



Regional Joint Development Assessment Panel Minutes

Meeting Date and Time: Tuesday, 22 March 2022; 9:30am
Meeting Number: RJDAP/50
Meeting Venue: Electronic Means

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

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Attendance

DAP Members

Mr Paul Kotsoglo (Presiding Member)
Mr Gene Koltasz (A/Deputy Presiding Member)
Mr John Syme (A/Third Specialist Member)
Mayor Grant Henley (Local Government Member, City of Busselton)
Cr Phill Cronin (Local Government Member, City of Busselton)

Officers in attendance

Mr Andrew Watts (City of Busselton)
Ms Lee Reddell (City of Busselton)
Ms Brionym McGinty (City of Busselton)

Minute Secretary

Ms Samantha Hansen (DAP Secretariat)
Ms Adele McMahon (DAP Secretariat)

Applicants and Submitters

Ms Kanella Hope (Planned Focus for GDH Enterprises Pty Ltd)
Ms Belinda Moharich (Moharich and More)
Mr Matthew Fenwick (Hargraves Design)
Mr Leith Johnston (Bunbury Farmers Market)
Mr Darren Levey (Uloth & Associates)
Mr Graham Leith (GDH Enterprises Pty Ltd)

Members of the Public / Media

There were 3 members of the public in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:33am on 22 March 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 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 may be 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.



In response to the COVID-19 situation, this meeting was convened via electronic means (Zoom). Members were reminded to announce their name and title prior to speaking.

2. Apologies

Ms Kanella Hope, Deputy Presiding Member
Mr Justin Page (Specialist Member)
Cr Paul Carter (Local Government Member, City of Busselton)

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 a DAP direction for further information and responsible authority response in relation to Item 8.1, received on 21 March 2022.

All members declared that they had duly considered the documents.

6. Disclosure of Interests

DAP Member, Mr Paul Kotsoglo, declared an impartiality interest in Item 8.1. Mr Kotsoglo is the Presiding Member of the Regional Joint Development Assessment Panel (RJDAP) and is familiar with Ms Kanella Hope given that he serves with her as the Deputy Presiding Member on the RJDAP. Ms Hope is the applicant for Item 8.1

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member, Ms Francesca Lefante determined that the member listed above, who had disclosed an Impartiality Interest was permitted to participate in the discussion and voting on the item.

DAP Member, Mr Gene Koltasz declared an impartiality interest as he is a member of the Deputy Presiding Member pool and has served on panels with Ms Kanella Hope in the past. Ms Hope is the applicant for Item 8.1.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member, Mr Paul Kotsoglo determined that the member listed above, who had disclosed an Impartiality Interest was permitted to participate in the discussion and voting on the item.

DAP Member, Ms Kanella Hope, declared a Direct Pecuniary Interest in item 8.1. Ms Hope is the Director of Planned Focus. Planned Focus (representing GDH Enterprises Pty Ltd) is the applicant for Item 8.1.



DAP Member, Mr Justin Page, declared an Indirect Pecuniary Interest in item 8.1. Mr Page is employed by Element Advisory of whom the owner, Perron Developments Pty Ltd) is a client.

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

7. Deputations and Presentations

- 7.1** Ms Kanella Hope (Planned Focus) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.2** Ms Belinda Moharich (Moharich & More) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.3** Mr Matthew Fenwick (Hargraves Design) responded to questions from the panel
- 7.4** Mr Darren Levey (Uloth & Associates) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.5** Ms Lee Reddell (City of Busselton) addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.
- 7.6** Ms Barbara Wagner addressed the DAP in relation to the application at Item 8.1.

PROCEDURAL MOTION 1

Moved by: Mr John Syme

Seconded by: Mr Gene Koltasz

That the meeting be adjourned for a period of 5 minutes.

The meeting was adjourned at 11:20am.

The meeting was reconvened at 11:25am.

The Procedural Motion was put and CARRIED UNANIMOUSLY

REASON: To allow members to take a short recess.



