



Regional Joint Development Assessment Panel Minutes

Meeting Date and Time: Tuesday, 23 May 2023; 11am
Meeting Number: RJDAP/97
Meeting Venue: City of Busselton
2 Southern Drive, Busselton

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Mr Clayton Higham
Presiding Member, Regional JDAP



Attendance

DAP Members

Mr Clayton Higham (Presiding Member)
Mr Ian Birch (A/Deputy Presiding Member)
Mr John Syme (A/Third Specialist Member)
Cr Paul Carter (Local Government Member, City of Busselton)
Cr Phill Cronin (Local Government Member, City of Busselton)

Officers in attendance

Mr Andrew Watts (City of Busselton)
Mr Paul Needham (City of Busselton)

Minute Secretary

Ms Cheryl Toovey (City of Busselton)
Ms Kellie Woodcoe-Bryant (City of Busselton)

Applicants and Submitters

Mr Dane Gaunt (Urbis Pty Ltd)
Mr Matthew Rawlinson (Belingbak)
Mr Nick Derickx (Studio Derickx)

Members of the Public / Media

There were 16 members of the public in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 11:00am on 23 May 2023 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 unavailability of the Deputy Presiding Member, Mr Clayton Higham 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 Clayton Higham
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1.1 Announcements by Presiding Member

The Presiding Member advised that the meeting is being audio recorded 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 Presiding Member granted permission for the minute taker to record proceedings for the purpose of the minutes only.

2. Apologies

Mr Tony Arias (Presiding Member)
Ms Kanella Hope (Deputy Presiding Member)
Mr Justin Page (Third Specialist Member)
Cr Grant Henley (Local Government Member, City of Busselton)
Ms Lindsay Baxter (A/Deputy Presiding Member)
Mr Paul Kotsoglo (A/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

The Presiding Member noted that an addendum to the agenda was published to include details of two DAP directions for further information and responsible authority response in relation to Item 8.1, received on 19 May 2023 and 22 May 2023.

All members declared that they had duly considered the documents.

6. Disclosure of Interests

DAP Member, Mr Tony Arias, declared an Impartiality Interest in item 8.1. Mr Arias has an interest in a proposed tourist development in proximity to the Dunsborough townsite which could be perceived as a conflict of interest given the nature of the proposed development to be considered at the meeting. Mr Arias believes the perception of conflict would prevent him from participating in discussion on the matter and attending the meeting

DAP Member, Mr Justin Page, declared an Impartiality Interest in item 8.1. Mr Page's employer (Element) has been recently acting on behalf of landowners in Dunsborough town centre where building height is a planning consideration, and of which could be perceived as a conflict of interest given the nature of the proposed development. Mr Page considers the perception of conflict would prevent him from participating in this meeting and the determination of the application.

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7. Deputations and Presentations

- 7.1 Mr Dane Gaunt (Urbis Pty Ltd) addressed the DAP against the recommendation but in support of the application at Item 8.1 and responded to questions from the panel.
- 7.2 Mr Matthew Rawlinson (Belingbak) addressed the DAP against the recommendation but in support of the application at Item 8.1.
- 7.3 Mr Nick Derickx (Studio Derickx) addressed the DAP against the recommendation but in support of the application at Item 8.1 and responded to questions from the panel.
- 7.4 Mr Paul Needham (City of Busselton) 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 No. 17 (Lot 110), 19 (Lot 109) and 21 (Lot 108) Dunn Bay Road, Dunsborough

Development Description:	Hotel and Restaurant/Cafe
Applicant:	Urbis Pty Ltd
Owner:	GM Walsh Pty Ltd
Responsible Authority:	City of Busselton
DAP File No:	DAP/22/02398

REPORT RECOMMENDATION

Moved by: Cr Phill Cronin

Seconded by: Cr Paul Carter

Refuse DAP Application reference DAP/21/02396 and accompanying plans (A0.01 Rev B, A1.00 Rev C, A1.01 Rev B, A1.02 Rev B, A1.03 Rev B, A1.04 Rev B, A1.10 Rev A, A2.00 Rev A, A2.01 Rev A, A3.00 Rev C, A3.01 Rev A, A3.02 Rev B, A3.03 Rev A in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the *City of Busselton Local Planning Scheme No. 21*, for the following reasons:

