



## Southern Joint Development Assessment Panel Development Minutes

**Meeting Date and Time:** 9 March 2020, 10:00 AM  
**Meeting Number:** SJDAP/51  
**Meeting Venue:** Shire of Harvey  
102 Uduc Road, Harvey

### Attendance

#### DAP Members

Mr Robert Fenn (Presiding Member)  
Mr Geoffrey Klem (Deputy Presiding Member)  
Mr Andrew Mack (A/Specialist Member)

#### Officers in attendance

Ms Annie Riordan (Shire of Harvey)  
Mrs Elizabeth Edwards (Shire of Harvey)  
Mr Peter Kay (Shire of Harvey)  
Ms Ashlee Rose (Shire of Harvey)

#### Minute Secretary

Ms Kira Hough (Shire of Harvey)  
Ms Nicole Shore (Shire of Harvey)

#### Applicants and Submitters

Mr Marc Halsall (Halsall and Associates)  
Mr Greg Howe (Ashlane Pty Ltd)

#### Members of the Public / Media

There were 5 members of the public in attendance.

### 1. Declaration of Opening

The Presiding Member declared the meeting open at 10:00am on 9 March 2020 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 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.



## 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

DAP Member, Mr Fenn, declared an impartiality interest in item No. 8.1. Mr Fenn declared that he was the original appointed town planner to the Shire of Harvey, departing the position in the mid-1980s.

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

Presiding Member Mr Fenn advised that the Shire of Harvey's Manager Planning Services, Mr Hall, would not be participating in the meeting due to a disclosure of interest that he was closely related to a person in the Proponent's household.

## 7. Deputations and Presentations

7.1 Mr Marc Halsall addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.

7.2 Shire of Harvey Officers responded to questions from the panel in relation to the application at Item 8.1.

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

8.1a Property Location:	Lot 51 (48) and 52 (50) Cathedral Avenue, Leschenault
Development Description:	Caravan Park Redevelopment
Applicant:	Halsall and Associates
Owner:	Gemhurst Pty Ltd and Ashlane Pty Ltd Greg Howe
Responsible Authority:	Shire of Harvey
DAP File No:	DAP/19/01715



## REPORT RECOMMENDATION

**Moved by:** Mr Geoffrey Klem

**Seconded by:** Mr Robert Fenn

That the Southern JDAP (non-metropolitan) resolves to:

**Approve** DAP Application reference DAP/19/01715 and accompanying plans (Drawing No. A01 Amd. No. G, A02 Amd. No. A and A03 Amd. No. B), in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and pursuant to clause 24(b) of the Greater Bunbury Region Scheme subject to the following conditions:

### Conditions

1. The stamped development plans, and accompanying documentation, together with any requirements, amendments and annotations detailed thereon, are the plans approved as part of this application and shall form part of the development approval issued.
2. The 'camping area' indicated on the plans showing six powered sites does not form a part of this approval, as there is insufficient information provided to make an informed decision in relation to *State Planning Policy 3.7 Planning in Bushfire Prone Areas*.
3. Prior to a Building Permit being issued, amended plans shall be provided to the Shire for approval to:
  - a. Amend the setbacks of the retaining wall to a minimum of 3m from the front boundary and 4m to the chalets to allow for a 1.2m high fence and landscaping to be located on the top side of the retaining wall; and
  - b. Remove the 'camping area' of six powered sites.
4. Prior to a Building Permit being issued, the proponent shall prepare for approval by the Shire, and thereafter be implemented, a Construction Management Plan that:
  - a. minimises the impact of the approved development on the amenity of the locality due to the transportation of materials to and from the site;
  - b. ensures the use of buildings, works and materials on the site do not generate unreasonable levels of noise, vibration, dust, drainage, wastewater, waste products or reflected light;
  - c. details the management applicable to construction traffic movement, occupational health and safety, signage, dust management and environmental management in relation to the approved development;
  - d. manages weed and pest nuisances on the site and in the locality;
  - e. incorporates any suggested management measures from accompanying technical assessment reports.
5. Prior to a Building Permit being issued, a Traffic Management Plan shall be prepared in accordance with Main Roads Western Australia's Code of Practice for approval by the Shire, in consultation with MRWA where required, and thereafter be implemented.
6. Prior to a Building Permit being issued, an updated detailed Landscaping Plan shall be submitted and approved by the Shire that addresses the following:



- a. The location, species and size of existing vegetation to be removed;
  - b. Mulching or similar treatments of garden beds including edges;
  - c. Details of reticulation of landscaped areas including the source of the water supply and proposed responsibility for maintenance;
  - d. Treatment of paved areas (parking and pedestrian areas);
  - e. Fence material, height and treatment;
  - f. The planting of Western Australian Peppermint Trees (*Agonis flexuosa*) to replace existing mature trees being removed, to strengthen the corridor of native trees for habitat for Western Ring Tail Possums; and
  - g. Protection and enhancement of the visual amenity of the locality.
7. Prior to a Building Permit being issued, a Bank Guarantee or Bond of \$5,000 shall be submitted for the purpose of implementing the approved Landscaping Plan. The Bank Guarantee or Bond shall be held by the Shire for a minimum period of two (2) years from the completion of the works until the establishment and maintenance of vegetation screening is confirmed by the Shire as satisfactory.
8. Prior to a Building Permit being issued, a Stormwater and Drainage Management Plan shall be prepared in accordance with the Decision process for stormwater management in WA (DWER 2017) and the Stormwater Management Manual for Western Australia (DoW 2004–2007) and approved by the Shire, in consultation with DWER, and thereafter implemented. The plan shall determine the drainage infrastructure required to support the development and as a minimum it must address:
- a. How storm events and overland flow path for larger events are to be managed;
  - b. Potential effect on groundwater levels and quality;
  - c. Protection of adjacent / nearby waterways and wetlands;
  - d. Confirmation of water use requirements (including volume) and how the water will be sourced to support the proposal (e.g. such as for cleaning purposes) and the method of disposal;
  - e. Minimisation of mosquito breeding sites; and
  - f. Conclusions / Recommendations.
9. Prior to a Building Permit being issued, the applicant shall submit an updated Bushfire Management Plan that incorporates the advice and recommendations of the Department of Fire and Emergency Services (DFES) received on 10 February 2020 for approval by the Shire, in consultation with DFES.
10. Prior to commencement of the private sewer main works, a refundable bond or bank guarantee (calculated in accordance with the Shire's Policy 4.1.3) shall be lodged and held until all works have been completed and the existing infrastructure within the road reserve has been reinstated to the satisfaction of the Shire. An application for the refund/release of the bond or bank guarantee must be made in writing.
11. Prior to commencement of the development, connection to Scheme Water and reticulated sewerage shall be established in accordance with the *Government Sewerage Policy* (2019).
12. Prior to commencement of works, an Acid Sulphate Soils self-assessment form and, if required as a result of the self-assessment, an Acid Sulphate Soils Report and Acid Sulphate Soils Management Plan shall be submitted and approved by the Shire, in consultation with the Department of Water and Environmental



Regulation.

13. Prior to commencement of the development, a crossover permit must be obtained from the Shire. Construction and maintenance of the crossover shall be in accordance with the crossover permit.
14. Prior to works commencing to decommission the existing onsite effluent disposal system, including the effluent pond, a decommissioning plan shall be prepared and submitted for approval by the Shire.
15. Prior to occupation of the development, the approved Landscaping Plan shall be implemented, and thereafter maintained, to the satisfaction of the Shire.
16. Prior to occupation of the development, the Asset Protection Zone must be established and the property thereafter maintained in accordance with an approved Bushfire Management Plan.
17. Prior to occupation of the development, the access way(s), car parking and turning area(s) shall be designed and submitted for approval and subsequently constructed in accordance with the development approval to the satisfaction of the Shire.
18. Prior to occupation of the development, the proposed private sewer main shall be connected to the Water Corporation infrastructure to the satisfaction of the Western Australian Water Corporation.
19. The Emergency Access Way shall be designed, constructed and drained at the landowner/ applicant's cost, to the specifications of the Shire in response to the size and frequency of vehicles to be used for the life of the proposal. A crossover permit must be obtained prior to commencing construction.
20. This property is situated on the Flood Plain and is susceptible to flooding. Habitable finished floor levels shall be in accordance with the Lower Collie River Flood Study (2017). A minimum habitable finished floor level of 2.9m AHD is recommended for all habitable buildings, unless otherwise approved in writing by the Shire.
21. No buildings or structures shall be constructed within 3m of the Cathedral Avenue boundary.
22. All proposed facility roads shall have a minimum width of 6m in accordance with Schedule 7 of the Caravan Parks and Camping Grounds Regulations 1997.
23. The existing Lots 51 & 52 shall be amalgamated prior to the connection of the private sewer main and reticulated water supply.
24. The applicant must for the duration of the development, implement all of the recommendations contained in the approved Bushfire Management Plan to the satisfaction of the Shire.
25. Habitable buildings must be constructed in accordance with *Australian Standard 3959 – Construction of Buildings in Bush Fire Prone Areas* (or superseding standard) and the approved Bushfire Management Plan.



26. A Bushfire Emergency Evacuation Plan shall be prepared and submitted to be read in conjunction with the Bushfire Management Plan for the proposed development in accordance with *Australian Standard 3745-2010 Planning for Emergencies in Facilities*.
27. An application under the *Land Administration Act 1997* shall be made to the Minister for the granting of an easement under Part 8 s.144. Easements over Crown land, Minister's powers to grant etc. for a specified purpose defined under s.144 (4)(a).
28. Any proposed external lighting shall be designed in accordance with *AS 428-1997 Control of Obtrusive Effects of Outdoor Lighting*, to prevent any adverse effect on adjoining land to the satisfaction of the Shire.
29. Car parking spaces and manoeuvring areas shall be designed and provided on site to allow vehicles to enter the street in forward gear.

