



Regional Joint Development Assessment Panel Minutes

Meeting Date and Time: Wednesday, 22 June 2022; 9:30am
Meeting Number: RJDAP/57
Meeting Venue: Electronic Means

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

1 Table of Contents

1.	Opening of Meeting, Welcome and Acknowledgement.....	3
2.	Apologies.....	3
3.	Members on Leave of Absence	3
4.	Noting of Minutes.....	3
5.	Declaration of Due Consideration.....	3
6.	Disclosure of Interests.....	4
7.	Deputations and Presentations.....	4
8.	Form 1 – Responsible Authority Reports – DAP Applications.....	5
	8.1 Lot 63 (No.60) Sandridge Road, & Lot 69 Pennant Road, East Bunbury	5
	8.2 113 Bedrock Turn, Gap Ridge	15
9.	Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval	17
	Nil.....	17
10.	State Administrative Tribunal Applications and Supreme Court Appeals ...	18
11.	General Business.....	18
12.	Meeting Closure	18



Attendance

DAP Members

Ms Kanella Hope (A/Presiding Member)
Mr Gene Koltasz (A/Deputy Presiding Member)
Ms Diana Goldswain (A/Third Specialist Member)

Item 8.1

Cr Betty McCleary (Local Government Member, City of Bunbury)

Item 8.2

Cr Kelly Nunn (Local Government Member, City of Karratha)
Cr Margaret Bertling (Local Government Member, City of Karratha)

Officers in attendance

Item 8.1

Ms Alice Baldock (City of Bunbury)
Ms Barbara Macaulay (City of Bunbury)
Mr Kyle Daly (City of Bunbury)
Ms Matilda Hodge (City of Bunbury)

Item 8.2

Mr Jerom Hurley (City of Karratha)

Minute Secretary

Ms Samantha Hansen (DAP Secretariat)
Ms Zoe Hendry (DAP Secretariat)

Applicants and Submitters

Item 8.1

Mr Aaron Lohman (element)
Mr Rick Garner (i2c Architects)
Mr Adam McKean (CIP Asset Management)
Mr Darren Levey (Uloth and Associates)
Mr Mark Re (McDonalds)
Ms Rachel Giles (CIP Asset Management)
Mr Mark Leckey (Bridge 42)
Mr Long Truong (BPA)

Item 8.2

Mr Gianni Da Rui (Meyer Shirecore)

Members of the Public / Media

Ms Nadia Budihardjo from Business News was in attendance.



1. Opening of Meeting, Welcome and Acknowledgement

The A/Presiding Member declared the meeting open at 9:35am on 22 June 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 A/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 A/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 (Specialist Member)
Cr Michelle Steck (Local Government Member, City of Bunbury)

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 A/Presiding Member noted that an addendum to the agenda was published to update the preamble to the Responsible Authority Report for Item 8.2 received on 15 June 2022. A further 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 21 June 2022.

All members declared that they had duly considered the documents.



6. Disclosure of Interests

DAP Member, Mr Paul Kotsoglo, declared a Pecuniary Interest in item 8.1. Mr Kotsoglo advised that the operator of the fast food outlet is a client of Planning Solutions, which he is Managing Director of.

DAP Member, Mr Justin Page, declared an Indirect Pecuniary Interest in item 8.1. Mr Page advised that the company he is employed by is the applicant for the proposal.

Councillor Michelle Steck (Local Government Member, City of Bunbury) declared an Indirect Pecuniary Interest in Item 8.1. Cr Steck advised that her partner owns and operates a completing shopping centre.

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

Ms Kanella Hope (A/Presiding Member) declared an Impartiality Interest in relation to Item 8.1. Ms Hope advised that she is a consultant who lives and works in the Bunbury region so is familiar with many involved in the meeting. She declared that she would act with impartiality and fairness. Mr Gene Koltasz (A/Deputy Presiding Member) agreed with this sentiment and declared an Impartiality Interest, given his capacity as a planning consultant, he is also familiar with many involved in the meeting.

7. Deputations and Presentations

7.1 Mr Aaron Lohman (element) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

7.2 Officers from the City of Bunbury addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

The presentation at Item 7.1 – 7.2 was heard prior to the application at Item 8.1.

