



Southern Joint Development Assessment Panel Minutes

Meeting Date and Time: 13 August 2019, 10:00 AM
Meeting Number: SJDAP/46
Meeting Venue: City of Bunbury Council Chambers
4 Stephen Street
Bunbury

Attendance

DAP Members

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

Officers in attendance

Ms Veronica Martin (Western Australia Planning Commission)
Ms Marion Dandridge (Western Australia Planning Commission)
Mr Justin Biggar (City of Bunbury)
Mr Kyle Daly (City of Bunbury)
Ms Barbara Macaulay (City of Bunbury)
Mr Thor Farnworth (City of Bunbury)
Mr Matthew Young (City of Bunbury)
Mr Anthony Pick (City of Bunbury)

Minute Secretary

Mrs Shandelle Evans (City of Bunbury)

Applicants and Submitters

Mr David Maiorana (Harley Dykstra)
Mr Luke Saraceni (Saraceni Properties)
Mr Behnam Bordbar (Transcore)
Mr Daniel Naude (MRWA)
Mr Matthew Coppen (MRWA)

Members of the Public / Media

There were 2 members of the public in attendance.

1. Declaration of Opening

The Presiding Member declared the meeting open at 10:00am on 13 August 2019 and acknowledged the traditional owners and payed 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 2017 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

The Presiding Member advised that the meeting is being audio recorded in accordance with Section 5.16 of the DAP Standing Orders 2017 which states 'A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.' The Presiding Member granted permission for the minute taker to record proceedings for the purpose of the minutes only.

2. Apologies

Mr Shelley Shepherd (Specialist Member)

3. Members on Leave of Absence

Nil

4. Noting of Minutes

DAP members noted that signed minutes of previous meetings are available on the [DAP website](#).

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of Interests

DAP Member, Mr Geoffrey Klem, declared an impartiality interest in item 8.1 (a) and 8.1 (b) as a former employee of the City of Bunbury in 2013 and a current member of Bunbury Development Committee.

In accordance with section 4.6.1 and 4.6.2 of the DAP Standing Orders 2017, the Presiding Member determined that the member listed above, who had disclosed an impartiality interest, was permitted to participate in discussion and voting on the items.

7. Deputations and Presentations

7.1 Mr David Maiorana (Harley Dykstra) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.



- 7.2 Mr Behnam Bordbar (Transcore) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.
- 7.3 Mr Luke Saraceni (Saraceni Properties) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.
- 7.4 Mr Daniel Naude (MRWA) addressed the DAP against the application at item 8.1 and responded to questions from the panel.
- 7.5 Mr Luke Saraceni (Saraceni Properties) addressed and responded to Mr Naude's presentation.
- 7.6 Mr Thor Farnworth (City of Bunbury) responded to questions from the DAP regarding application at 8.1a
- 7.7 Ms Marion Dandridge (DPLH) responded to questions from the DAP regarding application 8.1b

8. Form 1 – Responsible Authority Reports – DAP Applications

| | | |
|------|--------------------------|---|
| 8.1a | Property Location: | Lot 101 Forrest Highway, Vittoria |
| | Development Description: | Proposed Roadhouse and Associated Signage |
| | Applicant: | Harley Dykstra Pty Ltd |
| | Owner: | Victor John Howes |
| | Responsible Authority: | City of Bunbury |
| | DAP File No: | DAP/18/01423 |

REPORT RECOMMENDATION

Moved by: Cr Murray Cook

Seconded by: Cr Betty McCleary

That the Southern JDAP resolves to:

Approve DAP Application reference DAP/18/01423 in accordance with clause 68(2) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the City of Bunbury Local Planning Scheme No. 8 for the following reasons:

- the proposed land use is consistent with the intent of the local Scheme;
- the subject lot is located outside of the notional port buffer area;
- the proposed land use appertains to the function of the highway that it would service;
- the proposed land use is compatible with port activity and not likely to impact on or limit the ongoing operations of the port; and
- the proposed development will not prejudice the orderly and proper planning of the balance of undeveloped land.



Conditions / Reasons:

1. This decision constitutes development approval only and is valid for a period of three (3) years from the date of approval. If the subject development is not substantially commenced within the three (3) year time 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, to the specifications and satisfaction of the City of Bunbury.
3. At all times, the development the subject of this approval must comply with the land use definition of 'roadhouse' as contained in Part 6, Division 2 of the City of Bunbury Local Planning Scheme No. 8.
4. All works required to satisfy a condition of this development 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.
5. Before development commences and to enable shared access between the subject lot and adjoining lots 4 to 9, 12, 17, 25, 26, 205 and 415, an easement in gross must be registered on the certificate of title of lots to secure rights of carriageway over the vehicle access way(s) the subject of this development approval. The creation of easements must be at the full costs of the land owner(s) and to the satisfaction of the City of Bunbury.
6. A schedule of exterior materials, colours and finishes must be submitted with the building permit application for the approval of the City of Bunbury. The subject development must be finished and maintained to a high standard of quality in accordance with any approved schedule of exterior treatments to the satisfaction of the City of Bunbury.
7. Before the development is commenced, detailed design plans must be prepared in accordance with the relevant Australian Standards and Austroads guidelines for all vehicle accessways, circulation, parking areas and pedestrian movement requirements, including the lighting thereof, to the specifications of the City of Bunbury. Once detailed design plans are approved, installation / construction is to be in accordance with the approved plans and works completed before the development is occupied to the satisfaction of the City of Bunbury.
8. Before the development is occupied, vehicle accessway and parking area line marking, signage and lighting must be installed / constructed in accordance with the approved plans to the specifications and satisfaction of the City of Bunbury.
9. All external lighting must be designed, baffled and located so as to prevent any potential adverse impacts on adjoining land to the specifications and satisfaction of the City of Bunbury.
10. Before the development is commenced, a landscaping plan must be submitted for approval to the specifications and satisfaction of the City of Bunbury. The Landscape Plan must at a minimum address the following:
 - (a) a site plan of existing and proposed development with natural and finished ground levels;