### Advice Notes

1. The development the subject of this approval is also regulated by the Building Code of Australia and a separate Building Permit must be granted before the development commences.
2. This determination is deemed to be a determination made under the Greater Bunbury Region Scheme in accordance with the Notice of Resolution made under Clause 27, Schedule 1 Paragraph 8: Development in the Floodplain, Paragraph 10: Development with the Rural Zone, and Paragraph 12: Non-conforming use.
3. This development is likely to require the removal of native vegetation that provides suitable habitat for western ringtail possums (WRP). WRP are listed as critically endangered threatened fauna under the *Biodiversity Conservation Act 2016 (BC Act)* and the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*. The proposed development may require clearing of potential threatened fauna habitat. Where clearing of vegetation is unavoidable, a Section 40 ministerial authorization to take or disturb threatened fauna under the *BC Act* should be obtained. An authorized fauna spotter should be on site to manage impacts to WRP when vegetation clearing occurs, and a post clearing report provided to DBCA.
4. It is the applicant's responsibility to ensure all required approvals are obtained prior to the works commencing. Works such as de-watering or working near existing infrastructure may require separate approvals from relevant private or government agencies.
5. The Shire of Harvey 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.
6. This Development Approval does not include approval of Advertising Devices. Please lodge a separate Development Application for signage the assessment of Advertising Devices in accordance with the Shire's Local Planning Policy: Advertising Signs.



7. The Private Sewer main shall be designed and approved for construction in accordance with the Water Corporation's Developers' Manual – Engineering Guide to delivering reticulation works.
8. Refer to the Department of Health's 'Decommissioning disused wastewater systems' for assistance in preparing a Decommissioning Plan.
9. The Lower Collie River Flood Study (2017) shows that the proposed development area is affected by flooding during major events with the 1% AEP flood level estimated to be 2.4 m AHD (including a 0.9 metre allowance for mean sea level rise by 2110 as per the State Coastal Planning Policy SPP2.6). The proposed floor level of 2.4 m AHD provides 1 % AEP flood protection out to 2110, albeit with no freeboard by 2110. Some freeboard is recommended to provide additional protection against local variations in flood levels and the action of wind and waves on the water surface. A freeboard of at least 0.5 metres is maintained for the next 50 years.

Should the proposed development be considered acceptable at a level below 2.9 m AHD, all electrical installations are to be located above 2.9 m AHD and suitably insulated. This advice is related to reducing the flood exposure and flood damages during major events at 2110.

10. The Council Policy 4.1.3 Bank Guarantees and Bonds shall be used to determine the bond amount and terms required for the works on public land.

#### **PROCEDURAL MOTION**

**Moved by:** Mr Robert Fenn

**Seconded by:** Mr Andrew Mack

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 panel members to further discuss without debate restrictions the details on the setback requirements from Cathedral Avenue, the implications of the Bushfire Management Plan and site planning as they relate to Item 8.1.

*The Standing Orders were suspended at 10:56am*

#### **PROCEDURAL MOTION**

**Moved by:** Mr Robert Fenn

**Seconded by:** Mr Geoffrey Klem

To reinstate Development Assessment Panel Standing Orders 2017.

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

*The Standing Orders were reinstated at 11:12am*



## AMENDING MOTION 1

**Moved by:** Mr Robert Fenn

**Seconded by:** Mr Geoffrey Klem

That the preamble be amended to read as follows:

That the Southern JDAP (~~non-metropolitan~~) resolves to:

**Approve** DAP application reference DAP/19/01715 and accompanying plans (~~Drawing No. A01 (Amd No G), A02 (Amd No A) and A03 (Amd No B)~~ for **the addition of 24 chalets and 6 camping sites and private sewer at the Leschenault Caravan Park, Lots 51 and 52 Cathedral Avenue, Leschenault** in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and pursuant to ~~clause 24(b) of the Greater Bunbury Region Scheme~~ **the Shire of Harvey Local Planning Scheme No 1** subject to the following conditions:

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

**REASON:** To clarify the development the subject of this approval and the planning instrument used to assess the development.

## AMENDING MOTION 2

**Moved by:** Mr Geoffrey Klem

**Seconded by:** Mr Andrew Mack

That Condition 1 be amended to read as follows:

The stamped plans, and accompanying documentation, together with any requirements **or** amendments ~~and annotations detailed thereon~~ **resulting from conditions attached to this approval**, are the plans approved as part of this application and shall form part of the development approval issued.

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

**REASON:** No annotations on plans are recorded in the RAR.

## AMENDING MOTION 3

**Moved by:** Mr Geoffrey Klem

**Seconded by:** Mr Robert Fenn

That Condition 2 be amended to read as follows:

**Those portions of the site, including portion of the 'camping area' indicated on the plans showing six powered sites does with a bushfire hazard rating of BAL-40 or BAL-FZ in the Bushfire Management Plan do not form a part of this approval, as there is insufficient information provided to make an informed decision in relation to *State Planning Policy 3.7 Planning in Bushfire Prone Areas*.**

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

**REASON:** SPP 3.7 provides a mechanism to allow development to be undertaken where the BAL rating is 29 or lower.





#### **AMENDING MOTION 4**

**Moved by:** Mr Andrew Mack

**Seconded by:** Mr Geoffrey Klem

That a new Condition 3 be added to read as follows and the remaining conditions be renumbered accordingly:

**Prior to development of the site a contaminated site investigation should be completed to the satisfaction of the Shire on advice from the Department of Water and Environmental Regulation to address the potential contamination risks associated with the future land use following the removal of the sewerage pond and septic infrastructure.**

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

**REASON:** To address the contamination risks associated with a new sensitive land use.

#### **AMENDING MOTION 5**

**Moved by:** Mr Robert Fenn

**Seconded by:** Mr Geoffrey Klem

That Condition 3 (now Condition 4) be amended to read as follows:

*Prior to a Building Permit being issued, amended plans shall be provided to the Shire for approval to;*

- a. Amend the setbacks of the retaining wall to a minimum of ~~3m~~ **2.0m** from the front boundary and ~~4m~~ **2.5m** to the chalets to allow for a 1.2m high fence and landscaping to be located on the top side of the retaining wall; and*
- b. ~~Remove the 'camping area' of six powered sites.~~*

**The Amending Motion was put and LOST (1/2).**

For: Mr Robert Fenn

Against: Mr Geoffrey Klem  
Mr Andrew Mack

#### **AMENDING MOTION 6**

**Moved by:** Mr Andrew Mack

**Seconded by:** Mr Geoffrey Klem

That Condition No. 3 (now Condition 4) be amended to read as follows:

*Prior to a Building Permit being issued, amended plans shall be provided to the Shire for approval to;*

- a. ~~A~~amend the setbacks of the retaining wall to a minimum of 3m from the front boundary and 4m to the chalets to allow for a 1.2m high fence and landscaping to be located on the top side of the retaining wall; and*
- b. ~~Remove the 'camping area' of six powered sites.~~*

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

**REASON:** Consistent with the RAR recommendation.



### AMENDING MOTION 7

**Moved by:** Mr Robert Fenn

**Seconded by:** Mr Andrew Mack

That a new Condition 5 be added to read as follows and the remaining conditions be renumbered accordingly:

***Prior to a Building Permit being issued, the Proponent shall submit to the Shire a schedule of building finishes and colours and the approved chalets shall be finished and maintained thereafter in accordance with the approved schedule.***

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

**REASON:** The visual appearance of the chalets is significant to local amenity and character.

### AMENDING MOTION 8

**Moved by:** Mr Robert Fenn

**Seconded by:** Mr Geoffrey Klem

That Condition 5 (now condition 7) be amended to read as follows:

***Prior to a Building Permit being issued, a Traffic and Safety Management Plan shall be prepared in accordance with Main Roads Western Australia's Code of Practice for approval by the Shire, to address the private sewer main and traffic safety adjacent to the development, in consultation with MRWA where required, and thereafter be implemented***

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

**REASON:** To clarify the proponents' requirements.

### AMENDING MOTION 9

**Moved by:** Mr Robert Fenn

**Seconded by:** Mr Geoffrey Klem

That Condition 6 (now condition 8) be amended to read as follows:

Prior to a Building Permit being issued, an updated detailed Landscaping Plan shall be submitted and approved by the Shire that addresses the following;

- a. The location, species and size of existing vegetation to be removed **and planted;**
- b. Mulching or similar treatments of garden beds including edges;
- c. Details of reticulation of landscaped areas including the source of the water supply and proposed responsibility for maintenance;
- d. **The surety to be provided to the Shire to ensure the landscaping reaches maturity and that dead plants are suitably replaced;**
- e. Treatment of paved areas (parking and pedestrian areas)
- f. Fence material, height and treatment;
- g. ~~The planting of Western Australian Peppermint Trees (*Agonis flexuosa*) to replace existing mature trees being removed to strengthen the corridor of native trees for habitat for Western Ring Tail Possums; and~~
- h. Protection and enhancement of the visual amenity of the locality.



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

**REASON:** Expanding plantings of *Agonis flexuosa* within the site could exacerbate the fire risk for existing park tenants and the future planting species should be resolved in consultation with the revision of the BMP. Condition converted to advice note.

**AMENDING MOTION 10**

**Moved by:** Mr Robert Fenn

**Seconded by:** Mr Geoffrey Klem

That Condition 9 (now condition 11) be amended to read as follows:

Prior to a Building Permit being issued, the applicant shall submit **for approval by the Shire, in consultation with the Department of Fire and Emergency Services (DFES)** an updated Bushfire Management Plan that ~~incorporates~~ **adequately addresses** the advice and ~~recommendations of concerns raised in the Department of Fire and Emergency Services (DFES) letter~~ received on 10 February 2020 ~~for approval by the Shire, in consultation with DFES.~~

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

**REASON:** The BMP is to be approved by the Shire and the DFES letter advises that the recommendations contained therein are based on a lack of detail in the submitted BMP.

**AMENDING MOTION 11**

**Moved by:** Mr Robert Fenn

**Seconded by:** Mr Geoffrey Klem

That Condition 10 (now condition 12) be deleted and the remaining conditions be renumbered accordingly.

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

**REASON:** Not a planning condition.

**AMENDING MOTION 12**

**Moved by:** Mr Geoffrey Klem

**Seconded by:** Mr Andrew Mack

That Condition 11 (now condition 12) be amended to read as follows:

Prior to ~~commencement of the development,~~ **the occupation of any chalet, the caravan park shall be connected to the Water Corporation operated** scheme water and reticulated sewerage systems. ~~shall be established in accordance with the Government Sewerage Policy (2019).~~

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

**REASON:** The development should reasonably be able to proceed into construction concurrently with the installation of the water and sewer connections.