7.3 Mr Gianni Da Rui (Meyer Shirecore) responded to questions from the panel in relation to Item 8.2.

7.4 Mr Jerom Hurley (City of Karratha) addressed the DAP in relation to the application at Item 8.2 and responded to questions from the panel.

The presentations at Items 7.3 - 7.4 were heard prior to the application at Item 8.2.



8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 63 (No.60) Sandridge Road, & Lot 69 Pennant Road, East Bunbury

Development Description: Proposed Fast Food Outlet, Associated Drive Through and Parking Reinstatement Works
Applicant: element
Owner: Challenger Life Nominees
Responsible Authority: City of Bunbury
DAP File No: DAP/22/02201

REPORT RECOMMENDATION

Moved by: Mr Gene Koltasz

Seconded by: Cr Betty McCleary

That the Regional JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/22/02201 is appropriate for consideration as a “Fast Food Outlet” land use and compatible with the objectives of the zoning table in accordance with Clause 16 of the City of Bunbury Local Planning Scheme No. 8;
2. **Approve** DAP Application reference DAP/22/02201 and accompanying plans (McDonalds Plan Set: DA01-DA02, DA09 & DA11, Rev 0, DA03-DA05, DA10 & DA13, Rev A, DA06-DA08 & DA12, Rev B and I2C Plan Set: DA01-DA03 & DA05, Rev 2 and DA04, Rev 3) 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 Bunbury Local Planning Scheme No. 8 and the Greater Bunbury Region Scheme.

Conditions

General

1. This decision constitutes development approval only and is valid for a period of four (4) 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.
2. All development shall be in accordance with the approved development plans (attached) which form part of this development approval.
3. All works required to satisfy a condition of this approval are required to be installed/constructed and maintained in accordance with the approved plans and conditions of approval for the life of the development.



Landscaping

4. Before the development commences, a landscaping plan must be submitted for the approval of the City of Bunbury. The landscape plan must address the following:
- A site plan of proposed landscaping, including shade tree planting for the car parking reinstatement works at a rate of 1 tree per 6 bays.
 - Exact species, location and number of proposed to be plants.
 - A key or legend detailing proposed species type grouped under the subheadings of tree, shrub and ground cover.
 - Mulching or similar treatments of garden beds including edges.
 - Details of reticulation of landscaped areas including the source of the water supply and proposed responsibility for maintenance.
 - Treatment of paved areas (parking and pedestrian areas).

Before the development is occupied, the landscaped area(s) must be planted, established and reticulated in accordance with the endorsed landscape plan(s). These areas must be maintained as landscaped areas at all times and to the satisfaction of the City of Bunbury.

Signage

5. The sign shall be professionally made and kept clean and maintained free of dilapidation at all times.
6. Illuminated signage is not to flash or pulsate and shall be of an illumination level that is suitable to off-street ambient lighting.

Stormwater and Site Works

7. Before construction of the development commences, a Construction Management Plan must be submitted to, and approved by the City. The Construction Management Plan must address the following issues, where applicable:
- a. Public safety and amenity;
 - b. Site plan and security;
 - c. Contact details of essential site personnel, construction period and operating hours;
 - d. Community information, consultation and complaints management plan;
 - e. Noise, vibration, and dust management;
 - f. Traffic, access and parking management;
 - g. Waste management and materials re-use;
 - h. Earthworks, excavation, land retention/piling and associated matters;
 - i. Stormwater and sediment control;
 - j. Any other matters deemed appropriate by the City.

The Construction Management Plan as approved by the City of Bunbury and must be complied with at all times during construction.



8. The subject land is situated on the Preston River Flood Fringe and is susceptible to flooding. Building construction shall have a minimum finished floor level of 2.7m AHD.
9. Before construction of the development commences, a Stormwater and Drainage Management Plan, prepared in accordance with the Department for Water's Stormwater Management Manual and the City's Local Planning Policy: Stormwater Disposal from Private Properties, is to be submitted for the approval of the City of Bunbury. The Stormwater and Drainage Management Plan shall address:
 - a. the proposed development;
 - b. storm events to be managed;
 - c. overland flow paths for larger events;
 - d. effect of groundwater;
 - e. water quality;
 - f. stormwater treatment train, consisting of gross pollutant traps and
 - g. hydrocarbon removal systems for the 1 year, 1 hour event;
 - h. protection of adjacent/nearby waterways and wetlands; and
 - i. conclusions and recommendations.