- (b) the location, species and size of existing vegetation to be retained and vegetation to be removed;
- (c) exact species, location and number of proposed plants;
- (d) a key or legend detailing proposed species type grouped under the subheadings of tree, shrub and ground cover;
- (e) mulching or similar treatments of garden beds including edges;
- (f) details of reticulation of landscaped areas including the source of the water supply and proposed responsibility for maintenance;
- (g) treatment of paved areas (parking and pedestrian areas);
- (h) screening of service, utility and waste storage areas; and
- (i) fencing height, materials and treatments.

Before the development is occupied, the landscaped areas must be planted, established and reticulated in accordance with the endorsed Landscape Plan. These areas must be maintained as landscaped areas at all times to the satisfaction of the City of Bunbury.

11. The subject land is situated on the Preston River Flood Plain and is susceptible to flooding. Building construction shall have a minimum finished floor level of at least 3.5m Australian Height Datum (AHD).
12. Before the development is commenced, a Stormwater and Drainage Management Plan, prepared in accordance with the Department of Water and Environmental Regulation (DWER) Stormwater Management Manual and Council's adopted Local Planning Policy: Stormwater Disposal from Private Properties, is to be submitted for approval to the specifications and satisfaction of the City of Bunbury. The Stormwater and Drainage Management Plan will determine the effective stormwater management system and structural controls required to support the development, and as a minimum, it must address:
 - (a) the context and site analysis;
 - (b) establishment of or the confirmation of design flood levels for the protection of people and buildings;
 - (c) use of water sensitive urban design principles in the design, construction and operation of the proposed development;
 - (d) small, minor and major storm events to be managed;
 - (e) management objectives of each design event;
 - (f) scale at which stormwater management solutions (e.g. single or series of best management practices) are to apply;
 - (g) on-site retention for up to and including 100-year average recurrence interval (ARI) storm events (i.e. 1 in 100 year);
 - (h) overland flow path(s) for events greater than 100-year ARI;
 - (i) the effect of groundwater;
 - (j) water quality standard and the ongoing management thereof;
 - (k) protection of receiving environments (e.g. adjacent or nearby waterways and wetlands); and



- (l) findings and recommendations for stormwater and drainage management works, infrastructure and practices.
13. Before the development is occupied, the findings / recommendations of the approved Stormwater and Drainage Management Plan must be constructed and implemented to the specifications and satisfaction of the City of Bunbury.
14. Before the development is commenced, a Construction Management Plan is to be submitted for approval to the specifications and satisfaction of the City of Bunbury. 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) dilapidation reports of nearby properties;
 - (g) traffic, access and parking management;
 - (h) waste management and materials re-use and/or recycling;
 - (i) earthworks, excavation, land retention / piling and associated matters;
 - (j) stormwater and sediment control;
 - (k) street tree management and protection; and
 - (l) any other matters deemed appropriate by the local government.

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

15. At all times during construction of the development all works and construction activities must be undertaken so as to avoid noise, vibration and dust nuisance to occupiers of land in the vicinity to the satisfaction of the City of Bunbury.
16. Before the development is commenced, a Waste Management Plan is to be submitted for approval to the specifications and satisfaction of the City of Bunbury. The approved Waste Management Plan is to detail how and where waste produced during the ongoing operation of the development that is the subject of this approval will be stored, handled and removed.
17. Before the development is occupied, the property must be connected to the Aqwest reticulated water system.
18. Before the development is occupied, the property must be connected to the Water Corporation reticulated sewerage system.

Advice Notes:

- (a) This is a development approval only. The applicant / landowner is advised that it is their responsibility to ensure that the proposed development complies with all other applicable legislation, local laws, licensing requirements and/or legal



agreements that may relate to the development.

- (b) This development approval is granted by the local government under the City of Bunbury Local Planning Scheme No. 8 (LPS8), and it is advised that separate development approval may also be required to be granted by the Western Australian Planning Commission (WAPC) under the Greater Bunbury Region Scheme (GBRS).