### **AMENDING MOTION 13**

**Moved by:** Mr Geoffrey Klem

**Seconded by:** Mr Andrew Mack

That Condition No. 13 (now condition 14) be deleted and the remaining conditions/advice notes be renumbered accordingly.

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

**REASON:** Not a planning condition.

### **AMENDING MOTION 14**

**Moved by:** Mr Andrew Mack

**Seconded by:** Mr Geoffrey Klem

That condition No. 17 be amended to read as follows:

*Prior to occupation of the development, **the crossovers, access way(s) emergency access way, internal access ways, car parking and turning area(s)** shall be designed and submitted for approval and subsequently constructed **at the proponent's cost** in accordance with the development approval to the satisfaction of the Shire.*

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

**REASON:** Includes requirement of previous conditions 13 & 19

### **AMENDING MOTION 15**

**Moved by:** Mr Andrew Mack

**Seconded by:** Mr Geoffrey Klem

*The following deletions were made en bloc:*

- (i) That Condition No. 18 be deleted and the remaining conditions be renumbered accordingly.

**REASON:** Replicates condition 11 (now condition 12).

- (ii) That Condition No. 19 (now condition 18) be deleted and the remaining conditions be renumbered accordingly.

**REASON:** Replicates revised condition 17.

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



## AMENDING MOTION 16

**Moved by:** Mr Andrew Mack

**Seconded by:** Mr Geoffrey Klem

That Condition 20 (now condition 18) be amended to read as follows:

*This property is situated on the Flood Plain and is susceptible to flooding. ~~Habitable~~ Finished floor levels shall be in accordance with the Lower Collie River Flood Study (2017). ~~A minimum habitable~~ **The finished floor levels for the chalets of 2.4m AHD is valid for a period until 2070 at which time it will be reviewed. unless otherwise approved in writing by the Shire.***

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

**REASON:** The chalet units are transportable structures with a limited commercial lifespan and set at a level suitable for flood protection till 2070 (inclusive of 500mm freeboard).

## AMENDING MOTION 17

**Moved by:** Mr Robert Fenn

**Seconded by:** Mr Geoffrey Klem

*The following deletions were made en bloc:*

- (i) That Condition No. 21 (now condition 19) be deleted and the remaining conditions be renumbered accordingly.

**REASON:** Replicates Condition 3 (now condition 4).

- (ii) That Condition No. 22 (now condition 19) be deleted and the remaining conditions be renumbered accordingly.

**REASON:** Replicates revised condition 17

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

## AMENDING MOTION 18

**Moved by:** Mr Andrew Mack

**Seconded by:** Mr Geoffrey Klem

That Condition No. 25 (now condition 21) be amended to read as follows:

*~~Habitable buildings~~ **The approved development must be constructed in accordance with Australian Standard 3959 – Construction of Buildings in Bush Fire Prone Areas (or superseding standard) and the approved Bushfire Management Plan.***

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

**REASON:** To clarify the condition and provide consistency in the conditions.



## AMENDING MOTION 19

**Moved by:** Mr Robert Fenn

**Seconded by:** Mr Geoffrey Klem

That Condition No. 27 (now condition 23) be amended to read as follows:

*An application under the Land Administration Act 1997 shall be made to the Minister for the granting of an easement under ~~Part 8 of~~ **Section 144 to record and protect the proposed private sewer line within Cathedral Avenue and Old Coast Road.** ~~Easements over Crown land, Minister's powers to grant etc, for a special purpose defined under s 144 (4) (a).~~*

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

**REASON:** To clarify the purpose and reason for the easement.

## AMENDING MOTION 20

**Moved by:** Mr Robert Fenn

**Seconded by:** Mr Geoffrey Klem

That a new condition 26 be added to read as follows:

*The approved chalet units shall only be offered for use by visitors to the site on a short term basis and no chalet shall be either semi-permanently or permanently occupied by an individual or family.*

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

**REASON:** To ensure the chalets remain available for holiday accommodation and the risk posed from a potential wild fire is reduced.

## AMENDING MOTION 21

**Moved by:** Mr Andrew Mack

**Seconded by:** Mr Robert Fenn

That a new condition 27 be added to read as follows:

*Prior to the issue of a building permit a Mosquito Management Plan shall be developed and submitted to the Shire for approval on advice of the Department of Health.*

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

**REASON:** To address the risks associated with mosquito borne disease.



## AMENDING MOTION 22

**Moved by:** Mr Geoffrey Klem

**Seconded by:** Mr Robert Fenn

That Advice Note 2 be deleted and the remaining advice notes be renumbered accordingly.

