



## **Southern Joint Development Assessment Panel Minutes**

**Meeting Date and Time:** 14 April 2020; 2:30pm  
**Meeting Number:** SJDAP/52  
**Meeting Venue:** via electronic means

*This DAP meeting was conducted by electronic means open to the public rather than requiring attendance in person.*

### **Attendance**

#### **DAP Members**

Mr Robert Fenn (Presiding Member)  
Mr Geoffrey Klem (Deputy Presiding Member)  
Mr Peter Keleman (A/Specialist Member)  
Cr Grant Henley (Local Government Member, City of Busselton)  
Cr Paul Carter (Local Government Member, City of Busselton)

#### **Officers in attendance**

Mr Cobus Botha (City of Busselton)  
Mr Paul Needham (City of Busselton)  
Mr Oliver Darby (City of Busselton)  
Ms Lee Reddell (City of Busselton)  
Mr Corey Smith (City of Busselton)

#### **Minute Secretary**

Ms Adele McMahon (DAP Secretariat)  
Ms Ashlee Kelly (DAP Secretariat)

#### **Applicants and Submitters**

Mr Nic Preston (Hodge Collard Preston Architects)  
Mr Ryan Tsen (Hodge Collard Preston Architects)  
Mr Trent Will (Planning Solutions)  
Ms Ingrid Maher (Planning Solutions)  
Mr John Zandler (Pacifica Development)  
Mr Bill Fiddian (Pacifica Development)  
Ms Courtney Nixon (Pritchard Francis Engineers)

#### **Members of the Public / Media**

There was 1 member of the public in attendance.

### **1. Declaration of Opening**

The Presiding Member declared the meeting open at 2:30pm on 14 April 2020 and acknowledged the traditional owners and pay 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 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 meeting would not be recorded.

The Presiding Member advised that panel members may refer to technical devices, such as phones and laptops, throughout the meeting to assist them in considering the information before them.

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

**2. Apologies**

Ms 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**

In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Member, Cr Grant Henley and Cr Paul Carter, declared that they had participated in a prior Council meeting in relation to the application at item 8.1. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr Grant Henley and Cr Paul Carter acknowledged they are not bound by any previous decision or resolution of the local government and undertook to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2017, the Presiding Member determined that the members listed above, who have disclosed an interest, were permitted to participate in the discussion and voting on the item.



## 7. Deputations and Presentations

- 7.1 Mr Nicholas Preston (Hodge Collard Preston Architects) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.
- 7.2 Mr Trent Will (Planning Solutions) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.
- 7.3 City of Busselton Officers addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

### PROCEDURAL MOTION

**Moved by:** Cr Grant Henley

**Seconded by:** Cr Paul Carter

That the Standing Orders be suspended in accordance with section 5.10.2h of the DAP Standing Orders 2017 to allow members to speak more than once on the same item and continue further debate.

**The Procedural Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** To allow the panel to further discuss without restriction, the information on describing the site and parking requirements for the development.

*The Standing Orders were suspended at 3:28pm.*

### PROCEDURAL MOTION

**Moved by:** Mr Geoffrey Klem

**Seconded by:** Cr Grant Henley

To reinstate Development Assessment Panel Standing Orders 2017

**The Procedural Motion was put and CARRIED UNANIMOUSLY.**

*The Standing Orders were reinstated at 3:42pm*

## 8. Form 1 – Responsible Authority Reports – DAP Application

- |     |                          |   |
|-----|--------------------------|---|
| 8.1 | Property Location:       | Lot 503 Foreshore Parade, Busselton   |
|     | Development Description: | 110 room hotel, bar, restaurant, top-floor function space and associated facilities |
|     | Applicant:               | Hodge Collard Preston Architects  |
|     | Owner:                   | City of Busselton   |
|     | Responsible Authority:   | City of Busselton   |
|     | DAP File No:             | DAP/20/01736  |



## REPORT RECOMMENDATION

**Moved by:** Mr Peter Keleman

**Seconded by:** Cr Grant Henley

That the Southern JDAP resolves to:

1. **Approve** DAP Application reference DAP/20/01736 and accompanying plans (Attachment 5) 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 Planning Scheme No. 21, subject to the following conditions:

### Conditions:

#### General Conditions:

1. The development hereby approved shall be substantially commenced within four years of the date of this decision notice.
2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plans, except as may be modified by the following conditions. The Approved Development Plans are as follows, as well as any plans that may be approved pursuant to other conditions of approval:
  - a) Site Plan (SK12, Revision H, dated 27/2/2020);
  - b) Ground Floor Plan (SK13, Revision N, dated 27/2/2020);
  - c) Floor Plan – Level 1 (SK14, Revision N, dated 27/2/2020);
  - d) Floor Plan – Level 2 (SK15, Revision K, dated 27/2/2020);
  - e) Floor Plan – Level 3 (SK16, Revision J, dated 27/2/2020);
  - f) Floor Plan – Level 4 (SK17, Revision L, dated 27/2/2020);
  - g) Plant Room Plan (SK18, Revision G, dated 27/2/2020);
  - h) Roof Plan (SK19, Revision D, dated 27/2/2020);
  - i) North Elevation, South Elevation, East Elevation and West Elevation (SK20-23, Revision E, dated 27/2/2020);
  - j) Section A and Section B & C (SK24-25, Revision D, dated 27/2/2020);
  - k) Artists' Impressions (SK36-39, Revision D, dated 27/2/2020);
  - l) Schematic Landscape Design (BSN-01-SK02, Revision A, dated 9/7/19);
  - m) Stormwater Management Plan (Project No. 18-326, dated 3/10/2019); and
  - n) Waste Management Plan (TW19064, Version 1a, dated 3/10/19).

#### 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. A Construction Management Plan (CMP). The CMP shall address the following:
    - a) Access to and from the site;
    - b) Delivery of materials and equipment to the site;
    - c) Storage of materials and equipment on the site;
    - d) Parking arrangements for contractors and subcontractors;
    - e) Management of construction waste; and
    - f) Other matters likely to impact on surrounding land.



- 3.2. Details of the bicycle parking facilities, including but not limited to, the location, design and materials.
  - 3.3. A schedule of final materials, finishes and colours. The schedule shall include details of the type of materials proposed to be used, including their colour and texture. The materials, finishes and colours shall be generally consistent with the Artists' Impressions (SK36, SK37, SK38 and SK39).
  - 3.4. Details of the proposed fencing including, but not limited to, the design and the materials to be used.
  - 3.5. Details of the proposed screening of the service yard, including, but not limited to, the materials to be used.
  - 3.6. Satisfactory arrangements shall be made with the City of Busselton to provide public art works. 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). Where the value of on-site works is less than 1% of the ECD, a payment sufficient to bring the total contribution to 1% of the ECD is required (Advice Notes 8 and 9).
4. The development hereby approved, or any works required to implement the development, shall not commence until satisfactory arrangements have been made with the City to provide for:
    - 4.1. A Landscape Plan, generally consistent with the Schematic Landscape Design. The plan shall include:
      - a) The location, number, size and species type of existing and proposed plantings;
      - b) Those areas to be irrigated; and
      - c) Verge treatments.
    - 4.2. An arborist's report to confirm whether trees identified to remain on the Site Plan can be retained. With respect to trees that can be retained, a Tree Protection Plan shall be prepared.
    - 4.3. Details of the design and finishes of all hard surfaced areas to be used for pedestrian and vehicular access and car parking, generally as shown on the Site Plan and Ground Floor Plan, including sealing, signage and marking for the provision of a minimum of 3 accessible parking bays.
    - 4.4. A revised Stormwater Management Plan (SMP). The revised SMP shall address issues related to tidal influence, stormwater associated with the car parking area and nutrient management.

**Prior to Occupation/Use of the Development Conditions:**

5. The development hereby approved shall not be occupied, or used, until all plans, details or works required by Condition(s) 2 and 3 have been implemented, and the following conditions have been complied with:



- 5.1. Crossovers are to be located and constructed to the City's specifications.
- 5.2. All vehicle parking, access ways, footpaths and external lighting shall be constructed in accordance with the Australian Standards AS2890.
- 5.3. External lighting shall be provided under all awnings, in parking areas, footpaths and all entry points, prior to occupation of the development.
- 5.4. Details of signage, including but not limited to the design, materials and levels of illumination, have been submitted to and approved by the City.