Reasons

1. The application does not satisfy the following matters identified at clause 67(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the issues that arise from that assessment cannot reasonably be addressed via conditions of approval or provision of further information –
 - (m) the compatibility of the development with its setting, including —
 - (i) the compatibility of the development with the desired future character of its setting; and

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- (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development; and
- (n) the amenity of the locality including the following —
 - (ii) the character of the locality;

As the height and bulk of the proposed development is considered to be excessive and inconsistent with the desired future scale and character of the local area and the immediate context of the site; and

2. The application is also not considered to have sufficiently satisfied the following matters identified at clause 67(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, although the issues that arise from that assessment could potentially be addressed via conditions of approval or provision of further information –

- (s) the adequacy of -
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles; and

As it is not clear that there is sufficient parking to meet the demands that will be generated by the development.

The Report Recommendation was put and LOST (2/3).

For: Cr Phill Cronin
Cr Paul Carter

Against: Mr Clayton Higham
Mr Ian Birch
Mr John Syme

ALTERNATE MOTION

Moved by: Mr John Syme

Seconded by: Mr Ian Birch

That the Regional JDAP resolves to:

Approve DAP Application reference DAP/22/02398 and accompanying plans (A0.01 Rev B, A1.00 Rev C, A1.01 Rev B, A1.02 Rev B, A1.03 Rev B, A1.04 Rev B, A1.10 Rev A, A2.00 Rev A, A2.01 Rev A, A3.00 Rev C, A3.01 Rev A, A3.02 Rev B, A3.03 Rev A in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the *City of Busselton Local Planning Scheme No. 21*, subject to the following conditions:

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GENERAL CONDITIONS:

1. The development hereby approved shall be substantially commenced within four years from the date of this decision letter.
2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plans, and except as may be modified by the following conditions.

PRIOR TO COMMENCEMENT OF ANY WORKS CONDITIONS

3. The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details have been submitted to the City and have been approved in writing –
 - 3.1 Drainage Management Plan, the details of which shall incorporate Water Sensitive Urban Design principles as set out in the Western Australian Planning Commission's *Better Urban Water Management* guidelines and should ensure that surface water will be contained within the development site with no direct, unfiltered discharge to the Djiljit Mia Recreation Reserve and the Dugalup Brook.
 - 3.2 A Noise Management Plan which shall include (but not be limited to) all recommendations specified in the Noise Impact Assessment Rev D, dated 9 May 2023, prepared by Floth in order to reduce noise disturbance to neighbours and an Acoustic Report which demonstrates that all mechanical services associated with the proposed development, and any other noise source, including noise emanating from Licensed Premises and carpark areas, will comply with the *Environmental Protection (Noise) Regulations 1997*.
 - 3.3 Lighting Plan which shall include all awnings, parking areas, footpaths and areas accessible to the public and be consistent with the requirements of Australian Standard AS 4282—2019, *Control of the obtrusive effects of outdoor lighting*.
 - 3.4 Car Parking Management Plan, which shall demonstrate that sufficient parking will be available for hotel guests and customers of commercial premises.
 - 3.5 A schedule of the final materials finishes and colours, which shall be generally consistent with the approved plans. The schedule shall include details of the type of materials proposed to be used, including their colour and texture.
 - 3.6 Details of the treatment of the external surface of the boundary fence abutting the adjoining lots to the north, such as to provide a suitable aesthetic appearance to the satisfaction of the City. Details should include materials to be used, textures and colours.