The applicant is advised that it may be a condition of development approval granted under the GBRS that a legal agreement, in the form of a deed entered into prior to the issuance of a certificate of occupancy, made between the landowner and Main Roads Western Australia (MRWA) with respect to inter alia:

- acknowledgment that future upgrading of the Forrest Highway, in the vicinity of the Vittoria Road intersection, may impact the subject site and vehicle access to and from the site;
 - a timeframe for the upgrading of the Forrest Highway and Vittoria Road intersection;
 - indemnification of MRWA from any claim for compensation if the land is affected after that period;
 - the time period for which the deed shall be in effect;
 - the deed being secured by way of a subject to claim caveat against the land title; and
 - the landowner contributing the equivalent of a 300 metre long acceleration lane from where the exit servicing Lot 101 meets the Forrest Highway.
- (c) The City of Bunbury advises that any and all works within the 'Primary Regional Roads Reserve' of the Forrest Highway require the separate approval of MRWA as the responsible road authority. Therefore, any proposed alterations, relocation or damage to existing infrastructure within the Forrest Highway road reserve would need to be completed and/or reinstated to the specifications and satisfaction of MRWA. Proponents are advised to contact the Bunbury office of MRWA on 138 138 for further advice in this regard.
- (d) The development of a roadhouse (service station) is required to comply with the requirements of the Department of Mines, Industry Regulation and Safety (Resources Safety Section) in relation to the onsite storage and handling of dangerous goods (e.g. petrol, oil, lubricants, etc.). Further information may be found at www.dmp.wa.gov.au.
- (e) Due to fuel being stored on site, the Department of Water and Environmental Regulation advises that all works must be undertaken in accordance with the department's Water Quality Protection Notes. Further information can be obtained from the Department of Water and Environmental Regulation on (08) 9333 7469.
- (f) Please be aware that the subject land is located in a high groundwater table area. Treatments such as subsoil drainage may therefore be required in order to prevent any increases to groundwater table levels on adjoining properties.
- (g) It is the applicant's / landowner's responsibility to ensure that all other required approvals are obtained prior to the development works commencing. Works such



as de-watering, native vegetation clearing or working near existing infrastructure may require separate approvals from relevant private or public authorities.

- (h) The clearing of native vegetation in Western Australia requires a clearing permit under the *Environmental Protection Act 1986* unless the clearing is for an exempt purpose. Proponents are advised to contact the Department of Water and Environmental Regulation on (08) 9333 7469 for further advice in this regard.
- (i) The development the subject of this development approval is also regulated by the *Western Australia Building Act 2011*, Building Regulations 2012 and Building Code of Australia (BCA). A separate building permit must be granted before the development commences, where offences occur statutory penalties may apply. Proponents are advised to liaise further with the City of Bunbury's Building Certification team on (08) 9792 7000.
- (j) The City of Bunbury advises that the development the subject of this development approval must comply with the *Environmental Protection Act 1986* and the Environmental Protection (Noise) Regulations 1997 in relation to noise emissions, and Environmental Protection (Unauthorised Discharge) Regulations 2004 in relation to discharges into the environment. Further information can be obtained from the City of Bunbury's Environmental Health Services on (08) 9792 7100.
- (k) The development is defined as a 'food business' under the *Food Act 2008* and therefore must comply with the Food Act and Food Regulations 2009. Further information can be obtained from the City of Bunbury's Environmental Health Services on (08) 9792 7100.
- (l) 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 will need to be made to the City of Bunbury's Environmental Health Services for assessment and approval prior to commencing the development of food premises.

Two sets of scaled plans (minimum 1:100) and specifications detailing the design and fit out is required to be submitted to Environmental Health Services and should include at a minimum the following information:

- (i) the use of each room / area;
- (ii) the structural finishes of walls, floors, ceilings, benches, shelves and other surfaces;
- (iii) the position and type of all fixtures, fittings and equipment;
- (iv) all sanitary conveniences, floor wastes / bucket traps / cleaner's sinks, grease traps, etc.;
- (v) waste storage and disposal areas;
- (vi) plans and specifications of the mechanical exhaust system if cooking is to take place in the food business;
- (vii) specifications of all cooking equipment (stoves, ovens, fryers, etc.);
- (viii) elevations of food handling and storage areas; and
- (ix) details of the types of food being prepared or sold.

Please refer to the City of Bunbury's requirements for the establishment,



construction and fit out of food premises available on the website at www.bunbury.wa.gov.au. A final inspection of the premises will be required to be carried out by Environmental Health Services prior to commencing operation. Further information may be obtained from the City of Bunbury's Environmental Health Services on (08) 9792 7100.

- (m) Prior to the commencement of any works, it is advised that ATCO Gas should be consulted in order to ensure that ATCO Gas can continue to meet customer requirements. A mains extension will be required from the medium pressure gas main located within the Johnston Road reserve.
- (n) Prior to the commencement of any works, it is advised that Aqwest should be consulted in order to ensure that the provision of adequate water supply will be made available to the lot.

AMENDING MOTION 1

Moved by: Mr Robert Fenn

Seconded by: Cr Betty McCleary

That the introductory statement be amended to read as follows:

Approve DAP application reference DAP/18/01423 **for a "Roadhouse" on Lot 101 Forrest Highway, Vittoria as described on Plans A001 (Revision 11), A002 (Revision 12), A004 (Revision 11), A005 (Revision 11) and A006 (Revision 13)** in accordance with clause 68(2) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the City of Bunbury Local Planning Scheme No 8 for the following reasons;

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The recommendation did not describe the development or include reference to the development plans to be approved.