Before the development is occupied, the approved Stormwater and Drainage Management Plan must be implemented to the satisfaction of the City of Bunbury.

Access and Parking

10. Before the development is occupied, any alterations, relocation or damage of existing infrastructure within the road reserve must be completed and reinstated to the specification and satisfaction of the City of Bunbury.
11. Before the development is commenced, detailed design plans shall be prepared in accordance with relevant Australian Standards, Austroads Guidelines, and City of Bunbury requirements, for all access, carparking and pedestrian movement requirements, to the satisfaction of the City of Bunbury. Once plans are approved construction is to be in accordance with the approved plans and be completed before the development is occupied.
12. Before the development is occupied, a minimum of 27 car parking bays and car queuing for 10 vehicles must be provided on the land the subject of this development approval for the 'Fast Food Outlet' and to the satisfaction of the City of Bunbury.
13. Before the development is occupied, the following infrastructure items must be upgraded to the specifications and satisfaction of the City of Bunbury:
 - a. The Sandridge Road and Driveway 8 intersection is to be modified to permit a left-out movement only.
 - b. The pedestrian network for the Sandridge Road and Driveway 9 intersection is to be upgraded to the satisfaction of the City of Bunbury.
 - c. Footpaths are to be provided along Sandridge Road generally in accordance with i2c drawing No. DA04 (Issue 3 dated 29 April 2022). The footpaths are to be connected to the existing path network to the satisfaction of the City of Bunbury and be constructed to a minimum width of 2 metres.



- d. A pedestrian connection is to be provided from the entrance of the building to the proposed footpath on Sandridge Road and Driveway 9

Detailed design plans of the above infrastructure upgrades are to be submitted for approval, prior to the commencement of construction, to the specifications and satisfaction of the City of Bunbury.

14. Before the development is occupied, the recommendations of the final approved Transport Statement must be constructed and implemented to the satisfaction of the City of Bunbury.

Access and parking arrangements must be designed in accordance with Australian Standards, Austroads Guidelines and City of Bunbury requirements. Detailed design plans must be submitted to the City of Bunbury for approval prior to construction commencing.

Waste Management

15. Before the development commences, a waste management plan is to be submitted for the approval of the City of Bunbury. The plan will detail how and where waste produced during the operation the subject of this approval will be stored, handled and removed. The new footpath along Sandridge Road is to be wholly contained within the Sandridge Road reserve and not straddle private property.

Advice Notes

1. This is a development approval only. The applicant/owner is advised that it is their responsibility to ensure that the proposed development complies with all other applicable legislation (e.g. Health (Miscellaneous Provisions) Act 1911, Environmental Protection Act 1986, Environmental Protection (Noise) Regulations 1997 and Environmental Protection (Unauthorised Discharge) Regulations 2004), local laws (e.g. City of Bunbury Health Local Laws 2001) and/or license requirements that may relate to the development.
2. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
3. The development is subject to the Building Act 2011, Building Regulations 2012 and Building Code of Australia. A separate building permit must be granted before the development commences, where offences occur statutory penalties apply. The applicant/owner is advised to liaise further with the City of Bunbury.
4. The premises and equipment the subject of this development approval is required to comply with clause 3.2.3 of the Australian Food Safety Standards. Regardless of whether a building permit is required, application shall be made to the City of Bunbury for assessment and approval prior to commencing development.
5. The development is defined as a "Food Business" under the Food Act 2008. The development must comply with the Food Act 2008 and Food Regulations 2009. Further information can be obtained from the City of Bunbury.



6. With reference to the condition requiring detailed design plans for the proposed pedestrian network, the detailed plans are to include a north-south accessible footpath connection from Bunbury Forum Shopping Centre to the subject site and pedestrian connection to the entrance of the building. The new footpath along Sandridge Road is to be wholly contained within the Sandridge Road reserve and not straddle private property.