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- 3.7 Detailed plans of the required modifications to street verges, vehicle crossing points, roadside drainage, street furniture, footpaths, lighting and servicing infrastructure to provide vehicular parking, vehicular access and pedestrian access to the site.
- 3.8 A final Landscaping Plan (LP). The LP shall include the following:
- the location, number, size and species of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - any lawns to be established;
 - any existing trees to be retained;
 - those areas to be reticulated or irrigated;
 - visually permeable fencing to the northern site boundary of Lot 108 Dunn Bay Road to provide definition to Lot 171, Djiljit Mia Recreation Reserve (R42673); and
 - verge treatments, including hard and soft landscaping treatments.
- 3.9 A Tree Protection Plan (TPP) for the trees to be retained on the site and adjoining road reserves and for vegetation within the adjoining Lot 171, Recreation Reserve - R26513 (Djiljit Mia). The approved TPP shall be implemented before any of the substantive development is commenced and shall be retained throughout the development period until such time as all equipment, machinery and surplus materials have been removed from the site. Within any areas identified to be fenced, nothing shall be stored or placed, and the ground levels shall not be altered.
- 3.10 A Construction Management Plan (CMP). The CMP shall address the following:
- public safety and amenity;
 - site security;
 - contact details of essential site personnel, construction period and operating hours;
 - community information, consultation and complaints management Plan;
 - traffic, access and parking management;
 - waste management;
 - sanitary facilities;
 - stormwater and sediment control; and
 - any other matter deemed relevant by the City.
- 3.11 Details of the proposed bicycle parking and end of trip facilities, including a minimum of 17 bays. The details shall include, as a minimum, the location, design and materials to be used in their construction.
- 3.12 Arrangements to provide public art works within the development site. This entails compliance with the Percent for Art provisions of the City's Development Contribution Policy via appropriate works up to a minimum value of 1% of the Estimated Cost of Development ("ECD").

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- 3.13 Satisfactory arrangements shall be made with the City of Busselton for Lots 108, 109 and 110 Dunn Bay Road to be amalgamated.
- 3.14 Revised plans showing –
- a. Acoustic fencing to all adjoining properties to be constructed of materials other than colorbond, with sufficient surface mass to mitigate low frequency noise from vehicles and car door closing;
 - b. Details setting out a minimum number of three additional on-street car parking bays to be provided within the Dunn Bay Road reserve. The on-street parking bays shall be located and designed to the satisfaction of the City.
 - c. Consideration of the built form of future development on Lot 108 (No.21) Dunn Bay Road.
4. The development hereby approved, or any works required to implement the development, shall not commence until the following contributions have been paid to the City:
- 4.1 A contribution of \$57,552.00 towards community facilities in the Dunsborough and Quindalup precinct.

PRIOR TO OCCUPATION/USE OF THE DEVELOPMENT CONDITIONS

5. The development hereby approved shall not be occupied, or used, until all plans, details or works required by Conditions 2, 3 & 4 have been implemented; and the following conditions have been complied with to the satisfaction of the City –
- 5.1. Crossovers are located and constructed to the City's specifications.
 - 5.2. Hard and soft landscaping, as detailed in the approved landscaping plan, installed at the full cost of the applicant.
 - 5.3. All vehicle parking, access ways, footpaths and external lighting shall be constructed to a minimum standard in accordance with the Australian Standard for Parking Facilities - Off-Street Car Parking (AS 2890.1) and shall be developed in the form and layout depicted on the approved plans to the satisfaction of the City.
 - 5.4. Accessible car parking and access shall be provided and designed in accordance with the Australian Standard for Parking Facilities - Off-Street Car Parking for people with disabilities (AS 2890.6).

ONGOING CONDITIONS

6. The works and other measures undertaken to satisfy Conditions 2, 3 & 5 shall be subsequently maintained for the life of the development, and the following conditions must be complied with –

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- 6.1. No roller doors or screens are permitted to be installed to the frontages of any ground floor commercial tenancy.
- 6.2. All glazing to the ground floor commercial tenancies are to be clear, non-tinted glazing and shall not be subsequently obscured by alternative window treatments, signage or internal shelves, to the satisfaction of the City.
- 6.3. All services and service related hardware, including antennae, satellite dishes and air conditioning units, being suitably located away from public view and/or screened to the satisfaction of the City.
- 6.4. Landscaping and reticulation shall be maintained in accordance with the approved Landscaping Plan to the satisfaction of the City. Unless otherwise first agreed in writing, any trees or plants which, within a period of five years from first planting, are removed, die or, are assessed by the City as being seriously damaged, shall be replaced within the next available planting season with others of the same species, size and number as originally approved.