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

**REASON:** Not relevant to the development proceeding.

## AMENDING MOTION 23

**Moved by:** Mr Robert Fenn

**Seconded by:** Mr Geoffrey Klem

That Advice Note 3 (now advice note 2) be amended to read as follows:

*This development is likely to require the removal of Native Vegetation that provides suitable habitat for western ring tail possums (WRP). WRP are listed as critically endangered threatened fauna under the Biodiversity Conservation Act 2016 (BC Act) and the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999. The proposed development may require clearing of potential threatened fauna habitat. Where clearing of vegetation is unavoidable, a Section 40 ministerial authorisation to take or disturb threatened fauna under the BC Act should be obtained. An authorised fauna spotter should be on-site to manage impacts to WRP when vegetation clearing occurs and a post clearing report provided to DBCA. **Planting of Western Australian Peppermint Trees (*Agonis flexuosa*) to replace existing mature trees being removed will strengthen the corridor of native trees for habitat for WRP and subject to advice within the Bushfire Management Plan.***

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

**REASON:** Revision to support deletion of Condition 6(f).

## AMENDING MOTION 24

**Moved by:** Mr Andrew Mack

**Seconded by:** Mr Geoffrey Klem

That Advice Note 4 (now advice note 3) be amended to read as follows:

*It is the applicant's responsibility to ensure all required approvals are obtained prior to the works commencing, such as;*

- a. ~~Works such as de-watering or working near existing infrastructure may require separate approvals from relevant private or government agencies.~~*
- b. A crossover permit must be obtained from the Shire, with construction and maintenance of the crossover to be in accordance with the crossover permit.***

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

**REASON:** Transferred from Condition 13.



## AMENDING MOTION 25

**Moved by:** Mr Andrew Mack

**Seconded by:** Mr Geoffrey Klem

That Advice Note 9 (now advice note 8) be amended to read as follows:

*The Lower Collie River Flood Study (2017) shows that the proposed development area is affected by flooding during major events with the 1% AEP flood level estimated to be 2.4m AHD (including a 0.9 metre allowance for mean sea level rise by 2110 and per the State Coastal Planning Policy SPP 2.6). The proposed floor level of 2.4 m AHD provides 1% AEP flood protection out to 2110, albeit with no freeboard by 2110. Some freeboard is recommended to provide additional protection against local variations in flood levels and the action of wind and waves on the water surface.*

*A freeboard of at least 0.5 metres is ~~maintained for the next 50 years recommended and~~, should the proposed development ~~be considered acceptable at a level below 2.9m~~ **proceed with a floor level of 2.4m AHD, adequate freeboard is provided till 2070 and the proponent is recommended to install all electrical installations are to be located above 2.9 m AHD and suitably insulated. This advice is related to reducing the flood exposure and flood damages during major events at 2110.***

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

**REASON:** To clarify the advice to the applicant.

## AMENDING MOTION 26

**Moved by:** Mr Andrew Mack

**Seconded by:** Mr Geoffrey Klem

That Advice Note 10 (now advice note 9) be amended to read as follows:

*The Council Policy 4.1.3 Bank Guarantees and Bonds shall be used to determine the bond amount and terms required for the works on **the site and public land with the application for the refund / release of the bond or bank guarantee to be made in writing.***

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

**REASON:** To provide advice to the proponent on the Shire's bonding arrangements.

## AMENDING MOTION 27

**Moved by:** Mr Andrew Mack

**Seconded by:** Mr Geoffrey Klem

The word "Applicant" be replaced with "Proponent" where it appears in Conditions 9 (now Condition 11) and 24 (now Condition 20) and Advice Note 4 (now Advice Note 3).

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

**REASON:** To remove inconsistency within the conditions





## REPORT RECOMMENDATION (AS AMENDED)

That the Southern JDAP resolves to:

**Approve** DAP application reference DAP/19/01715 and accompanying plans A01 (Amd G), A02 (Amd A) and A03 (Amd B) for the addition of 24 chalets and 6 camping sites and private sewer at the Leschenault Caravan Park, Lots 51 and 52 Cathedral Avenue, Leschenault in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and pursuant to the Shire of Harvey Local Planning Scheme No 1 subject to the following conditions:

### Conditions

1. The stamped plans, and accompanying documentation, together with any requirements or amendments resulting from conditions attached to this approval, are the plans approved as part of this application and shall form part of the development approval issued.
2. Those portions of the site, including portion of the 'camping area' with a bushfire hazard rating of BAL-40 or BAL-FZ in the Bushfire Management Plan do not form a part of this approval, as there is insufficient information provided to make an informed decision in relation to *State Planning Policy 3.7 Planning in Bushfire Prone Areas*.
3. Prior to development of the site a contaminated site investigation should be completed, to the satisfaction of the Shire on advice of the Department of Water and Environmental Regulation, to address the potential contamination risks associated with the future land use following the removal of the sewerage pond and septic infrastructure.
4. Prior to a Building Permit being issued, amended plans shall be provided to the Shire for approval to amend the setbacks of the retaining wall to a minimum of 3m from the front boundary and 4m to the chalets to allow for a 1.2m high fence to be located on the top side of the retaining wall.
5. Prior to a Building Permit being issued, the Proponent shall submit to the Shire a schedule of building finishes and colours and the approved chalets shall be finished and maintained thereafter in accordance with the approved schedule.
6. Prior to a Building Permit being issued, the Proponent shall prepare for approval by the Shire, and thereafter be implemented, a Construction Management Plan that:
  - a. Minimises the impact of the approved development on the amenity of the locality due to the transportation of materials to and from the site;
  - b. Ensures the use of buildings, works and materials on the site do not generate unreasonable levels of noise, vibration, dust, drainage, wastewater, waste products or reflective light;
  - c. Details the management applicable to construction traffic movement, occupational health and safety, signage, dust management and environmental management in relation to the approved development;
  - d. Manages weed and pest nuisances on the site and in the locality;
  - e. Incorporates any suggested management measures from accompanying technical assessment reports.



