and with notation 2 reading '***Pedestrian Ramp and footpath levels to be transitioned into the Entertainment Precinct to provide a continuous accessible path of travel***')

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

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

10.1b Property Location: Lot 63 Sandridge Road; Lot 68, 69, 70 Pennant Road; and Lot 150 Strickland Street, East Bunbury
 Development Description: Expansion to Bunbury Forum Shopping Centre
 Applicant: Challenger Life Nominees Pty Ltd C/- Moharich and More
 Owner: Challenger Life Nominees Pty Ltd
 Responsible Authority: Western Australian Planning Commission
 DAP File No: DAP/18/01496

REPORT RECOMMENDATION

Moved by: Cr Murray Cook

Seconded by: Cr Betty McCleary

That the Southern Joint Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 28 of 2019, resolves to:

- Reconsider** its decision dated 17 December 2018 and **approve** DAP Application reference (DAP/18/01496) and additional accompanying plans, Figure 2Bi, 2Bii and 2E in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the Greater Bunbury Region Scheme.
- Delete Condition (2) and Advice Note (a) in Part B of the Southern JDAP approval on SJDAP meeting 39 – Greater Bunbury Region Scheme.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

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

The Presiding Member noted the following State Administrative Tribunal Application;

Current SAT Applications		
LG Name	Property Location	Application Description
City of Busselton	Lot 182 (86) West Street, West Busselton	Market (Busselton Marketplace)



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 10.22am.

A handwritten signature in black ink, appearing to be 'R Fenn', with a long horizontal stroke extending to the right.