ADVICE TO APPLICANT

1. If the applicant and/or owner are aggrieved by this decision there is a right of review under the provisions of Part 14 of the *Planning and Development Act 2005*. A review must be lodged with the State Administrative Tribunal, and must be lodged within 28 days of the decision.
2. This Decision Notice grants Development Approval to the development the subject of this application. It cannot be construed as granting Development Approval for any other structure shown on the approved plans which was not specifically included in this application.
3. Please note it is the responsibility of the applicant / owner to ensure that, in relation to Condition 1, this Development Approval remains current and does not lapse. The City of Busselton does not send reminder notices in this regard. The term "substantially commenced" has the meaning given to it in the *Planning and Development (Local Planning Schemes) Regulations 2015* as amended from time to time.
4. In accordance with the provisions of the *Building Act 2011*, and *Building Regulations 2012*, an application for a building permit must be submitted to, and approval granted by the City, prior to the commencement of the development hereby permitted.
5. Please be advised that when forwarding payment for contributions and/or bonds to the City of Busselton, whether it be in person or through the mail, you will need to include a copy of this correspondence (decision on application for development approval) for receipting purposes.

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6. You are advised that the contribution fees are upgraded in line with the Consumer Price Index for Perth on 30 June each year. The fee applicable will be determined at the time of payment and may therefore vary from the quoted figure.
7. The payment towards community facilities in the Dunsborough precinct is required as a result of the City of Busselton Local Planning Scheme No. 21 - Development Contribution Special Control Area provisions and is calculated on the basis of \$3,488.00 for every additional accommodation unit approved in the Dunsborough & Quindalup precinct (tourist and 1 bedroom units attract a 50% contribution). The contribution will be retained within a separate fund to be used solely for the upgrading, improving and provision of the City's community facilities consistent with a community facility plan for the precinct.
8. You are advised *Agonis flexuosa* (WA Peppermint Trees) provide key habitat for the "critically endangered" *Pseudocheirus occidentalis* (Western Ringtail Possum). The Western Ringtail Possum are awarded protection under the *Biodiversity Conservation Act 2016* and you may face penalties for taking or disturbing (including intentionally disturbing, trapping/relocating or causing harm/death) a Western Ringtail Possum. A Section 40 Ministerial authorisation to take or disturb threatened fauna under the *Biodiversity Conservation Act 2016* is to be obtained prior to clearing occurring. A fauna handler is required to be onsite prior to and during any clearing operations and is required to hold a Section 40 Ministerial Authorisation. The fauna handler is to provide a post clearing report to [DBCA swlanduseplanning@dbca.wa.gov.au](mailto:swlanduseplanning@dbca.wa.gov.au) that includes the numbers of adult or juvenile western ringtail possums observed, taken or disturbed, any injuries or fatalities, and the location of the fauna after clearing has occurred.
9. The proponent shall refer to Department of Water and Environmental Regulation's acid sulfate soil guidelines for information to assist with the management of ground and/or groundwater disturbing works". Link: <https://www.der.wa.gov.au/your-environment/acid-sulfate-soils/69-acidsulfatesoils-guidelines>
10. In accordance with the requirements of the *Local Government (Uniform Local Provisions) Regulations 1996*, you are hereby notified that any vehicle access from the land to a road or other public thoroughfare must be in accordance with the City's adopted Crossover Policy and Vehicle Crossovers Technical Specification.
11. Food handling, preparation and storage areas to be designed and constructed in accordance with the *Food Act 2008*, *Food Regulations 2009* and the *Australian and New Zealand Food Authority (ANZFA) Food Safety Standards*.
12. All public access areas (dining areas, etc) are to comply with the provisions of the *Health (Miscellaneous Provisions) Act 1911*, related regulations and guidelines and in particular Part VI – Public Buildings.

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AMENDING MOTION 1

Moved by: Mr John Syme

Seconded by: Mr Ian Birch

That Condition No. 3.14(c) be deleted, and remaining conditions be renumbered.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The Condition doesn't have a planning purpose and there is uncertainty as to whether it would be binding.

AMENDING MOTION 2

Moved by: Mr John Syme

Seconded by: Mr Ian Birch

That a new Condition No. 3.15 be added to read as follows:

A revised Waste and Services Plan to be provided to the satisfaction of the City of Busselton to ensure that waste removal, servicing and deliveries are carried out within the development site.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The Condition was considered appropriate to ensure the four 1100 litre bins were not sitting on the footpath for collection and that there was no traffic conflicts created by other service vehicles. The relocation of waste collection to on-site and not on-street would also maintain the amenity of the streetscape.