AMENDING MOTION 2

Moved by: Mr Robert Fenn

Seconded by: Cr Murray Cook

That Condition No. 2 be amended to read as follows:

All development shall be in accordance with the approved development plans (attached), **with the exception of the proposed 7m pylon sign as noted in red** which form part of this development approval, to the specifications and satisfaction of the City of Bunbury.

The Amending Motion was put and CARRIED 4/1.

For: Mr Robert Fenn
Cr Murray Cook
Cr Betty McCleary
Mr Patrick Dick

Against: Mr Geoff Klem

REASON: Not consistent with *Development Control Policy 1.10 - Freeway Service Centres and Roadhouses including Signage*



AMENDING MOTION 3

Moved by: Mr Robert Fenn

Seconded by: Cr Betty McCleary

That Condition No. 9 be amended to read as follows:

All external lighting must be designed, baffled and located so as to prevent any potential adverse impacts on adjoining land **or road users** to the specifications and satisfaction of the City of Bunbury.

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

For: Mr Robert Fenn
Mr Patrick Dick
Cr Murray Cook
Cr Betty McCleary

Against: Mr Geoffrey Klem

REASON: The condition did not suitably address the potential negative impact of site lighting on road users.

AMENDING MOTION 4

Moved by: Mr Robert Fenn

Seconded by: Cr Murray Cook

That **advice note (b)** be deleted and remaining advice notes be re-alphabetised accordingly.

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

For: Mr Robert Fenn
Mr Patrick Dick
Cr Murray Cook
Cr Betty McCleary

Against: Mr Geoffrey Klem

REASON: Not considered necessary, as the matter is being dealt with separately under the Greater Bunbury Region Scheme.

AMENDING MOTION 5

Moved by: Mr Patrick Dick

Seconded by: Cr Betty McCleary

That Condition No. 5 be amended to read as follows:

Before development commences and to enable shared access between the subject lot and adjoining lots 4 to 9, 12, 17, 25, 26, 205 and 415, an easement in gross must be registered on the certificate of title of ~~all~~ **the subject lot** to secure rights of carriageway over the vehicle access way(s) the subject of this development approval. The creation of easements must be at the full costs of the land owner(s) and to the satisfaction of the City of Bunbury.



The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: A condition cannot be applied to lots not subject to the application at hand. The condition was amended to reflect the lot subject to this application only.

REPORT RECOMMENDATION (AS AMENDED)

That the Southern JDAP resolves to:

Approve DAP application reference DAP/18/01423 for a “Roadhouse” on Lot 101 Forrest Highway, Vittoria as described on Plans A001 (Revision 11), A002 (Revision 12), A004 (Revision 11), A005 (Revision 11) and A006 (Revision 13) in accordance with clause 68(2) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the City of Bunbury Local Planning Scheme No 8 for the following reasons;

- (a) the proposed land use is consistent with the intent of the local Scheme;
- (b) the subject lot is located outside of the notional port buffer area;
- (c) the proposed land use appertains to the function of the highway that it would service;
- (d) the proposed land use is compatible with port activity and not likely to impact on or limit the ongoing operations of the port; and
- (e) the proposed development will not prejudice the orderly and proper planning of the balance of undeveloped land.

Conditions / Reasons:

1. This decision constitutes development approval only and is valid for a period of three (3) years from the date of approval. If the subject development is not substantially commenced within the three (3) year time period, the approval shall lapse and be of no further effect.
2. All development shall be in accordance with the approved development plans (attached), with the exception of the proposed 7m pylon sign as noted in red which form part of this development approval, to the specifications and satisfaction of the City of Bunbury.
3. At all times, the development the subject of this approval must comply with the land use definition of ‘roadhouse’ as contained in Part 6, Division 2 of the City of Bunbury Local Planning Scheme No. 8.
4. All works required to satisfy a condition of this development 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.
5. Before development commences and to enable shared access between the subject lot and adjoining lots 4 to 9, 12, 17, 25, 26, 205 and 415, an easement in gross must be registered on the certificate of title of the subject lot to secure rights of carriageway over the vehicle access way(s) the subject of this development approval. The creation of easements must be at the full costs of the land owner(s) and to the satisfaction of the City of Bunbury.



6. A schedule of exterior materials, colours and finishes must be submitted with the building permit application for the approval of the City of Bunbury. The subject development must be finished and maintained to a high standard of quality in accordance with any approved schedule of exterior treatments to the satisfaction of the City of Bunbury.
7. Before the development is commenced, detailed design plans must be prepared in accordance with the relevant Australian Standards and Austroads guidelines for all vehicle accessways, circulation, parking areas and pedestrian movement requirements, including the lighting thereof, to the specifications of the City of Bunbury. Once detailed design plans are approved, installation / construction is to be in accordance with the approved plans and works completed before the development is occupied to the satisfaction of the City of Bunbury.
8. Before the development is occupied, vehicle accessway and parking area line marking, signage and lighting must be installed / constructed in accordance with the approved plans to the specifications and satisfaction of the City of Bunbury.
9. All external lighting must be designed, baffled and located so as to prevent any potential adverse impacts on adjoining land or road users to the specifications and satisfaction of the City of Bunbury.
10. Before the development is commenced, a landscaping plan must be submitted for approval to the specifications and satisfaction of the City of Bunbury. The Landscape Plan must at a minimum address the following:
 - (a) a site plan of existing and proposed development with natural and finished ground levels;
 - (b) the location, species and size of existing vegetation to be retained and vegetation to be removed;
 - (c) exact species, location and number of proposed plants;
 - (d) a key or legend detailing proposed species type grouped under the subheadings of tree, shrub and ground cover;
 - (e) mulching or similar treatments of garden beds including edges;
 - (f) details of reticulation of landscaped areas including the source of the water supply and proposed responsibility for maintenance;
 - (g) treatment of paved areas (parking and pedestrian areas);
 - (h) screening of service, utility and waste storage areas; and
 - (i) fencing height, materials and treatments.