AMENDING MOTION 1

Moved by: Mr Gene Koltasz

Seconded by: Cr Betty McCleary

The following amendments were made en bloc:

- (i) To amend Condition 6 to read as follows:

Illuminated signage is not to flash or pulsate and shall be of an illumination level that is suitable to off-street ambient lighting of a maximum of 300cd/m².

REASON: The purpose of the revised condition is to provide a maximum illumination level. This provides certainty in respect to the application of the condition and has been agreed to by the Applicant and the City of Bunbury.

- (ii) To amend Condition 13 (b) and 13 (d) to read as follows:

b. The pedestrian network for the Sandridge Road and Driveway 9 intersection is to be upgraded to the satisfaction of the City of Bunbury. in accordance with 12c plan DA04.

d. A pedestrian connection is to be provided from the entrance of the building to the proposed footpath on Sandridge Road and Driveway 9 as shown in the attached plan in Annexure '2'.

REASON: In respect to condition 13 (b) this is to provide clarity and certainty as to the upgrades required. In regard to Condition 13 (d) the amendment is made to confirm the alignment of the footpath connecting the building to Sandridge Road. Alignment of the footpath is shown as a 'red dashed line' in Annexure 2.

- (iii) To amend Condition 14 to read as follows:

Before the development is occupied, the recommendations of the final approved Transport Statement (as shown in Figures 6 and 7) must be constructed and implemented to the satisfaction of the City of Bunbury.

~~*Access and parking arrangements must be designed in accordance with Australian Standards, Austroads Guidelines and City of Bunbury requirements. Detailed design plans must be submitted to the City of Bunbury for approval prior to construction commencing.*~~

REASON: For the sake of clarity, the only recommendations in the Transport Impact Statement are provided at Figures 6 and 7 relevant to the modifications of a kerb line. It is considered appropriate to reference these recommendations. The second paragraph



of Condition 14 is deleted as similar, if not the same requirements are repeated in Condition 11.

(iv) To amend Condition 15 to read as follows:

Before the development commences, a waste management plan is to be submitted for the approval of the City of Bunbury. The plan will detail how and where waste produced during the operation the subject of this approval will be stored, handled and removed. ~~The new footpath along Sandridge Road is to be wholly contained within the Sandridge Road reserve and not straddle private property.~~

REASON: To correct a typographical error in the Responsible Authority Report submitted by the City of Bunbury.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION 2

Moved by: Mr Gene Koltasz

Seconded by: Cr Betty McCleary

To delete Condition 9 and replace as follows:

For the area covered by the Development Application for the new McDonald's site 1m³ stormwater storage per 65m² of the impervious area must be provided on site in accordance with the City of Bunbury's Information Guide – Stormwater Disposal from Private, Commercial and Industrial Properties.

The Stormwater drain storage for the reinstated carpark over the existing McDonalds site is to be provided as per Drawing SMP3 – Revision 3.

Detailed design plans of the proposed stormwater management must be submitted for approval prior to the development commencing and be implemented in accordance with the approved plan prior to the development being occupied.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To clarify the extent of stormwater arrangements required in consequence of the development.



REPORT RECOMMENDATION (AS AMENDED)

1. **Accept** that the DAP Application reference DAP/22/02201 is appropriate for consideration as a “Fast Food Outlet” land use and compatible with the objectives of the zoning table in accordance with Clause 16 of the City of Bunbury Local Planning Scheme No. 8;
2. **Approve** DAP Application reference DAP/22/02201 and accompanying plans (McDonalds Plan Set: DA01-DA02, DA09 & DA11, Rev 0, DA03-DA05, DA10 & DA13, Rev A, DA06-DA08 & DA12, Rev B and I2C Plan Set: DA01-DA03 & DA05, Rev 2 and DA04, Rev 3) 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 Bunbury Local Planning Scheme No. 8 and the Greater Bunbury Region Scheme.

Conditions

General

1. This decision constitutes development approval only and is valid for a period of four (4) 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.
2. All development shall be in accordance with the approved development plans (attached) which form part of this development approval.
3. All works required to satisfy a condition of this approval are required to be installed/constructed and maintained in accordance with the approved plans and conditions of approval for the life of the development.