AMENDING MOTION 3

Moved by: Mr John Syme

Seconded by: Mr Ian Birch

That a new Condition No. 3.16 be added to read as follows:

The applicant to consider the design of the fourth storey, seeking further advice from Craig Smith, in regard to plans to reduce the perception of height and bulk and provide a large number of openings in the upper floor levels.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The Condition was considered appropriate to lessen the perceived bulk and scale of the development.

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ALTERNATE MOTION (AS AMENDED)

That the Regional JDAP resolves to:

Approve DAP Application reference DAP/22/02398 and accompanying plans (A0.01 Rev B, A1.00 Rev C, A1.01 Rev B, A1.02 Rev B, A1.03 Rev B, A1.04 Rev B, A1.10 Rev A, A2.00 Rev A, A2.01 Rev A, A3.00 Rev C, A3.01 Rev A, A3.02 Rev B, A3.03 Rev A in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the *City of Busselton Local Planning Scheme No. 21*, subject to the following conditions:

GENERAL CONDITIONS:

1. The development hereby approved shall be substantially commenced within four years from the date of this decision letter.
2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plans, and except as may be modified by the following conditions.

PRIOR TO COMMENCEMENT OF ANY WORKS CONDITIONS

3. The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details have been submitted to the City and have been approved in writing –
 - 3.1 Drainage Management Plan, the details of which shall incorporate Water Sensitive Urban Design principles as set out in the Western Australian Planning Commission's *Better Urban Water Management* guidelines and should ensure that surface water will be contained within the development site with no direct, unfiltered discharge to the Djiiljit Mia Recreation Reserve and the Dugalup Brook.
 - 3.2 A Noise Management Plan which shall include (but not be limited to) all recommendations specified in the Noise Impact Assessment Rev D, dated 9 May 2023, prepared by Floth in order to reduce noise disturbance to neighbours and an Acoustic Report which demonstrates that all mechanical services associated with the proposed development, and any other noise source, including noise emanating from Licensed Premises and carpark areas, will comply with the *Environmental Protection (Noise) Regulations 1997*.
 - 3.3 Lighting Plan which shall include all awnings, parking areas, footpaths and areas accessible to the public and be consistent with the requirements of Australian Standard AS 4282—2019, *Control of the obtrusive effects of outdoor lighting*.
 - 3.4 Car Parking Management Plan, which shall demonstrate that sufficient parking will be available for hotel guests and customers of commercial premises.

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- 3.5 A schedule of the final materials, finishes and colours, which shall be generally consistent with the approved plans. The schedule shall include details of the type of materials proposed to be used, including their colour and texture.
- 3.6 Details of the treatment of the external surface of the boundary fence abutting the adjoining lots to the north, such as to provide a suitable aesthetic appearance to the satisfaction of the City. Details should include materials to be used, textures and colours.
- 3.7 Detailed plans of the required modifications to street verges, vehicle crossing points, roadside drainage, street furniture, footpaths, lighting and servicing infrastructure to provide vehicular parking, vehicular access and pedestrian access to the site.
- 3.8 A final Landscaping Plan (LP). The LP shall include the following:
- a. the location, number, size and species of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - b. any lawns to be established;
 - c. any existing trees to be retained;
 - d. those areas to be reticulated or irrigated;
 - e. visually permeable fencing to the northern site boundary of Lot 108 Dunn Bay Road to provide definition to Lot 171, Djiljit Mia Recreation Reserve (R42673); and
 - f. verge treatments, including hard and soft landscaping treatments.
- 3.9 A Tree Protection Plan (TPP) for the trees to be retained on the site and adjoining road reserves and for vegetation within the adjoining Lot 171, Recreation Reserve - R26513 (Djiljit Mia). The approved TPP shall be implemented before any of the substantive development is commenced and shall be retained throughout the development period until such time as all equipment, machinery and surplus materials have been removed from the site. Within any areas identified to be fenced, nothing shall be stored or placed, and the ground levels shall not be altered.
- 3.10 A Construction Management Plan (CMP). The CMP shall address the following:
- a. public safety and amenity;
 - b. site security;
 - c. contact details of essential site personnel, construction period and operating hours;
 - d. community information, consultation and complaints management Plan;
 - e. traffic, access and parking management;
 - f. waste management;
 - g. sanitary facilities;
 - h. stormwater and sediment control; and
 - i. any other matter deemed relevant by the City.