8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 9556 Napoleon Promenade, Vasse

Development Description: Shop (Fresh Food Retailer) with select advertisements
Applicant: Kanella Hope, Planned Focus for GDH Enterprises Pty Ltd
Owner: Perron Developments Pty Ltd / Stawell Pty Ltd
Responsible Authority: City of Busselton
DAP File No: DAP/21/02138

REPORT RECOMMENDATION

Moved by: Mayor Grant Henley

Seconded by: Cr Phill Cronin

That the Regional JDAP resolves to:

1. **Approve** DAP Application reference DAP/21/02138 and accompanying plans (A200, A201, A202, A203, A204, A205, A300, A301, A400, A401, A500 and A600 and A601) 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. Plans that satisfactorily address the following required design changes and as may be indicated in red on the Approved Development Plans –

Deletion of the embayment indicated within the Coomidup Boulevard Road Reserve;

- a. Deletion of the two x 12m² indicative 'art installation spaces', located above the verandah, on the eastern elevation of the building;
- b. Deletion of the 12m² indicative 'art installation space', located above the verandah, on the western elevation of the building;



- c. Deletion of the 17m² indicative 'art installation space', adjacent to the loading dock, on the northern elevation of the building;
 - d. Deletion of the two 'LED screen' signs (LED1) proposed on the western and eastern elevations of the building;
 - e. Deletion of the 'standard signage board' (ST8) proposed on the northern elevation of the building.
- 3.2 Final details of the advertising signage, including but not limited to the design, materials and levels of illumination.
 - 3.3 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.
 - 3.4 A detailed plan which shows natural ground levels, finished ground levels and finished floor levels;
 - 3.5 Detailed plans of the modifications to street verges, vehicle crossing points, roadside drainage, street furniture, footpaths, lighting and servicing infrastructure to provide vehicular and pedestrian access to the site.
 - 3.6 Details of the controlled access to loading/delivery area from the customer parking area to ensure access for service vehicles only.
 - 3.7 Car Park Traffic Management Strategy, which shall demonstrate how traffic flows within parking areas will be maintained during peak traffic periods. The strategy is to be reviewed not less than three years after the occupation of the development.
 - 3.8 Satisfactory arrangements for works to be undertaken to create the new road extending west from the intersection of Coomidup Boulevard and Ganges Lane to provide access to the southern side of the development.
 - 3.9 Satisfactory arrangements for modification to the configuration of the existing median island at the northern end of Coomidup Boulevard, to facilitate right turn exit movements of service vehicles from the northern crossover of the approved development onto Coomidup Boulevard.
 - 3.10 Satisfactory arrangements for works to be undertaken at the Coomidup Boulevard/Warrior Court intersection to limit operation of the intersection to left in and left out access only, whilst maintaining the ability for right turn movements of service vehicles from the northern crossover of the approved development onto Coomidup Boulevard.
 - 3.11 Satisfactory arrangements for works to be undertaken to upgrade the intersection of Coomidup Boulevard, Ganges Lane and the new access road via installation of a roundabout.



- 3.12 Details of the proposed bicycle parking which are to be designed in accordance with the Australian Standard for Parking Facilities – Bicycle Parking (AS2890.3-2015). The details shall include, as a minimum, the location, design and materials to be used in their construction.
- 3.13 Satisfactory arrangements for the provision of a 20 metre wide landscaped visual screening buffer to Bussell Highway along the northern boundary of Lot 9556/proposed Lot 124.
- 3.14 A stormwater and groundwater management plan is prepared and submitted consistent with the approved Urban Water Management Plan for Vasse Newton Town Centre;
- 3.15 A final Landscaping Plan (LP). The LP shall include the following:
 - a. The provision of a minimum of four additional evergreen trees on the western boundary of the site;
 - b. Details of all planting areas for shade trees to be provided within the car parking area, ensuring that suitable space to enable a canopy tree of between 5m-10m height at maturity to establish, as well as the provision of suitable root barriers and irrigation;
 - c. the location, number, size and species of proposed trees and shrubs, including calculations for the landscaping area;
 - d. any lawns to be established;
 - e. any existing trees to be retained;
 - f. those areas to be reticulated or irrigated;
 - g. open style fencing to the western site boundary to provide definition to the Buayanyup River Drain Reserve (R50351);
 - h. be based on water sensitive urban design principles;
 - i. be based on Designing Out Crime principles; and
 - j. verge treatments, including hard and soft landscaping treatments.