Landscaping

4. Before the development commences, a landscaping plan must be submitted for the approval of the City of Bunbury. The landscape plan must address the following:
 - A site plan of proposed landscaping, including shade tree planting for the car parking reinstatement works at a rate of 1 tree per 6 bays.
 - Exact species, location and number of proposed to be plants.
 - A key or legend detailing proposed species type grouped under the subheadings of tree, shrub and ground cover.
 - Mulching or similar treatments of garden beds including edges.
 - Details of reticulation of landscaped areas including the source of the water supply and proposed responsibility for maintenance.
 - Treatment of paved areas (parking and pedestrian areas).

Before the development is occupied, the landscaped area(s) must be planted, established and reticulated in accordance with the endorsed landscape plan(s). These areas must be maintained as landscaped areas at all times and to the satisfaction of the City of Bunbury.



Signage

5. The sign shall be professionally made and kept clean and maintained free of dilapidation at all times.
6. Illuminated signage is not to flash or pulsate and shall be of an illumination level of a maximum of 300cd/m².

Stormwater and Site Works

7. Before construction of the development commences, a Construction Management Plan must be submitted to, and approved by the City. The Construction Management Plan must address the following issues, where applicable:
 - a. Public safety and amenity;
 - b. Site plan and security;
 - c. Contact details of essential site personnel, construction period and operating hours;
 - d. Community information, consultation and complaints management plan;
 - e. Noise, vibration, and dust management;
 - f. Traffic, access and parking management;
 - g. Waste management and materials re-use;
 - h. Earthworks, excavation, land retention/piling and associated matters;
 - i. Stormwater and sediment control;
 - j. Any other matters deemed appropriate by the City.

The Construction Management Plan as approved by the City of Bunbury and must be complied with at all times during construction.

8. The subject land is situated on the Preston River Flood Fringe and is susceptible to flooding. Building construction shall have a minimum finished floor level of 2.7m AHD.
9. For the area covered by the Development Application for the new McDonald's site provide 1m³ stormwater storage per 65m² of the impervious area must be provided on site in accordance with the City of Bunbury's Information Guide – Stormwater Disposal from Private, Commercial and Industrial Properties.

The Stormwater drain storage for reconfigured existing McDonalds site to be as per Drawing SMP3 – Revision 3.

Detailed design plans of the proposed stormwater management must be submitted for approval prior to the development commencing and be implemented in accordance with the approved plan prior to the development being occupied

Access and Parking

10. Before the development is occupied, any alterations, relocation or damage of existing infrastructure within the road reserve must be completed and reinstated to the specification and satisfaction of the City of Bunbury.



11. Before the development is commenced, detailed design plans shall be prepared in accordance with relevant Australian Standards, Austroads Guidelines, and City of Bunbury requirements, for all access, carparking and pedestrian movement requirements, to the satisfaction of the City of Bunbury. Once plans are approved construction is to be in accordance with the approved plans and be completed before the development is occupied.
12. Before the development is occupied, a minimum of 27 car parking bays and car queuing for 10 vehicles must be provided on the land the subject of this development approval for the 'Fast Food Outlet' and to the satisfaction of the City of Bunbury.
13. Before the development is occupied, the following infrastructure items must be upgraded to the specifications and satisfaction of the City of Bunbury:
 - a. The Sandridge Road and Driveway 8 intersection is to be modified to permit a left-out movement only.
 - b. The pedestrian network for the Sandridge Road and Driveway 9 intersection is to be upgraded in accordance with 12c plan DA04.
 - c. Footpaths are to be provided along Sandridge Road generally in accordance with i2c drawing No. DA04 (Issue 3 dated 29 April 2022). The footpaths are to be connected to the existing path network to the satisfaction of the City of Bunbury and be constructed to a minimum width of 2 metres.
 - d. A pedestrian connection is to be provided from the entrance of the building to the proposed footpath on Sandridge Road and Driveway 9 as shown in the attached plan in Annexure '2'.

Detailed design plans of the above infrastructure upgrades are to be submitted for approval, prior to the commencement of construction, to the specifications and satisfaction of the City of Bunbury.

14. Before the development is occupied, the recommendations of the final approved Transport Statement (as shown in Figures 6 and 7) must be constructed and implemented to the satisfaction of the City of Bunbury.