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- 3.11 Details of the proposed bicycle parking and end of trip facilities, including a minimum of 17 bays. The details shall include, as a minimum, the location, design and materials to be used in their construction.
- 3.12 Arrangements to provide public art works within the development site. This entails compliance with the Percent for Art provisions of the City's Development Contribution Policy via appropriate works up to a minimum value of 1% of the Estimated Cost of Development ("ECD").
- 3.13 Satisfactory arrangements shall be made with the City of Busselton for Lots 108, 109 and 110 Dunn Bay Road to be amalgamated.
- 3.14 Revised plans showing –
 - a. Acoustic fencing to all adjoining properties to be constructed of materials other than colorbond, with sufficient surface mass to mitigate low frequency noise from vehicles and car door closing;
 - b. Details setting out a minimum number of three additional on-street car parking bays to be provided within the Dunn Bay Road reserve. The on-street parking bays shall be located and designed to the satisfaction of the City.
- 3.15 A revised Waste and Services Plan to be provided to the satisfaction of the City of Busselton to ensure that waste removal, servicing and deliveries are carried out within the development site.
- 3.16 The applicant to consider the design of the fourth storey, seeking further advice from Craig Smith, in regard to plans to reduce the perception of height and bulk and provide a large number of openings in the upper floor levels.
4. The development hereby approved, or any works required to implement the development, shall not commence until the following contributions have been paid to the City:
 - 4.1 A contribution of \$57,552.00 towards community facilities in the Dunsborough and Quindalup precinct.

PRIOR TO OCCUPATION/USE OF THE DEVELOPMENT CONDITIONS

5. The development hereby approved shall not be occupied, or used, until all plans, details or works required by Conditions 2, 3 & 4 have been implemented; and the following conditions have been complied with to the satisfaction of the City –
 - 5.1. Crossovers are located and constructed to the City's specifications.
 - 5.2. Hard and soft landscaping, as detailed in the approved landscaping plan, installed at the full cost of the applicant.

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- 5.3. All vehicle parking, access ways, footpaths and external lighting shall be constructed to a minimum standard in accordance with the Australian Standard for Parking Facilities - Off-Street Car Parking (AS 2890.1) and shall be developed in the form and layout depicted on the approved plans to the satisfaction of the City.
- 5.4. Accessible car parking and access shall be provided and designed in accordance with the Australian Standard for Parking Facilities - Off-Street Car Parking for people with disabilities (AS 2890.6).

ONGOING CONDITIONS

6. The works and other measures undertaken to satisfy Conditions 2, 3 & 5 shall be subsequently maintained for the life of the development, and the following conditions must be complied with –
 - 6.1. No roller doors or screens are permitted to be installed to the frontages of any ground floor commercial tenancy.
 - 6.2. All glazing to the ground floor commercial tenancies are to be clear, non-tinted glazing and shall not be subsequently obscured by alternative window treatments, signage or internal shelves, to the satisfaction of the City.
 - 6.3. All services and service related hardware, including antennae, satellite dishes and air conditioning units, being suitably located away from public view and/or screened to the satisfaction of the City.
 - 6.4. Landscaping and reticulation shall be maintained in accordance with the approved Landscaping Plan to the satisfaction of the City. Unless otherwise first agreed in writing, any trees or plants which, within a period of five years from first planting, are removed, die or, are assessed by the City as being seriously damaged, shall be replaced within the next available planting season with others of the same species, size and number as originally approved.

ADVICE TO APPLICANT

1. If the applicant and/or owner are aggrieved by this decision there is a right of review under the provisions of Part 14 of the *Planning and Development Act 2005*. A review must be lodged with the State Administrative Tribunal, and must be lodged within 28 days of the decision.
2. This Decision Notice grants Development Approval to the development the subject of this application. It cannot be construed as granting Development Approval for any other structure shown on the approved plans which was not specifically included in this application.