- 3.16 A Construction Management Plan (CMP). The CMP shall address the following:
- a. all forward works for the site;
 - b. public safety and amenity;
 - c. site security;
 - d. contact details of essential site personnel, construction period and operating hours;
 - e. community information, consultation and complaints management plan;
 - f. traffic, access and parking management;
 - g. delivery of materials and equipment to the site;
 - h. storage of materials and equipment on the site;
 - i. waste management;
 - j. sanitary facilities;
 - k. dust management during the construction process;
 - l. stormwater and sediment control; and
 - m. any other matter deemed relevant by the City.
- 3.17 Lighting Plan which shall include provision of lighting for 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*.
- 3.18 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").

A handwritten signature in black ink, appearing to read 'Paul Kotsoglo'.



PRIOR TO OCCUPATION/USE OF THE DEVELOPMENT CONDITIONS

4. The development hereby approved shall not be occupied, or used, until all plans, details or works required by Conditions 2 and 3 have been implemented; and the following conditions have been complied with to the satisfaction of the City –
 - 4.1. Crossovers are located and constructed to the City's specifications.
 - 4.2. 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.
 - 4.3. 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

5. The works and other measures undertaken to satisfy Conditions 2, 3 and 4 shall be subsequently maintained for the life of the development, and the following conditions must be complied with to the satisfaction of the City –
 - 5.1 The Car Park Traffic Management Strategy to be reviewed, and any updates deemed necessary by the City to be undertaken and approved in writing, at no less than three year intervals, from the date of occupation of the development.
 - 5.2 No roller doors or screens are permitted to be installed to the eastern or southern elevations of the building;
 - 5.3 All glazing to be clear, non-tinted glazing and shall not be subsequently obscured by alternative window treatment, signage or internal shelves to the satisfaction of the City;
 - 5.4 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;
 - 5.5 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. Peak traffic periods to be addressed in the Car Park Traffic Management Strategy shall include long weekends, school holiday periods and any other significantly busy times as identified and agreed to between the proponent and the City.
6. Applicants/developers are encouraged to review the *Percent for Art Policy Step by Step Guide for Developers* which can be viewed on the City's website at www.busselton.wa.gov.au and liaise with the City's Cultural Planning Officer at the earliest possible opportunity.
7. The Estimated Cost of Development shall be to the satisfaction of the City and based on demonstrated contract values or estimates provided by a quantity surveyor, with such contract or estimates being no more than 3 months old at the time of calculation of the payment amount, and if such information is more than 3 months old, the Estimated Cost of Development shall be indexed to the general construction industry index for Western Australia.
8. The stormwater design should consider the approved *Vasse Newtown, Town Centre Stage 1 UWMP, September 2014 (Version J5347e, dated 02/10/14)*, in particular:
 - a. consideration of the discharge from Stage 2 (i.e. subject Lot 9556);
 - b. ensuring stormwater modelling parametrisation and controls matches that of this approved UWMP (to avoid unintended cumulative impacts that may result in the off-site discharges that exceed the capacity of downstream infrastructure, potentially resulting in localised flooding);
 - c. consideration of groundwater levels.



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. Measures to prohibit right turn movements of trucks and other vehicles from Coomidup Boulevard onto Bussell Highway may be implemented in the future should it be considered necessary due to significant adverse traffic impacts.
11. 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.
12. 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*.
13. 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.

PROCEDURAL MOTION 2

Moved by: Mayor Grant Henley

Seconded by: Mr Gene Koltasz

That Standing Orders be suspended in accordance with section 5.10.2h of the DAP Standing Orders 2020 to allow members to speak more than once on the same item and continue further debate on proposed amending motions.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: To allow members to speak more than once on the item and continue further debate on the proposed amendments.

PROCEDURAL MOTION 3

Moved by: Mayor Grant Henley

Seconded by: Mr Gene Koltasz

To reinstate DAP Standing Orders.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: To reinstate Standing Orders.