Waste Management

15. Before the development commences, a waste management plan is to be submitted for the approval of the City of Bunbury. The plan will detail how and where waste produced during the operation the subject of this approval will be stored, handled and removed.

Advice Notes

1. This is a development approval only. The applicant/owner is advised that it is their responsibility to ensure that the proposed development complies with all other applicable legislation (e.g. Health (Miscellaneous Provisions) Act 1911, Environmental Protection Act 1986, Environmental Protection (Noise) Regulations 1997 and Environmental Protection (Unauthorised Discharge) Regulations 2004), local laws (e.g. City of Bunbury Health Local Laws 2001) and/or license requirements that may relate to the development.



2. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
3. The development is subject to the Building Act 2011, Building Regulations 2012 and Building Code of Australia. A separate building permit must be granted before the development commences, where offences occur statutory penalties apply. The applicant/owner is advised to liaise further with the City of Bunbury.
4. The premises and equipment the subject of this development approval is required to comply with clause 3.2.3 of the Australian Food Safety Standards. Regardless of whether a building permit is required, application shall be made to the City of Bunbury for assessment and approval prior to commencing development.
5. The development is defined as a "Food Business" under the Food Act 2008. The development must comply with the Food Act 2008 and Food Regulations 2009. Further information can be obtained from the City of Bunbury.
6. With reference to the condition requiring detailed design plans for the proposed pedestrian network, the detailed plans are to include a north-south accessible footpath connection from Bunbury Forum Shopping Centre to the subject site and pedestrian connection to the entrance of the building. The new footpath along Sandridge Road is to be wholly contained within the Sandridge Road reserve and not straddle private property.

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

REASON: The Panel was satisfied that the proposal, subject to the amended conditions, satisfied the planning framework and was suitable for approval. The issue of stormwater obligation was explored in detail. The other changes to conditions were agreed to between the applicant and the city. The panel asked various questions to clarify layout, signage and traffic obligations, in context of the subject land as it exists and also as it is proposed to be redeveloped under a separate JDAP approval for the broader shopping precinct.

Cr Betty McCleary (Local Government Member, City of Bunbury) left the panel at 10:29am.

Cr Kelly Nunn and Cr Margaret Bertling (Local Government Members, City of Karratha) joined the panel at 10:29am.



8.2 113 Bedrock Turn, Gap Ridge

Development Description: Proposed building to Karratha Shire for Part Lot 113
Applicant: Metso Outotec Australia Limited
Owner: Metso Outotec Australia Limited
Responsible Authority: City of Karratha
DAP File No: DAP/22/0221

REPORT RECOMMENDATION

Moved by: Mr Gene Koltasz

Seconded by: Cr Kelly Nunn

With the agreement of the mover and seconder the following changes were made to the preamble:

Approve DAP Application reference DAP/22/02221 and accompanying plans (**Proposed Workshop Development SK010 Feb 2022 sheets 1 to 9, Landscape Plan ME-01-1 A 24-1-22 and Civil Works Stormwater Management Plan C-001 B 12.01.22**) 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 Karratha Local Planning Scheme No. 8*, subject to the following conditions:

REASON: To include plans for approval omitted from original Responsible Authority Report as per the Addendum provided by the City of Karratha on 15 June 2022.

That the Regional JDAP resolves to

Approve DAP Application reference DAP/22/02221 and accompanying plans (Proposed Workshop Development SK010 Feb 2022 sheets 1 to 9, Landscape Plan ME-01-1 A 24-1-22 and Civil Works Stormwater Management Plan C-001 B 12.01.22) 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 Karratha Local Planning Scheme No. 8*, subject to the following conditions:

Conditions

1. This decision constitutes development 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.
2. Prior to the development becoming operational all parking, vehicle access and manoeuvring areas are to be sealed, line marked, kerbed, drained and thereafter maintained to the satisfaction of the City of Karratha.
3. The Bushfire Management Plan being implemented to the satisfaction of the City of Karratha.
4. The parking bays are to be a minimum width of 2,700mm and a minimum length of 5,500mm.