**On-going Conditions:**

6. The works undertaken to satisfy Condition(s) 2, 3, and 4 must be subsequently maintained for the life of the development, and the following conditions must be complied with:
  - 6.1. Landscaping and reticulation shall be implemented in accordance with the approved Landscape Plan and shall thereafter be maintained to the satisfaction of the City of Busselton. Unless otherwise first agreed in writing, any trees or plants which, within a period of five years from first planting, are removed, die or, 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.
  - 6.2. Unless otherwise approved in writing by the City, all glazing to street frontages is to be clear, non-tinted glazing and is not to be subsequently obscured by alternative window treatments, signage or internal shelves, to the satisfaction of the City.
  - 6.3. 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.
  - 6.4. 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.

**Advice Notes:**

1. If the applicant and/or owner are aggrieved by this decision, there may be a right of review under the provisions of Part 14 of the *Planning and Development Act 2005*. An application for review must be lodged with the State Administrative Tribunal, and must be lodged within 28 days of the decision being made by the Southern JDAP.
2. This Decision Notice grants planning consent to the development the subject of this application (DAP/20/01736). 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 substantial commencement, this development approval remains current and does not lapse. The City of Busselton does not send reminder notices in this regard.
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. 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 of Busselton's adopted *Crossover Policy* and *Vehicle Crossovers Technical Specification*.
6. With respect to Condition 4.2, the Tree Protection Plan shall detail, but not be limited to:
  - a) The erection of protective fencing around the trees to be retained;
  - b) The laying of geotextile membranes and boarding to protect tree root zones within protective fencing;
  - c) The construction of hard surfaces to a 'no dig' specification;
  - d) The technique for construction of adjacent surfaces as necessary;
  - e) The locations for site compounds, office, car parking, equipment, material storage, machinery, access and servicing of development; and
  - f) An Arboricultural Management Strategy Including details of pruning works, the timing and phasing of all Arboricultural works and tree protection measures.
7. When forwarding payment for contributions to the City, whether it be in person or through the mail, you will need to include a copy of this correspondence (decision on application for Development Approval) for receipting purposes.
8. With respect to Condition 3.6, applicants are encouraged to review the *Percent for Art Policy Step by Step Guide for Developers* which can be viewed on the City of Busselton's website at [www.busselton.wa.gov.au](http://www.busselton.wa.gov.au) and liaise with the City's Cultural Planning Officer at the earliest possible opportunity.
9. 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*.
10. 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.
11. The development is required to connect to scheme water and reticulated sewerage.





## AMENDING MOTION 1

**Moved by:** Mr Robert Fenn

**Seconded by:** Cr Paul Carter

That the preamble be amended to read as follows:

*Approve DAP Application reference DAP/20/01736 and accompanying plans for construction of a 110 room hotel, with associated bar, restaurant, function space, shop and associated facilities on that restricted part of Lot 503 Foreshore Parade, Busselton that will become the whole of Lot 600 on Deposited Plan 414798 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 Planning Scheme No. 21, subject to the following conditions:*

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** To adequately describe both the site and the proposed development being approved.

## AMENDING MOTION 2

**Moved by:** Cr Grant Henley

**Seconded by:** Cr Paul Carter

That condition 2 be amended to read as follows:

*The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plans, except as may be modified by the following conditions. The Approved Development Plans are as follows, as well as any plans that may be approved pursuant to other conditions of approval:*

- a) Site Plan (SK12, Revision H, dated 27/2/2020);
- b) Ground Floor Plan (SK13, Revision N, dated 27/2/2020);
- c) Floor Plan – Level 1 (SK14, Revision N, dated 27/2/2020);
- d) Floor Plan – Level 2 (SK15, Revision K, dated 27/2/2020);
- e) Floor Plan – Level 3 (SK16, Revision J, dated 27/2/2020);
- f) Floor Plan – Level 4 (SK17, Revision L, dated 27/2/2020);
- g) Plant Room Plan (SK18, Revision G, dated 27/2/2020);
- h) Roof Plan (SK19, Revision D, dated 27/2/2020);
- i) North Elevation, South Elevation, East Elevation and West Elevation (SK20-23, Revision E, dated 27/2/2020);
- j) Section A and Section B & C (SK24-25, Revision D, dated 27/2/2020);
- k) Artists' Impressions (SK36-39, Revision D, dated 27/2/2020);
- l) Schematic Landscape Design (BSN-01-SK02, Revision A, dated 9/7/19);
- m) Stormwater Management Plan (Project No. 18-326, dated 3/10/2019 25/02/2020); and
- n) Waste Management Plan (TW19064, Version 1a, dated 3/10/19).