Before the development is occupied, the landscaped areas must be planted, established and reticulated in accordance with the endorsed Landscape Plan. These areas must be maintained as landscaped areas at all times to the satisfaction of the City of Bunbury.

11. The subject land is situated on the Preston River Flood Plain and is susceptible to flooding. Building construction shall have a minimum finished floor level of at least 3.5m Australian Height Datum (AHD).
12. Before the development is commenced, a Stormwater and Drainage Management Plan, prepared in accordance with the Department of Water and Environmental



Regulation (DWER) Stormwater Management Manual and Council's adopted Local Planning Policy: Stormwater Disposal from Private Properties, is to be submitted for approval to the specifications and satisfaction of the City of Bunbury. The Stormwater and Drainage Management Plan will determine the effective stormwater management system and structural controls required to support the development, and as a minimum, it must address:

- (a) the context and site analysis;
 - (b) establishment of or the confirmation of design flood levels for the protection of people and buildings;
 - (c) use of water sensitive urban design principles in the design, construction and operation of the proposed development;
 - (d) small, minor and major storm events to be managed;
 - (e) management objectives of each design event;
 - (f) scale at which stormwater management solutions (e.g. single or series of best management practices) are to apply;
 - (g) on-site retention for up to and including 100-year average recurrence interval (ARI) storm events (i.e. 1 in 100 year);
 - (h) overland flow path(s) for events greater than 100-year ARI;
 - (i) the effect of groundwater;
 - (j) water quality standard and the ongoing management thereof;
 - (k) protection of receiving environments (e.g. adjacent or nearby waterways and wetlands); and
 - (l) findings and recommendations for stormwater and drainage management works, infrastructure and practices.
13. Before the development is occupied, the findings / recommendations of the approved Stormwater and Drainage Management Plan must be constructed and implemented to the specifications and satisfaction of the City of Bunbury.
14. Before the development is commenced, a Construction Management Plan is to be submitted for approval to the specifications and satisfaction of the City of Bunbury. 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) dilapidation reports of nearby properties;
 - (g) traffic, access and parking management;
 - (h) waste management and materials re-use and/or recycling;
 - (i) earthworks, excavation, land retention / piling and associated matters;
 - (j) stormwater and sediment control;



- (k) street tree management and protection; and
- (l) any other matters deemed appropriate by the local government.

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

15. At all times during construction of the development all works and construction activities must be undertaken so as to avoid noise, vibration and dust nuisance to occupiers of land in the vicinity to the satisfaction of the City of Bunbury.
16. Before the development is commenced, a Waste Management Plan is to be submitted for approval to the specifications and satisfaction of the City of Bunbury. The approved Waste Management Plan is to detail how and where waste produced during the ongoing operation of the development that is the subject of this approval will be stored, handled and removed.
17. Before the development is occupied, the property must be connected to the Aqwest reticulated water system.
18. Before the development is occupied, the property must be connected to the Water Corporation reticulated sewerage system.

Advice Notes:

- (a) This is a development approval only. The applicant / landowner is advised that it is their responsibility to ensure that the proposed development complies with all other applicable legislation, local laws, licensing requirements and/or legal agreements that may relate to the development.
- (b) The City of Bunbury advises that any and all works within the 'Primary Regional Roads Reserve' of the Forrest Highway require the separate approval of MRWA as the responsible road authority. Therefore, any proposed alterations, relocation or damage to existing infrastructure within the Forrest Highway road reserve would need to be completed and/or reinstated to the specifications and satisfaction of MRWA. Proponents are advised to contact the Bunbury office of MRWA on 138 138 for further advice in this regard.
- (c) The development of a roadhouse (service station) is required to comply with the requirements of the Department of Mines, Industry Regulation and Safety (Resources Safety Section) in relation to the onsite storage and handling of dangerous goods (e.g. petrol, oil, lubricants, etc.). Further information may be found at www.dmp.wa.gov.au.
- (d) Due to fuel being stored on site, the Department of Water and Environmental Regulation advises that all works must be undertaken in accordance with the department's Water Quality Protection Notes. Further information can be obtained from the Department of Water and Environmental Regulation on (08) 9333 7469.
- (e) Please be aware that the subject land is located in a high groundwater table area. Treatments such as subsoil drainage may therefore be required in order to prevent any increases to groundwater table levels on adjoining properties.
- (f) It is the applicant's / landowner's responsibility to ensure that all other required



approvals are obtained prior to the development works commencing. Works such as de-watering, native vegetation clearing or working near existing infrastructure may require separate approvals from relevant private or public authorities.

