



## Regional Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Monday, 25 October 2021; 10am  
**Meeting Number:** RJDAP/32  
**Meeting Venue:** City of Busselton Council Chambers  
2 Southern Drive, Busselton

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## Attendance

### DAP Members

Mr Paul Kotsoglo (Presiding Member)  
Ms Kanella Hope (Deputy Presiding Member)  
Mr Jason Hick (A/Third Specialist Member)  
Mayor Grant Henley (Local Government Member, City of Busselton)  
Cr Paul Carter (Local Government Member, City of Busselton)

### Officers in attendance

Mr Paul Needham (City of Busselton) – *left at 10:30am*  
Ms Lee Reddell (City of Busselton)  
Ms Joanna Wilson (City of Busselton)  
Mr Oliver Darby (City of Busselton)  
Ms Naomi Searle (City of Busselton)  
Ms Bethany Baker (City of Busselton)

### Minute Secretary

Ms Maureen Dolan (City of Busselton)

### Applicants and Submitters

Mr Barry House (Busselton Jetty Inc)  
Ms Lisa Shreeve (Busselton Jetty Inc)  
Mr Dan Lees (element Advisory)  
Ms Jane Redford (Gresley Abas Architects)

### Members of the Public / Media

There were 5 members of the public in attendance.

## 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 10:01am on 25 October 2021 and acknowledged the traditional owners, the Wadandi and Pibbulmun people and paid respect to Elders past and present 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 2020 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

### 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.

Mr Paul Kotsoglo  
Presiding Member, Regional JDAP



## 2. Apologies

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

All members declared that they had duly considered the documents.

## 6. Disclosure of Interests

DAP Member, Mr Justin Page, declared a Pecuniary Interest in item 8.1. Mr Page's employer, element Advisory is the applicant for the application.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member determined that the member listed above, who had disclosed a Pecuniary Interest, was not permitted to participate in the discussion and voting on the item.

## 7. Deputations and Presentations

- 7.1 Mr Barry House (Busselton Jetty Inc) addressed the DAP in support of the recommendation for the application at Item 8.1.
- 7.2 Ms Lisa Shreeve (Busselton Jetty Inc) addressed the DAP in support of the recommendation for the application at Item 8.1.
- 7.3 Mr Dan Lees (Element) addressed the DAP in support of the recommendation for the application at Item 8.1.
- 7.4 Ms Jane Redford (Gresley Abas Architects) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.5 City of Busselton 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 350 Queen Street, Busselton

Development Description: Use not listed - Busselton Jetty Underwater discovery centre and restaurant/cafe  
Applicant: Element Advisory  
Owner: State of Western Australia  
Responsible Authority: City of Busselton  
DAP File No: DAP/21/01991

### REPORT RECOMMENDATION

**Moved by:** Mayor Grant Henley

**Seconded by:** Cr Paul Carter

*An administrative amendment was made to condition 4.3 to correct the alphabetisation;*

*With the agreement of the mover and seconder, the following amendment was made:*

That a new Advice Note no. 9 be added to read as follows:

***In relation to Condition 4.3 i), the Environmental Protection Authority determined not to assess the proposal, subject to piling occurring outside of the peak whale migrating season.***

**REASON:** To provide clarity around the expectations for the timing of piling works provided by the EPA and DBCA to be adopted into the Construction Management Plan.

That the Regional JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/21/01991 is appropriate for consideration as a “Use Not Listed (Busselton Jetty Underwater Discovery Centre and Restaurant/Café)” land use and compatible with the objectives of the zoning table in accordance with Clause 3.2 of the City of Busselton Local Planning Scheme No. 21;
2. **Approve** DAP Application reference DAP/21/01991 and accompanying plans (A100 E; A205 G; A201 I; A200 I; A311 E; A310 F; A300 G; A220 G) 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:

### Conditions

1. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

Mr Paul Kotsoglo  
Presiding Member, Regional JDAP



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 Additional detailed assessment of design wave climate and effect of the different elements of the development on the existing jetty structure, including but not limited to:

- a) Effect of the development on the nearfield design wave climate, including relevant nearfield effects (reflection, Mach Stem effect etc.);
- b) Risk of damage to the jetty resulting from the influence of the development on the nearfield design wave climate as determined in a. above;
- c) Use of the nearfield design wave climate as determined in a. above to confirm the link bridge elevation is sufficient for safety and stability during operation conditions;
- d) The link bridge shall be designed to withstand slamming loads from the nearfield design wave climate as determined in a. above.

- 3.2 Analysis of superposition of waves and currents forces on the development design.

- 3.3 A Detailed Design Report and Engineering drawings for the development to the satisfaction of the City on advice from Department of Transport, which demonstrates:

- a) No detrimental effects on the jetty;
- b) The jetty structure is able to function as designed; and
- c) Jetty loading is not exceeded by the village.

#### **PRIOR TO COMMENCEMENT OF ANY WORKS ON SITE CONDITIONS**

4. The development hereby approved, or any works required to implement the development, shall not commence on site until the following plans or details have been submitted to the City and have been approved in writing:

- 4.1 An Archaeological Management Plan, to be prepared to include appropriate procedures for identification, assessment, documentation and management of any archaeological material encountered during work.