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** Recommended by City in Regulation 13 response





### AMENDING MOTION 3

**Moved by:** Cr Grant Henley

**Seconded by:** Cr Paul Carter

That condition 3.6 be amended to read as follows:

*Satisfactory arrangements shall be made with the City of Busselton to provide public art works. 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). Where the value of on-site works is less than 1% of the ECD, a payment sufficient to bring the total contribution to 1% of the ECD is required (~~Advice Notes 8 and 9~~).*

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** Recommended by City in Regulation 13 response.

### AMENDING MOTION 4

**Moved by:** Mr Robert Fenn

**Seconded by:** Mr Peter Keleman

That condition 4.3 be amended to read as follows:

*Details of the design and finishes of all hard surfaced areas to be used for pedestrian and vehicular access and **the provision of a minimum of 30 secure car parking spaces**, generally as shown on the Site Plan **SK12** and Ground Floor Plan **SK13**, including sealing, **drainage**, signage, **fencing/barriers**, **lighting**, and **line marking (inclusive of for the provision of a minimum of 3 accessible parking bays)**.*

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** To clarify details required for car parking provided within approved development site.

### AMENDING MOTION 5

**Moved by:** Cr Grant Henley

**Seconded by:** Cr Paul Carter

That condition 5 be amended to read as follows:

*The development hereby approved shall not be occupied, or used, until all plans, details or works required by Condition(s) 2, ~~and 3~~ **and 4** have been implemented, and the following conditions have been complied with:*

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** Recommended by City in Regulation 13 response and correction of an oversight in numbering.



## **AMENDING MOTION 6**

**Moved by:** Mr Geoffrey Klem

**Seconded by:** Cr Grant Henley

That condition 5.2 be amended to read as follows:

*The provision of 143 car parking bays are to be available to the approved development to the reasonable satisfaction of the City, which incorporates consideration of the construction of 30 onsite bays, cash in lieu and reciprocal use of off site car parking, in accordance with City of Busselton Planning Policy 8A and all vehicle parking, access ways, footpaths and external lighting shall be constructed in accordance with the Australian Standards AS2890.*

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** The approved development will generate a parking demand in the locality, that is not proposed to be met on-site.

## **AMENDING MOTION 7**

**Moved by:** Mr Robert Fenn

**Seconded by:** Cr Paul Carter

That condition 6 be amended to read as follows:

*The works undertaken to satisfy Condition(s) 2, 3, ~~and~~ 4, and 5 must be subsequently maintained for the life of the development, and the following conditions must be complied with:*

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** Recommended by City in Regulation 13 response and correction of an oversight in numbering.

## **AMENDING MOTION 8**

**Moved by:** Cr Paul Carter

**Seconded by:** Cr Grant Henley

That condition 6.2 be amended to read as follows:

*Unless otherwise approved in writing by the City, all glazing to street frontages **on the ground floor of the approved development** is to be clear, non-tinted glazing and is not to be subsequently obscured by alternative window treatments, signage or internal shelves, to the satisfaction of the City.*

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** Clarification provided by City in Regulation 13 response



## **AMENDING MOTION 9**

**Moved by:** Mr Geoffrey Klem

**Seconded by:** Mr Robert Fenn

That advice note 1 be amended to read as follows:

*If the applicant and/or owner are aggrieved by this decision, there ~~may be~~ is a right of review under the provisions of Part 14 of the Planning and Development Act 2005. An application for review must be lodged with the State Administrative Tribunal, and must be lodged within 28 days of the decision being made by the Southern JDAP.*

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** To remove the ambiguity within the advice note

## **AMENDING MOTION 10**

**Moved by:** Mr Peter Keleman

**Seconded by:** Mr Geoffrey Klem

That condition 4.1 be amended to read as follows:

A Landscape Plan, generally consistent with the Schematic Landscape Design.  
The plan shall include:

- a) The location, number, size and species type of existing and proposed plantings;
- b) Those areas to be irrigated; and
- c) Verge treatments.
- d) ***All landscaping materials clarified including fencing, shade structures and fixed furniture as applicable.***

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** To provide clarity as to what is required to be included within the landscaping plan

## **AMENDING MOTION 11**

**Moved by:** Mr Robert Fenn

**Seconded by:** Cr Paul Carter

That a new advice note 12 be added to read as follows:

***In regards to condition 4.3, the Applicant is to have regard to City of Busselton plan "HOTEL SITE 2 – OPT 1 (revision c)".***

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** Detail provided by City in Regulation 13 response.



## REPORT RECOMMENDATION (AS AMENDED)

That the Southern JDAP resolves to:

1. **Approve** DAP Application reference DAP/20/01736 and accompanying plans for construction of a 110 room hotel, with associated bar, restaurant, function space, shop and associated facilities on that restricted part of Lot 503 Foreshore Parade, Busselton that will become the whole of Lot 600 on Deposited Plan 414798 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 Planning Scheme No. 21, subject to the following conditions:

### Conditions:

#### General Conditions:

1. The development hereby approved shall be substantially commenced within four years of the date of this decision notice.
2. The development hereby approved shall be undertaken in accordance with the signed and stamped, Approved Development Plans, except as may be modified by the following conditions. The Approved Development Plans are as follows, as well as any plans that may be approved pursuant to other conditions of approval:
  - a) Site Plan (SK12, Revision H, dated 27/2/2020);
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  - c) Floor Plan – Level 1 (SK14, Revision N, dated 27/2/2020);
  - d) Floor Plan – Level 2 (SK15, Revision K, dated 27/2/2020);
  - e) Floor Plan – Level 3 (SK16, Revision J, dated 27/2/2020);
  - f) Floor Plan – Level 4 (SK17, Revision L, dated 27/2/2020);
  - g) Plant Room Plan (SK18, Revision G, dated 27/2/2020);
  - h) Roof Plan (SK19, Revision D, dated 27/2/2020);
  - i) North Elevation, South Elevation, East Elevation and West Elevation (SK20-23, Revision E, dated 27/2/2020);
  - j) Section A and Section B & C (SK24-25, Revision D, dated 27/2/2020);
  - k) Artists' Impressions (SK36-39, Revision D, dated 27/2/2020);
  - l) Schematic Landscape Design (BSN-01-SK02, Revision A, dated 9/7/19);
  - m) Stormwater Management Plan (Project No. 18-326, dated 25/02/2020); and
  - n) Waste Management Plan (TW19064, Version 1a, dated 3/10/19).

#### 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. A Construction Management Plan (CMP). The CMP shall address the following:
    - a) Access to and from the site;
    - b) Delivery of materials and equipment to the site;
    - c) Storage of materials and equipment on the site;
    - d) Parking arrangements for contractors and subcontractors;
    - e) Management of construction waste; and
    - f) Other matters likely to impact on surrounding land.



- 3.2. Details of the bicycle parking facilities, including but not limited to, the location, design and materials.
  - 3.3. A schedule of final materials, finishes and colours. The schedule shall include details of the type of materials proposed to be used, including their colour and texture. The materials, finishes and colours shall be generally consistent with the Artists' Impressions (SK36, SK37, SK38 and SK39).
  - 3.4. Details of the proposed fencing including, but not limited to, the design and the materials to be used.
  - 3.5. Details of the proposed screening of the service yard, including, but not limited to, the materials to be used.
  - 3.6. Satisfactory arrangements shall be made with the City of Busselton to provide public art works. 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). Where the value of on-site works is less than 1% of the ECD, a payment sufficient to bring the total contribution to 1% of the ECD is required.
4. The development hereby approved, or any works required to implement the development, shall not commence until satisfactory arrangements have been made with the City to provide for:
    - 4.1. A Landscape Plan, generally consistent with the Schematic Landscape Design. The plan shall include:
      - a) The location, number, size and species type of existing and proposed plantings;
      - b) Those areas to be irrigated; and
      - c) Verge treatments.
      - d) All landscaping materials clarified including fencing, shade structures and fixed furniture as applicable.
    - 4.2. An arborist's report to confirm whether trees identified to remain on the Site Plan can be retained. With respect to trees that can be retained, a Tree Protection Plan shall be prepared.
    - 4.3. Details of the design and finishes of all hard surfaced areas to be used for pedestrian and vehicular access and the provision of a minimum of 30 secure car parking spaces, generally as shown on the Site Plan SK12 and Ground Floor Plan SK13, including sealing, drainage, signage, fencing/barriers, lighting, and line marking (inclusive of the provision of a minimum of 3 accessible parking bays).
    - 4.4. A revised Stormwater Management Plan (SMP). The revised SMP shall address issues related to tidal influence, stormwater associated with the car parking area and nutrient management.