- (g) The clearing of native vegetation in Western Australia requires a clearing permit under the *Environmental Protection Act 1986* unless the clearing is for an exempt purpose. Proponents are advised to contact the Department of Water and Environmental Regulation on (08) 9333 7469 for further advice in this regard.
- (h) The development the subject of this development approval is also regulated by the *Western Australia Building Act 2011*, Building Regulations 2012 and Building Code of Australia (BCA). A separate building permit must be granted before the development commences, where offences occur statutory penalties may apply. Proponents are advised to liaise further with the City of Bunbury's Building Certification team on (08) 9792 7000.
- (i) The City of Bunbury advises that the development the subject of this development approval must comply with the *Environmental Protection Act 1986* and the Environmental Protection (Noise) Regulations 1997 in relation to noise emissions, and Environmental Protection (Unauthorised Discharge) Regulations 2004 in relation to discharges into the environment. Further information can be obtained from the City of Bunbury's Environmental Health Services on (08) 9792 7100.
- (j) The development is defined as a 'food business' under the *Food Act 2008* and therefore must comply with the Food Act and Food Regulations 2009. Further information can be obtained from the City of Bunbury's Environmental Health Services on (08) 9792 7100.
- (k) 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 will need to be made to the City of Bunbury's Environmental Health Services for assessment and approval prior to commencing the development of food premises.

Two sets of scaled plans (minimum 1:100) and specifications detailing the design and fit out is required to be submitted to Environmental Health Services and should include at a minimum the following information:

- (i) the use of each room / area;
- (ii) the structural finishes of walls, floors, ceilings, benches, shelves and other surfaces;
- (iii) the position and type of all fixtures, fittings and equipment;
- (iv) all sanitary conveniences, floor wastes / bucket traps / cleaner's sinks, grease traps, etc.;
- (v) waste storage and disposal areas;
- (vi) plans and specifications of the mechanical exhaust system if cooking is to take place in the food business;
- (vii) specifications of all cooking equipment (stoves, ovens, fryers, etc.);
- (viii) elevations of food handling and storage areas; and
- (ix) details of the types of food being prepared or sold.



Please refer to the City of Bunbury's requirements for the establishment, construction and fit out of food premises available on the website at www.bunbury.wa.gov.au. A final inspection of the premises will be required to be carried out by Environmental Health Services prior to commencing operation. Further information may be obtained from the City of Bunbury's Environmental Health Services on (08) 9792 7100.

- (l) Prior to the commencement of any works, it is advised that ATCO Gas should be consulted in order to ensure that ATCO Gas can continue to meet customer requirements. A mains extension will be required from the medium pressure gas main located within the Johnston Road reserve.
- (m) Prior to the commencement of any works, it is advised that Aqwest should be consulted in order to ensure that the provision of adequate water supply will be made available to the lot.

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

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

For: Cr Murray Cook
Cr Betty McCleary

Against: Mr Robert Fenn
Mr Geoffrey Klem
Mr Patrick Dick

ALTERNATE MOTION

Moved by: Mr Geoffrey Klem

Seconded by: Mr Patrick Dick

Refuse DAP application reference DAP/18/01423 for a "Roadhouse" on Lot 101 Forrest Highway, Vittoria as described on Plans A001 (Revision 11), A002 (Revision 12), A004 (Revision 11), A005 (Revision 11) and A006 (Revision 13) in accordance with clause 68(2) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the City of Bunbury Local Planning Scheme No 8 for the following reasons;

1. a supporting local structure plan has not been prepared with respect to satisfying clause 27(2) of Schedule 2, Part 4 of the Planning and Development (Local Planning Schemes) Regulations 2015;
2. without a structure plan, vehicular access from the Forrest Highway to the rest of the adjoining land in the 'Development Areas Special Control Area' as denoted on the Scheme map (i.e. 'SCA Development Area') may not have been addressed to the satisfaction of all other relevant stakeholders;
3. the proposal as a 'roadhouse' use has somewhat limited compliance with Development Control Policy 1.10 - Freeway Service Centres and Roadhouses, including Signage (DC Policy 10.1), specifically regarding:
 - the lot not meeting the recommended minimum size of two hectares (clause 3.2.1),
 - the proposed signage exceeding the maximum permitted one pylon sign (clause 3.3.7),



- no structure plan having been prepared to coordinate the development of the remaining land (clause 4.5); and
4. there may be an impact on the potential development of a fast rail service into the future, as referenced in the City of Bunbury Local Planning Strategy 2018.

AMENDING MOTION 1

Moved by: Mr Patrick Dick

Seconded by: Mr Robert Fenn

That refusal point 3 be amended to read as follows:

3. the proposal as a 'roadhouse' use ~~has somewhat limited compliance~~ **does not comply** with *Development Control Policy 1.10 - Freeway Service Centres and Roadhouses, Including Signage* (DC Policy 10.1), specifically regarding:

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

For: Mr Geoffrey Klem
Mr Patrick Dick
Mr Robert Fenn

Against: Cr Betty McCleary
Cr Murray Cook

REASON: The proposed wording is unclear and the amendment provides clarity.

AMENDING MOTION 2

Moved by: Mr Geoffrey Klem

Seconded by: Mr Patrick Dick

That a new advice note be added to read as follows:

The Southern Joint Development Assessment Panel encourages the City of Bunbury to complete structure planning of this area to facilitate current and future proposals.