7. Prior to a Building Permit being issued, a Traffic and Safety Management Plan shall be prepared in accordance with Main Roads Western Australia's Code of Practice for approval by the Shire, to address the private sewer main and traffic safety adjacent to the development, in consultation with MRWA where required, and thereafter be implemented.
8. Prior to a Building Permit being issued, an updated detailed Landscaping Plan shall be submitted and approved by the Shire that addresses the following;
  - a. The location, species and size of existing vegetation to be removed and planted;
  - b. Mulching or similar treatments of garden beds including edges;
  - c. Details of reticulation of landscaped areas including the source of the water supply and proposed responsibility for maintenance;
  - d. The surety to be provided to the Shire to ensure the landscaping reaches maturity and that dead plants are suitably replaced;
  - e. Treatment of paved areas (parking and pedestrian areas)
  - f. Fence material, height and treatment; and
  - g. Protection and enhancement of the visual amenity of the locality.
9. Prior to a Building Permit being issued, a Bank Guarantee or Bond of \$5,000 shall be submitted for the purpose of implementing the approved Landscaping Plan. The Bank Guarantee or Bond shall be held by the Shire for a minimum period of two (2) years from the completion of the works until the establishment and maintenance of vegetation screening is confirmed by the Shire as satisfactory.
10. Prior to a Building Permit being issued, a Stormwater and Drainage Management Plan shall be prepared in accordance with the decision process for stormwater management in WA (DWER 2017) and the Stormwater Management Manual for Western Australia (DoW 2004-2007) and approved by the Shire, in consultation with DWER, and thereafter implemented. The plan shall determine the drainage infrastructure required to support the development and as a minimum it must address;
  - a. How storm events and overland flow path for larger events are to be managed;
  - b. Potential effect of groundwater levels and quality;
  - c. Protection of adjacent / nearby waterways and wetlands;
  - d. Confirmation of water use requirements (including volume) and how the water will be sourced to support the proposal (eg such as for cleaning purposes) and the method of disposal;
  - e. Minimisation of mosquito breeding sites; and
  - f. Conclusions / Recommendations
11. Prior to a Building Permit being issued, the Proponent shall submit for approval by the Shire, in consultation with the Department of Fire and Emergency Services (DFES) an updated Bushfire Management Plan that adequately addresses the advice and concerns raised in the DFES letter received on 10 February 2020.
12. Prior to the occupation of any chalet, the caravan park shall be connected to the Water Corporation operated scheme water and reticulated sewerage systems.



13. Prior to commencement of works, an Acid Sulphate Soils self-assessment form and, if required as a result of the self-assessment, an Acid Sulphate Soils Report and Acid Sulphate Soils Management Plan shall be submitted and approved by the Shire, in consultation with the Department of Water and Environmental Regulation.
14. Prior to works commencing to decommission the existing onsite effluent disposal system, including the effluent pond, a decommissioning plan shall be prepared and submitted for approval by the Shire
15. Prior to occupation of the development, the approved Landscaping Plan shall be implemented and thereafter maintained to the satisfaction of the Shire.
16. Prior to occupation of the development, the Asset Protection Zone must be established and the property thereafter maintained in accordance with an approved Bushfire Management Plan.
17. Prior to occupation of the development, the crossovers, emergency access way, internal access ways, car parking and turning area(s) shall be designed and submitted for approval and subsequently constructed at the proponent's cost in accordance with the development approval to the satisfaction of the Shire.
18. This property is situated on the Flood Plain and is susceptible to flooding. Finished floor levels shall be in accordance with the Lower Collie River Flood Study (2017). The finished floor levels for the chalets of 2.4m AHD is valid for a period until 2070 at which time it will be reviewed.
19. The existing Lots 51 and 52 shall be amalgamated prior to the connection of the private sewer main and reticulated water supply.
20. The Proponent must for the duration of the development implement all of the recommendations contained in the approved Bushfire Management Plan to the satisfaction of the Shire.
21. The approved development must be constructed in accordance with *Australian Standard 3959 – Construction of Buildings in Bush Fire Prone Areas* (or superseding standard) and the approved Bushfire Management Plan.
22. A Bushfire Emergency Evacuation Plan shall be prepared and submitted to be read in conjunction with the Bushfire Management Plan for the proposed development in accordance with *Australian Standard 3745-2010 - Planning for Emergencies in Facilities*.
23. An application under the *Land Administration Act 1997* shall be made to the Minister for the granting of an easement under Section 144 to record and protect the proposed private sewer line within Cathedral Avenue and Old Coast Road.
24. Any proposed external lighting shall be designed in accordance with *AS 428-1997 Control of Obtrusive Effects of Outdoor Lighting*, to prevent any adverse effect on adjoining land to the satisfaction of the Shire.
25. Car parking spaces and manoeuvring areas shall be designed and provided on-site to allow vehicles to enter the street in forward gear.