*The Standing Orders were suspended at 11:40am.
The Standing Orders were reinstated at 11:50am.*



AMENDING MOTION 1

Moved by: Mr John Syme

Seconded by: Mr Gene Koltasz

That Condition No.3.1 a be deleted and the remaining subpoints of the condition be re-alphabetised accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The panel determined Condition No.3.1 a. is to be dealt with appropriately through the subdivision process as it is included in the subdivision plan for the greater land holding in which the land is located. Therefore, it is considered appropriate the matter is dealt with via the subdivision process rather than through a condition of approval associated with the development application.

AMENDING MOTION 2

Moved by: Mr John Syme

Seconded by: Mr Gene Koltasz

That Condition No.3.1 b, 3.1 c and 3.1 d (now Condition No. 3.1 a-c) be deleted and the remaining subpoints of the condition be re-alphabetised accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The panel determined Conditions 3.1 a, 3.1 b and 3.1 c (previously 3.1b, 3.1c and 3.1 d) to be a duplication of Condition No.3.18 and the conditions were more appropriately dealt with through condition 3.18.

AMENDING MOTION 3

Moved by: Mr John Syme

Seconded by: Cr Phill Cronin

That Condition No.3.7 be amended to read as follows:

Car Park Traffic Management Strategy, which shall demonstrate how traffic flows within parking areas will be maintained during peak traffic periods. ~~The strategy is to be reviewed not less than three years after the occupation of the development.~~

The Amending Motion was put and CARRIED (4/1).

For: Mr Gene Koltasz
Mr John Syme
Mayor Grant Henely
Cr Phill Cronin

Against: Mr Paul Kotsoglo

REASON: The panel determined Condition No.3.7 be amended to provide finality of the condition due to the open-ended nature of the original structure and requirements of the condition.



AMENDING MOTION 4

Moved by: Mr John Syme

Seconded by: Cr Phill Cronin

The following amendments were made en bloc;

(i) That Condition No.3.8 be deleted, and the remaining subpoints of Condition No.3 be renumbered accordingly.

(ii) That a new Condition No.5.6 be added to read as follows:

Satisfactory arrangements for works to be undertaken to create the new road extending west from the intersection of Coomidup Boulevard and Ganges Lane to provide access to the southern side of the development.

(iii) That Condition No.3.9 (now Condition No.3.8) be deleted and the remaining subpoints of Condition No.3 be renumbered accordingly.

(iv) That a new Condition No.5.7 be added to read as follows:

Satisfactory arrangements for modification to the configuration of the existing median island at the northern end of Coomidup Boulevard, to facilitate right turn exit movements of service vehicles from the northern crossover of the approved development onto Coomidup Boulevard.

(v) That Condition No.3.11 (now Condition No.3.9) be deleted and the remaining subpoints of Condition No.3 be renumbered accordingly.

(vi) That a new Condition No.5.8 be added to read as follows:

Satisfactory arrangements for works to be undertaken to upgrade the intersection of Coomidup Boulevard, Ganges Lane and the new access road via installation of a roundabout.

(vii) That Condition No.3.13 (now Condition No.3.10) be deleted and the remaining subpoints of Condition No.3 be renumbered accordingly.

(viii) That a new Condition No.5.9 be added to read as follows:

Satisfactory arrangements for the provision of a 20 metre wide landscaped visual screening buffer to Bussell Highway along the northern boundary of Lot 9556/proposed Lot 124.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The panel determined the eight conditions above were more appropriately dealt with through the subdivision process as the land is included in the subdivision plan for the greater land holding in which the land is located. Therefore, it is considered appropriate the matter is dealt with via the subdivision process rather than through the proposed series of conditions of approval associated with the development application and where moved to the 'Ongoing Conditions' the panel determined those conditions were better suited as 'Ongoing Conditions'.



AMENDING MOTION 5

Moved by: Mr John Syme

Seconded by: Mr Gene Koltasz

That Condition No.3.10 (now Condition No.3.8) be deleted and the remaining subpoints of Condition No.3 be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The panel determined that Condition No.3.10 (now Condition No.3.8) is covered by other processes including subdivision.