5. Development plans being revised to address the policy requirements under DP15: Gap Ridge Industrial Estate Development Requirements for landscaping in front of the front fence.
6. Prior to occupation of the development, landscaping and reticulation is to be installed in accordance with the endorsed landscaping and reticulation plans and is to be maintained to the satisfaction of the City of Karratha at all times.
7. Prior to occupation of the development, stormwater management is to be implemented and installed in accordance with the approved plans and shall be maintained at all times to the satisfaction of the City of Karratha.
8. All stormwater shall be discharged in a manner that avoids discharge onto the adjoining properties to the satisfaction of the City of Karratha.
9. Any external lighting shall be installed and maintained so as to avoid causing distraction and/or nuisance to passing traffic, and neighbouring properties to the satisfaction of the City of Karratha.

Advice Notes

1. A Building Permit is required to be issued prior to the commencement of any on-site building works.
2. Prior to commencing any works on the vehicle crossovers, the proponent must seek approval from the City's Infrastructure Services.
3. A separate application for development approval may be required to be submitted to the City of Karratha for assessment and approval of signage that does not meet the development standards of the City's Policy DP22 Advertising Signs.
4. It is the responsibility of the proponent to submit an application to the City's Environmental Health Services for any health approvals required under the *Health Act 1911*.
5. Any wash down of plant, vehicles or equipment must be carried out over a wash down pad with wastewater treated to remove solids and hydrocarbons prior to discharge to the environment. Please note that any petrol and oil arrestor such as a vertical gravity separator must be able to consistently produce a discharge having less than 15ppm hydrocarbons. A Health Act application including detailed plans and specifications of the facility and appropriate fee must be submitted together with building plans prior to the issue of a building licence. The facility should include a bunded area, draining to a petrol and oil arrestor system, and is to be protected by a roof and a spray barrier.
6. Hazardous areas where dangerous goods are stored and handled must be in accordance with the *Dangerous Goods Safety Act 2004* and subsidiary legislation including approved codes of practice.
7. Storage methods and storage facilities for all hazardous materials must comply with the *Explosives and Dangerous Goods (Dangerous Goods Handling and Storage) Regulations 1992*.



8. The proposed development must maintain compliance with the *Environmental Protection (Noise) Regulations 1997* at all times to the satisfaction of the City of Karratha.
9. The applicant is advised that the proposed development will require a works approval through the Department of Water and Environmental Regulation (DWER) and will be required to comply with the *Environmental Protection (Metal Coating) Regulations 2001* at all times.
10. It is the responsibility of the applicant to ensure that building setbacks correspond with the legal description of the land. This may necessitate re-surveying and re-pegging the site. The City of Karratha will take no responsibility for incorrectly located buildings.
11. It is the responsibility of the applicant/owner to search the title of the property to ascertain the presence of any easements and/or restrictive covenants that may apply.
12. Damage to road pavements, kerbing, footpaths or City assets (as applicable) caused by construction activity including but not limited to vehicle movements, shall be repaired at the proponent's cost in accordance with specifications and works supervision and scheduling arrangements to be approved by the City of Karratha.
13. Should the proponent be aggrieved by this decision, or any of the conditions imposed, there is a right of review under the *Planning and Development Act 2005*. An application for review must be submitted in accordance with Part XIV of the *Planning and Development Act 2005* within twenty-eight (28) days of the date of this decision to: the State Administrative Tribunal, GPO Box U1991, Perth, WA 6845. Further information regarding this right of review is available on the SAT website www.sat.justice.wa.gov.au or by phoning 1300 306 017.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The Panel was satisfied that the proposal satisfied the planning framework and was suitable for approval. The issue of fire risk management and the DFES reply, as well as clarification on fencing and landscaping, was discussed with the City, and the applicant advised they were comfortable with the proposed conditions.

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 -

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/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
DAP/21/02120 DR49/2022	City of Busselton	Lot 400 (No.24) Dunn Bay Road, Dunsborough	Proposed six storey mixed use (Restaurant/Cafe and Multiple Dwellings) Development	23 March 2022
DAP/21/02138 DR67/2022	City of Busselton	Lot 9556 Napoleon Promenade, Vasse	Shop (Fresh Food retailer) with select advertisements	14 April 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 10:47am.