The Alternate Motion was put and CARRIED UNANIMOUSLY.

REASON: To unencumber and provide clarity for future development of lots within the special control area.

ALTERNATIVE MOTION (AS AMENDED)

Refuse DAP application reference DAP/18/01423 for a "Roadhouse" on Lot 101 Forrest Highway, Vittoria as described on Plans A001 (Revision 11), A002 (Revision 12), A004 (Revision 11), A005 (Revision 11) and A006 (Revision 13) in accordance with clause 68(2) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the City of Bunbury Local Planning Scheme No 8 for the following reasons;

1. a supporting local structure plan has not been prepared with respect to satisfying clause 27(2) of Schedule 2, Part 4 of the Planning and Development (Local Planning Schemes) Regulations 2015;
2. without a structure plan, vehicular access from the Forrest Highway to the rest of



- the adjoining land in the 'Development Areas Special Control Area' as denoted on the Scheme map (i.e. 'SCA Development Area') may not have been addressed to the satisfaction of all other relevant stakeholders;
3. the proposed development as a 'roadhouse' use does not comply with Development Control Policy 1.10 - Freeway Service Centres and Roadhouses, including Signage (DC Policy 10.1), specifically regarding:
 - the lot not meeting the recommended minimum size of two hectares (clause 3.2.1),
 - the proposed signage exceeding the maximum permitted one pylon sign (clause 3.3.7),
 - no structure plan having been prepared to coordinate the development of the remaining land (clause 4.5); and
 4. there may be an impact on the potential development of a fast rail service into the future, as referenced in the City of Bunbury Local Planning Strategy 2018.

ADVICE NOTE:

- (a) The Southern Joint Development Assessment Panel encourages the City of Bunbury to complete structure planning of this area to facilitate current and future proposals.

The Alternative Motion (as amended) was put and CARRIED (3/2).

For: Mr Geoffrey Klem
Mr Patrick Dick
Mr Robert Fenn

Against: Cr Betty McCleary
Cr Murray Cook

| | | |
|-------------|--------------------------|---|
| 8.1b | Property Location: | Lot 101 Forrest Highway, Vittoria |
| | Development Description: | Proposed Roadhouse and Associated Signage |
| | Applicant: | Harley Dykstra Pty Ltd |
| | Owner: | Victor John Howes |
| | Responsible Authority: | Western Australian Planning Commission |
| | DAP File No: | DAP/18/01423 |

REPORT RECOMMENDATION

Moved by: Mr Geoffrey Klem

Seconded by: Mr Patrick Dick

That the Southern JDAP resolves to:

Refuse DAP Application reference DAP/18/01423 and accompanying plans dated 26 July 2019 in accordance with the Greater Bunbury Region Scheme for the following reasons:

1. The proposal is contrary to the purposes of the Greater Bunbury Region Scheme, specifically in regard to the protection of land for regional transport (Clauses 5(a)).



2. The proposal is contrary to the purposes of the Greater Bunbury Region Scheme, specifically in regard to protection of industrial land of strategic importance (the Bunbury Port) (Clause 5(f)).
3. The proposed development would prejudice the orderly and proper planning of the locality as it is contrary to the Bunbury Port Inner Harbour Structure Plan (2009) and may have the effect of restricting the proposed expansion of essential infrastructure (the Bunbury Port).
4. Approval of the proposed development would prejudice the orderly and proper planning of the locality currently under consideration through the Glen Iris District Structure Plan.
5. The development of the site in isolation will prejudice the satisfactory development of the larger area identified in the City of Bunbury Local Planning Scheme Number 8 Special Control Area - Development Area, of which this site forms a part.
6. Approval of the proposed development would create an undesirable precedent for further development of other lots adjacent to and in the immediate vicinity.
7. Approval of the proposed development may impact options for the future fast rail / public transport corridor from Perth to Bunbury.
8. The proposal is inconsistent with the intent of Development Control Policy 1.10 - Freeway Service Centres, Roadhouses including Signage specifically:
 - a) the proposal does not demonstrate that it satisfies the Main Roads Western Australia's standard for safe vehicular entry and exit (Clauses 2.3 and 3.1.6);
 - b) the proposed site both in size and design does not sufficiently cater for vehicles permissible on Forrest Highway which is designated under the RAV7 network and can accommodate heavy vehicle lengths from 27.5m to 36.5m (Clause 3.2.1).
 - c) the proposed site, design and application does not demonstrate by way of a peak parking survey that the proposal will be able to sufficiently accommodate anticipated parking demand, specifically in regard to multiple caravan and trucks attending at the same time (Clause 3.2.1).
 - d) the proposal does not demonstrate that it will not negatively impact the visual amenity of the locality (Clause 2.5).
 - e) the size of the subject lot does not provide suitable opportunities to address visual amenity issues (Clause 2.5 and 3.2.1)
 - f) the proposal has not demonstrated is will not impact the future expansion of the Bunbury Port, which is both an existing and planned employment area of state strategic significance (3.1.2).