AMENDING MOTION 6

Moved by: Mayor Grant Henley

Seconded by: Cr Phill Cronin

That Condition No.3.16 a). (now Condition No.3.11 a) be deleted and the remaining subpoints of Condition No.3.16 be re-alphabetised accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The panel determined Condition No.3.16 a) (now Condition No.3.11 a) be deleted as forward works are not part of the DA and it is not necessary to impose the condition in the manner presented.

AMENDING MOTION 7

Moved by: Mr John Syme

Seconded by: Cr Phill Cronin

The following amendments were made en bloc;

- (i) That Condition No.3.18. be deleted

REASON: The panel determined Condition No.3.18 would be more appropriately dealt with prior to occupation or/use of the development rather than commencement of development conditions and wording modified to reflect the more appropriate structure of the condition.

- (ii) That a new Condition No.4.4 be added to read as follows:

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")

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The panel determined Condition No.4.4 would be appropriately dealt with prior to occupation/use of the development and the wording and location of the condition in condition 4.4 would be more appropriate than the condition as presented in the original condition.



AMENDING MOTION 8

Moved by: Mr John Syme

Seconded by: Mr Paul Kotsoglo

That Condition No.5.1 be deleted, and the remaining subpoints of Condition No.5 be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The panel determined Condition 5.1 was dealt with in a previously determined condition.

AMENDING MOTION 9

Moved by: Mr John Syme

Seconded by: Mr Gene Koltasz

That Condition No.5.3 be deleted, and the remaining subpoints of Condition No.5 be renumbered accordingly.

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

For: Mr Gene Koltasz
 Mr John Syme
 Mr Paul Kotsoglo

Against: Mayor Grant Henely
 Cr Phill Cronin

REASON: The panel determined Condition No.5.3 be deleted as glazing may be affected by sunlight and products stored may be prone to spoiling as a result. Additionally, adequate movement in the area and concerns expressed about the movement of staff prior to and after hours is adequately dealt with lighting provisions after hours. The total movements in the precinct means the need falls away.

AMENDING MOTION 10

Moved by: Mr Gene Koltasz

Seconded by: Mr Paul Kotsoglo

That Advice Note 7 be deleted and the remaining advice notes be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The panel determined that Advice Note 7 was unnecessary given the process to be following in satisfying the City's policy requirements may be met in the associated assessment and negotiation process.



REPORT RECOMMENDATION (AS AMENDED)

That the Regional JDAP resolves to:

1. **Approve** DAP Application reference DAP/21/02138 and accompanying plans (A200, A201, A202, A203, A204, A205, A300, A301, A400, A401, A500 and A600 and A601) 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 THE 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. Plans that satisfactorily address the following required design changes and as may be indicated in red on the Approved Development Plans –
 - a. Deletion of the two 'LED screen' signs (LED1) proposed on the western and eastern elevations of the building;
 - b. Deletion of the 'standard signage board' (ST8) proposed on the northern elevation of the building.
 - 3.2 Final details of the advertising signage, including but not limited to the design, materials and levels of illumination.
 - 3.3 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.
 - 3.4 A detailed plan which shows natural ground levels, finished ground levels and finished floor levels;
 - 3.5 Detailed plans of the modifications to street verges, vehicle crossing points, roadside drainage, street furniture, footpaths, lighting and servicing infrastructure to provide vehicular and pedestrian access to the site.
 - 3.6 Details of the controlled access to loading/delivery area from the customer parking area to ensure access for service vehicles only.



- 3.7 Car Park Traffic Management Strategy, which shall demonstrate how traffic flows within parking areas will be maintained during peak traffic periods.
- 3.8 Details of the proposed bicycle parking which are to be designed in accordance with the Australian Standard for Parking Facilities – Bicycle Parking (AS2890.3-2015). The details shall include, as a minimum, the location, design and materials to be used in their construction.
- 3.9 .A stormwater and groundwater management plan is prepared and submitted consistent with the approved Urban Water Management Plan for Vasse Newton Town Centre;
- 3.10 A final Landscaping Plan (LP). The LP shall include the following:
 - a. The provision of a minimum of four additional evergreen trees on the western boundary of the site;
 - b. Details of all planting areas for shade trees to be provided within the car parking area, ensuring that suitable space to enable a canopy tree of between 5m-10m height at maturity to establish, as well as the provision of suitable root barriers and irrigation;
 - c. the location, number, size and species of proposed trees and shrubs, including calculations for the landscaping area;
 - d. any lawns to be established;
 - e. any existing trees to be retained;
 - f. those areas to be reticulated or irrigated;
 - g. open style fencing to the western site boundary to provide definition to the Buayanyup River Drain Reserve (R50351);
 - h. be based on water sensitive urban design principles;
 - i. be based on Designing Out Crime principles; and