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**Prior to Occupation/Use of the Development Conditions:**

5. The development hereby approved shall not be occupied, or used, until all plans, details or works required by Condition(s) 2, 3 and 4 have been implemented, and the following conditions have been complied with:
  - 5.1. Crossovers are to be located and constructed to the City's specifications.
  - 5.2. The provision of 143 car parking bays are to be available to the approved development to the reasonable satisfaction of the City, which incorporates consideration of the construction of 30 onsite bays, cash in lieu and reciprocal use of off site car parking, in accordance with City of Busselton Planning Policy 8A and all vehicle parking, access ways, footpaths and external lighting shall be constructed in accordance with the Australian Standards AS2890.
  - 5.3. External lighting shall be provided under all awnings, in parking areas, footpaths and all entry points, prior to occupation of the development.
  - 5.4. Details of signage, including but not limited to the design, materials and levels of illumination, have been submitted to and approved by the City.

**On-going Conditions:**

6. The works undertaken to satisfy Condition(s) 2, 3, 4, and 5 must be subsequently maintained for the life of the development, and the following conditions must be complied with:
  - 6.1. Landscaping and reticulation shall be implemented in accordance with the approved Landscape Plan and shall thereafter be maintained to the satisfaction of the City of Busselton. Unless otherwise first agreed in writing, any trees or plants which, within a period of five years from first planting, are removed, die or, 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.
  - 6.2. Unless otherwise approved in writing by the City, all glazing to street frontages on the ground floor of the approved development is to be clear, non-tinted glazing and is not to be subsequently obscured by alternative window treatments, signage or internal shelves, to the satisfaction of the City.
  - 6.3. 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.
  - 6.4. 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.



### Advice Notes:

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*. An application for review must be lodged with the State Administrative Tribunal, and must be lodged within 28 days of the decision being made by the Southern JDAP.
2. This Decision Notice grants planning consent to the development the subject of this application (DAP/20/01736). 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 substantial commencement, this development approval remains current and does not lapse. The City of Busselton does not send reminder notices in this regard.
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. 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 of Busselton's adopted *Crossover Policy* and *Vehicle Crossovers Technical Specification*.
6. With respect to Condition 4.2, the Tree Protection Plan shall detail, but not be limited to:
  - a) The erection of protective fencing around the trees to be retained;
  - b) The laying of geotextile membranes and boarding to protect tree root zones within protective fencing;
  - c) The construction of hard surfaces to a 'no dig' specification;
  - d) The technique for construction of adjacent surfaces as necessary;
  - e) The locations for site compounds, office, car parking, equipment, material storage, machinery, access and servicing of development; and
  - f) An Arboricultural Management Strategy Including details of pruning works, the timing and phasing of all Arboricultural works and tree protection measures.
7. When forwarding payment for contributions to the City, whether it be in person or through the mail, you will need to include a copy of this correspondence (decision on application for Development Approval) for receipting purposes.
8. With respect to Condition 3.6, applicants are encouraged to review the *Percent for Art Policy Step by Step Guide for Developers* which can be viewed on the City of Busselton's website at [www.busselton.wa.gov.au](http://www.busselton.wa.gov.au) and liaise with the City's Cultural Planning Officer at the earliest possible opportunity.
9. 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*.





10. 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.
11. The development is required to connect to scheme water and reticulated sewerage.
12. In regards to condition 4.3, the Applicant is to have regard to City of Busselton plan "HOTEL SITE 2 – OPT 1 (revision c)".

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

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

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

Nil

**10. Appeals to the State Administrative Tribunal**

Nil

**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 4:05pm.