26. The approved chalet units shall only be offered for use by visitors to the site on a short term basis and no chalet shall be either semi-permanently or permanently occupied by an individual or family.
27. Prior to the issue of a Building Permit a Mosquito Management Plan shall be developed and submitted to the Shire for approval on advice of the Department of Health.

### Advice Notes

1. The development the subject of this approval is also regulated by the Building Code of Australia and a separate Building Permit must be granted before the development commences.
2. This development is likely to require the removal of Native Vegetation that provides suitable habitat for western ring tail possums (WRP). WRP are listed as critically endangered threatened fauna under the *Biodiversity Conservation Act 2016* (BC Act) and the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999*. The proposed development may require clearing of potential threatened fauna habitat. Where clearing of vegetation is unavoidable, a Section 40 ministerial authorisation to take or disturb threatened fauna under the BC Act should be obtained. An authorised fauna spotter should be on-site to manage impacts to WRP when vegetation clearing occurs and a post clearing report provided to DBCA. Planting of Western Australian Peppermint Trees (*Agonis flexuosa*) to replace existing mature trees being removed will strengthen the corridor of native trees for habitat for WRP and subject to advice within the Bushfire Management Plan.
3. It is the Proponent's responsibility to ensure all required approvals are obtained prior to the works commencing, such as;
  - a. de-watering or working near existing infrastructure may require separate approvals from relevant private or government agencies.
  - b. a crossover permit must be obtained from the Shire, with construction and maintenance of the crossover to be in accordance with the crossover permit.
4. The Shire of Harvey 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.
5. The Development Approval does not include approval of Advertising Devices. Please lodge a separate Development Application for signage the assessment of Advertising Devices in accordance with the Shire's Local Planning Policy: Advertising Signs.
6. The Private Sewer main shall be designed and approved for construction in accordance with the Water Corporation's Developers Manual – Engineering Guide to delivering reticulation works.
7. Refer to the Department of Health's 'Decommissioning disused wastewater systems' for assistance in preparing a Decommissioning Plan.



8. The Lower Collie River Flood Study (2017) shows that the proposed development area is affected by flooding during major events with the 1% AEP flood level estimated to be 2.4m AHD (including a 0.9 metre allowance for mean sea level rise by 2110 and per the State Coastal Planning Policy SPP 2.6). The proposed floor level of 2.4 m AHD provides 1% AEP flood protection out to 2110, albeit with no freeboard by 2110. Some freeboard is recommended to provide additional protection against local variations in flood levels and the action of wind and waves on the water surface.

A freeboard of at least 0.5 metres is recommended and, should the proposed development proceed with a floor level of 2.4m AHD, adequate freeboard is provided till 2070 and the proponent is recommended to install all electrical installations above 2.9 m AHD and suitably insulated.

9. The Council Policy 4.1.3 Bank Guarantees and Bonds shall be used to determine the bond amount and terms required for the works on the site and public land with the application for the refund / release of the bond or bank guarantee to be made in writing.

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

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

<b>8.1b</b> Property Location:	Lot 51 (48) and 52 (50) Cathedral Avenue, Leschenault
Development Description:	Caravan Park Redevelopment
Applicant:	Halsall and Associates
Owner:	Gemhurst Pty Ltd and Ashlane Pty Ltd Greg Howe
Responsible Authority:	Shire of Harvey
DAP File No:	DAP/19/01715

#### **ALTERNATE MOTION**

**Moved by:** Mr Geoffrey Klem

**Seconded by:** Mr Robert Fenn

That the Southern JDAP resolves to:

Approve DAP application reference DAP/19/01715 and accompanying plans A01 (Amd G), A02 (Amd A) and A03 (Amd B) for the addition of 24 chalets and 3 camping sites at the Leschenault Caravan Park, Lots 51 and 52 Cathedral Avenue, Leschenault in accordance with clause 24(b) of the Greater Bunbury Region Scheme subject to the following conditions:

1. Habitable buildings must be constructed in accordance with *Australian Standard 3959 – Construction of Buildings in Bush Fire Prone Areas* (or superseding standard) and an approved Bushfire Management Plan.
2. A Bushfire Emergency Evacuation Plan shall be prepared and submitted to be read in conjunction with the Bushfire Management Plan for the proposed development in accordance with *Australian Standard 3745-2010 - Planning for Emergencies in Facilities*.



3. This property is situated on the Flood Plain and is susceptible to flooding. Habitable finished floor levels shall be in accordance with the Lower Collie River Flood Study (2017). The finished floor levels for the chalets of 2.4m AHD is valid for a period until 2070 at which time it will be reviewed.

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

**REASON:** To isolate only those conditions to which the Greater Bunbury Region Scheme would reasonably relate.

**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

Finalised Applications		
LG Name	Property Location	Application Description
City of Bunbury	Lot 101 Forrest Highway, Vittoria	Proposed Road House and 2 pylon signs

**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 12.17pm.