- 3.11 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. delivery of materials and equipment to the site;
 - g. storage of materials and equipment on the site;
 - h. waste management;
 - i. sanitary facilities;
 - j. dust management during the construction process;
 - k. stormwater and sediment control; and
 - l. any other matter deemed relevant by the City.
- 3.12 Lighting Plan which shall include provision of lighting for 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*.

PRIOR TO OCCUPATION/USE OF THE DEVELOPMENT CONDITIONS

4. The development hereby approved shall not be occupied, or used, until all plans, details or works required by Conditions 2 and 3 have been implemented; and the following conditions have been complied with to the satisfaction of the City –
- 4.1. Crossovers are located and constructed to the City's specifications.
 - 4.2. 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.



- 4.3. 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).
- 4.4. 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").

ONGOING CONDITIONS

5. The works and other measures undertaken to satisfy Conditions 2, 3 and 4 shall be subsequently maintained for the life of the development, and the following conditions must be complied with to the satisfaction of the City –
 - 5.1 No roller doors or screens are permitted to be installed to the eastern or southern elevations of the building;
 - 5.2 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;
 - 5.3 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.
 - 5.4 Satisfactory arrangements for works to be undertaken to create the new road extending west from the intersection of Coomidup Boulevard and Ganges Lane to provide access to the southern side of the development
 - 5.5 Satisfactory arrangements for modification to the configuration of the existing median island at the northern end of Coomidup Boulevard, to facilitate right turn exit movements of service vehicles from the northern crossover of the approved development onto Coomidup Boulevard.
 - 5.6 Satisfactory arrangements for works to be undertaken to upgrade the intersection of Coomidup Boulevard, Ganges Lane and the new access road via installation of a roundabout.
 - 5.7 Satisfactory arrangements for the provision of a 20 metre wide landscaped visual screening buffer to Bussell Highway along the northern boundary of Lot 9556/proposed Lot 124



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. Peak traffic periods to be addressed in the Car Park Traffic Management Strategy shall include long weekends, school holiday periods and any other significantly busy times as identified and agreed to between the proponent and the City.
6. Applicants/developers are encouraged to review the *Percent for Art Policy Step by Step Guide for Developers* which can be viewed on the City's website at www.busselton.wa.gov.au and liaise with the City's Cultural Planning Officer at the earliest possible opportunity.
7. The stormwater design should consider the approved *Vasse Newtown, Town Centre Stage 1 UWMP, September 2014 (Version J5347e, dated 02/10/14)*, in particular:
 - a. consideration of the discharge from Stage 2 (i.e. subject Lot 9556);
 - b. ensuring stormwater modelling parametrisation and controls matches that of this approved UWMP (to avoid unintended cumulative impacts that may result in the off-site discharges that exceed the capacity of downstream infrastructure, potentially resulting in localised flooding);
 - c. consideration of groundwater levels.
8. 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>



9. Measures to prohibit right turn movements of trucks and other vehicles from Coomidup Boulevard onto Bussell Highway may be implemented in the future should it be considered necessary due to significant adverse traffic impacts.
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 Report Recommendation (as amended) was put and CARRIED UNANIMOUSLY

REASON: The panel determined the application was appropriate for approval for the reasons ostensibly outlined in the Responsible Authority Report. The approval is subject to modification of some of the conditions and requirements outlined in the Responsible Authority Report recommendation. The conditions were changed where it was considered they were unnecessary, required modification as they lacked finality, or they were addressed by way of other processes, such as the subdivision process, and the alternatives, as amended by the panel, were considered more appropriate in the circumstances.

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
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

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 12:31pm.