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3. Please note it is the responsibility of the applicant / owner to ensure that, in relation to Condition 1, this Development Approval remains current and does not lapse. The City of Busselton does not send reminder notices in this regard. The term “substantially commenced” has the meaning given to it in the *Planning and Development (Local Planning Schemes) Regulations 2015* as amended from time to time.
4. In accordance with the provisions of the *Building Act 2011*, and *Building Regulations 2012*, an application for a building permit must be submitted to, and approval granted by the City, prior to the commencement of the development hereby permitted.
5. Please be advised that when forwarding payment for contributions and/or bonds to the City of Busselton, whether it be in person or through the mail, you will need to include a copy of this correspondence (decision on application for development approval) for receipting purposes.
6. You are advised that the contribution fees are upgraded in line with the Consumer Price Index for Perth on 30 June each year. The fee applicable will be determined at the time of payment and may therefore vary from the quoted figure.
7. The payment towards community facilities in the Dunsborough precinct is required as a result of the City of Busselton Local Planning Scheme No. 21 - Development Contribution Special Control Area provisions and is calculated on the basis of \$3,488.00 for every additional accommodation unit approved in the Dunsborough & Quindalup precinct (tourist and 1 bedroom units attract a 50% contribution). The contribution will be retained within a separate fund to be used solely for the upgrading, improving and provision of the City's community facilities consistent with a community facility plan for the precinct.
8. You are advised *Agonis flexuosa* (WA Peppermint Trees) provide key habitat for the “critically endangered” *Pseudocheirus occidentalis* (Western Ringtail Possum). The Western Ringtail Possum are awarded protection under the *Biodiversity Conservation Act 2016* and you may face penalties for taking or disturbing (including intentionally disturbing, trapping/relocating or causing harm/death) a Western Ringtail Possum. A Section 40 Ministerial authorisation to take or disturb threatened fauna under the *Biodiversity Conservation Act 2016* is to be obtained prior to clearing occurring. A fauna handler is required to be onsite prior to and during any clearing operations and is required to hold a Section 40 Ministerial Authorisation. The fauna handler is to provide a post clearing report to DBCA swlanduseplanning@dbca.wa.gov.au that includes the numbers of adult or juvenile western ringtail possums observed, taken or disturbed, any injuries or fatalities, and the location of the fauna after clearing has occurred.
9. The proponent shall refer to Department of Water and Environmental Regulation’s acid sulfate soil guidelines for information to assist with the management of ground and/or groundwater disturbing works”. Link: <https://www.der.wa.gov.au/your-environment/acid-sulfate-soils/69-acidsulfatesoils-guidelines>

Mr Clayton Higham
Presiding Member, Regional JDAP



10. In accordance with the requirements of the *Local Government (Uniform Local Provisions) Regulations 1996*, you are hereby notified that any vehicle access from the land to a road or other public thoroughfare must be in accordance with the City's adopted Crossover Policy and Vehicle Crossovers Technical Specification.
11. Food handling, preparation and storage areas to be designed and constructed in accordance with the *Food Act 2008*, *Food Regulations 2009* and the *Australian and New Zealand Food Authority (ANZFA) Food Safety Standards*.
12. All public access areas (dining areas, etc) are to comply with the provisions of the *Health (Miscellaneous Provisions) Act 1911*, related regulations and guidelines and in particular Part VI – Public Buildings.

The Alternate Motion (as amended) was put and CARRIED UNANIMOUSLY.

REASON: The panel considered that, overall, the proposal largely met the planning framework and, having regard to the design advice, was worthy of approval. The panel did note that if there are ways to adjust the design to give the perception that the top floor was recessed then this should be investigated by the applicant with the City.

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

Nil.

Mr Clayton Higham
Presiding Member, Regional JDAP



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/22/02265 DR204/2022	Shire of Harvey	Lot 101 (No. 96) Binningup Road, Binningup	Workers Accommodation Village	28 November 2022
DAP/22/02403 DR51/2023	City of Bunbury	No.6 (Lot 10) Mossop Street and No.83 (Lot 40) Mangles Street, South Bunbury	Proposed Child Care Premises	23 March 2023
DAP/22/02360 DR30/2023	City of Kalgoorlie-Boulder	Lot 302 (No.1) Porter Street Kalgoorlie	Demolition of Existing Lodging House and Proposed Construction of Lodging House	17 February 2023

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 12:45pm.

Mr Clayton Higham
Presiding Member, Regional JDAP