- 4.2 A revised Waste Management Plan, including details of the grease arrestor (Advice Note 5).



- 4.3 A revised Construction Management Plan, which shall address the following:
  - a) Access to and from the site, including details of loading from the Scout Road Jetty, Port Geographe laydown site and any other area required for the delivery of materials to the site;
  - b) Maximum weights of the loads proposing to utilise the jetty/Scout Road jetty;
  - c) Laydown area, including details of site fencing;
  - d) Delivery of materials and equipment to the site;
  - e) Location of storage of materials and equipment;
  - f) Parking arrangements for contractors and subcontractors;
  - g) Management of construction waste;
  - h) Other matters likely to impact on surrounding land; and
  - i) Details of piling works in accordance with the Environmental Protection Authority approval.
- 4.4 A Traffic Management Plan for deliveries to all sites, on and around the jetty/Scout Road and Port Geographe. The Approved Traffic Management Plan shall be implemented and maintained during the transportation and off-loading of the materials.
- 4.5 An exterior lighting plan to the satisfaction of the City on the advice from the Department of Transport and Department of Biodiversity and Conservation (Advice Note 6).
- 4.6 Detailed designs and schematics for the provision of potable water, waste water and power.
- 4.7 Details of the bin store with a finishes schedule.

**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 Condition 3 and 4 have been implemented and the following conditions shall be complied with.
  - 5.1 An Interpretation Plan for Busselton Jetty to the satisfaction of the City on advice from the Heritage Council. The Interpretation Plan shall include:
    - a) Interpretation outcomes for the original use and significance of the Jetty;
    - b) Public art work within the development to show the history of the jetty; and
    - c) Implementation schedule
  - 5.2. A Heritage maintenance plan for Busselton Jetty, including ongoing and future conservation works, to the satisfaction of the City on the advice of the Heritage Council.



## ONGOING CONDITIONS:

6. Within 90 days of completion of the development, a revised Conservation Management Plan is to be provided and agreed to by the City on advice from the Heritage Council. Any recommendations of the plan are to be completed in accordance with the specified timeframes and maintained for the life of the development.
7. The works undertaken to satisfy Conditions 3, 4 and 5 shall be subsequently maintained for the life of the development.

## Advice Notes

1. If the applicant and/or owner are aggrieved by this decision, there may also be 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 being made.
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 Development Plans, which was not specifically included in this application.
3. For the purposes of this condition, 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. Please note it is the responsibility of the applicant / owner to ensure that this development approval remains current and does not lapse.
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. The revised waste management plan shall address the following:
  - a) Indication of waste generation volumes. The WMP should indicate what measures are put into place to enable more frequent collections due to storage limitations, or how excess waste can be brought back onshore;
  - b) Consideration for waste generated by cleaners;
  - c) It is likely that Food Organics Garden Organics (FOGO) collection will be implemented in the next 5yr timeframe – The Café and other areas generating putrescible waste that have the potential to generate odour need to be considered
  - d) Bin cleaning facilities / compounds and frequency;
  - e) A mule trailer or tow-hitch is proposed for the transfers of Recycling bins and the General Waste bins, details on how they are deposited and collected from the kerbside (KS) area;
  - f) Determine if the space available on the kerb side has capacity of accepting the bins, plus the number of existing bins that are already in place that will require servicing.



6. The lighting plan shall have regard for the “National Light Pollution Guidelines for Wildlife Including Marine Turtles, Seabirds and Migratory Shorebirds - Department of the Environment and Energy, 2020” and navigational guidelines.
7. Regulation 13 application of the *Environmental Protection (Noise) Regulations (1997)* shall be submitted with an accompanying noise management plan, which must detail information pertaining to the following:
  - Dates and times of intended works;
  - Need for the work to be done out of hours;
  - Types of activity which could be noisy;
  - Types of equipment to be used (equipment should be the quietest reasonably available);
  - Predictions of noise levels;
  - The control measures for noise and vibration to be implemented;
  - Procedures or activities for monitoring of noise and vibration;
  - Complaint response procedure to be adopted;
  - Method of providing notification to surrounding properties likely to be affected by noise
8. Water Corporation have advised the following:

*This proposal will require approval by our Building Services section prior to commencement of works. Infrastructure contributions and fees may be required to be paid prior to approval being issued.*

*The developer is expected to provide all sewerage reticulation if required. A contribution for sewerage head works may also be required. In addition the developer may be required to fund new works or the upgrading of existing works and protection of all works.*
9. In relation to Condition 4.3 i), the Environmental Protection Authority determined not to assess the proposal, subject to piling occurring outside of the peak whale migrating season.

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

**REASON:** The panel supported the recommendation in the Responsible Authority Report to approve the application for the reasons outlined in the RAR. The panel was satisfied with the report and its recommendations in the context of the application and the circumstances of the applicable planning framework, submissions and, responses to questions for which clarification was sought.

**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

The Presiding Member noted the following Supreme Court Appeal -

Current Supreme Court Appeals				
File No.	LG Name	Property Location	Application Description	Date Lodged
CIV 1496 of 2021 (DAP/20/01845)	City of Busselton	Lot 26 & 28 Geographe Bay Road and Lots 23 & 25 Lorna Street, Dunsborough	Mixed Use Multiple Residential	15 June 2021

## 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 11:08am.