- g) The subject site is located within Development Areas Special Control Area identified under the City of Bunbury Local Planning Scheme No. 8 as requiring structure planning prior to development. No structure plan has been prepared to address matters of strategic importance including but not limited to (Clause 4.5):
- (i) the expansion of the Bunbury Port;
 - (ii) future access and egress to the Bunbury Port;
 - (iii) access and egress from the precinct and expansion and integration of the local and regional road networks;
 - (iv) future fast rail/public transit corridors; and
 - (v) surface and ground water management.

AMENDING MOTION 1

Moved by: Mr Robert Fenn

Seconded by: Cr Betty McCleary

That the introductory statement be amended to read as follows:

Refuse DAP application reference DAP/18/01423 for a “Roadhouse” on Lot 101 Forrest Highway, Vittoria as described on Plans A001 (Revision 11) , A002 (Revision 12), A004 (Revision 11) , A005 (Revision 11) and A006 (Revision 13) in accordance with the Greater Bunbury Region Scheme for the following reasons;

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The recommendation did not include reference to the development under consideration or the plans to be approved.

AMENDING MOTION 2

Moved by: Mr Patrick Dick

Seconded by: Mr Geoffrey Klem

That Condition No. 4 be amended to read as follows:

Approval of the proposed development would prejudice the orderly and proper planning of the locality. ~~currently under consideration through the Glen Iris District Structure Plan.~~

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

For: Mr Robert Fenn
Mr Patrick Dick
Mr Geoffrey Klem

Against: Cr Betty McCleary
Cr Murray Cook

REASON: The studies to inform the Glen Iris District structure planning process are yet to be completed and planning for the Glen Iris district area is yet to commence and it does not remove therequirement to undertake the structure planning under the City's Local Planning Scheme.



REPORT RECOMMENDATION (AS AMENDED)

Refuse DAP application reference DAP/18/01423 for a “Roadhouse” on Lot 101 Forrest Highway, Vittoria as described on Plans A001 (Revision 11) , A002 (Revision 12), A004 (Revision 11), A005 (Revision 11) and A006 (Revision 13) in accordance with the Greater Bunbury Region Scheme for the following reasons;

1. The proposal is contrary to the purposes of the Greater Bunbury Region Scheme, specifically in regard to the protection of land for regional transport (Clauses 5(a)).
2. The proposal is contrary to the purposes of the Greater Bunbury Region Scheme, specifically in regard to protection of industrial land of strategic importance (the Bunbury Port) (Clause 5(f)).
3. The proposed development would prejudice the orderly and proper planning of the locality as it is contrary to the Bunbury Port Inner Harbour Structure Plan (2009) and may have the effect of restricting the proposed expansion of essential infrastructure (the Bunbury Port).
4. Approval of the proposed development would prejudice the orderly and proper planning of the locality.
5. The development of the site in isolation will prejudice the satisfactory development of the larger area identified in the City of Bunbury Local Planning Scheme Number 8 Special Control Area - Development Area, of which this site forms a part.
6. Approval of the proposed development would create an undesirable precedent for further development of other lots adjacent to and in the immediate vicinity.
7. Approval of the proposed development may impact options for the future fast rail / public transport corridor from Perth to Bunbury.
8. The proposal is inconsistent with the intent of Development Control Policy 1.10 - Freeway Service Centres, Roadhouses including Signage specifically:
 - a) the proposal does not demonstrate that it satisfies the Main Roads Western Australia's standard for safe vehicular entry and exit (Clauses 2.3 and 3.1.6);
 - b) the proposed site both in size and design does not sufficiently cater for vehicles permissible on Forrest Highway which is designated under the RAV7 network and can accommodate heavy vehicle lengths from 27.5m to 36.5m (Clause 3.2.1).
 - c) the proposed site, design and application does not demonstrate by way of a peak parking survey that the proposal will be able to sufficiently accommodate anticipated parking demand, specifically in regard to multiple caravan and trucks attending at the same time (Clause 3.2.1).
 - d) the proposal does not demonstrate that it will not negatively impact the visual amenity of the locality (Clause 2.5).



- e) the size of the subject lot does not provide suitable opportunities to address visual amenity issues (Clause 2.5 and 3.2.1)
- f) the proposal has not demonstrated is will not impact the future expansion of the Bunbury Port, which is both an existing and planned employment area of state strategic significance (3.1.2).
- g) The subject site is located within Development Areas Special Control Area identified under the City of Bunbury Local Planning Scheme No. 8 as requiring structure planning prior to development. No structure plan has been prepared to address matters of strategic importance including but not limited to (Clause 4.5):
 - (i) the expansion of the Bunbury Port;
 - (ii) future access and egress to the Bunbury Port;
 - (iii) access and egress from the precinct and expansion and integration of the local and regional road networks;
 - (iv) future fast rail/public transit corridors; and
 - (v) surface and ground water management.

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

The Report Recommendation (as amended) was put and CARRIED (3/2).

For: Mr Robert Fenn
Mr Patrick Dick
Mr Geoffrey Klem

Against: Cr Betty McCleary
Cr Murray Cook

9. Form 2 – Responsible Authority Reports – Amending or cancelling DAP development approval

Nil

10. Appeals to the State Administrative Tribunal

The Presiding Member noted the following State Administrative Tribunal Application

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

11. General Business / Meeting Close



The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2017 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

There being no further business, the Presiding Member declared the meeting closed at 12:15pm.