



## Regional Development Assessment Panel Minutes

**Meeting Date and Time:** Thursday, 13 February 2025; 9:30am  
**Meeting Number:** RDAP/36  
**Meeting Venue:** 140 William Street, Perth

*A recording of the meeting is available via the following link:*  
[RDAP/36 - 13 February 2025 - Shire of Dardanup - City of Busselton](#)

### **PART A – INTRODUCTION**

1. Opening of Meeting, Welcome and Acknowledgement
2. Apologies
3. Members on Leave of Absence
4. Noting of Minutes

### **PART B – SHIRE OF DARDANUP**

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
  - 3.1 Lot 2 Banksia Road, Crooked Brook - Capping of Tronox Cell 1 – DAP/24/02807
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

### **PART C – CITY OF BUSSELTON**

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
  - 3.1 Geographe Bay Road, No. 652 (Lot 173) Broadwater – Caravan Park (8 Chalets, Office/Check-in and car parking) – DAP/24/02772
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

### **PART D – OTHER BUSINESS**

1. State Administrative Tribunal Applications and Supreme Court Appeals
2. Meeting Closure

**Dale Page**  
Presiding Member, Regional DAP



<b>Attendance</b>	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Dale Page (Presiding Member)	Kristen Parker
Clayton Higham (Deputy Presiding Member)	Ashlee Kelly
Jacky Jurmann	
<i>Part B – Shire of Dardanup</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Tyrell Gardiner	Ashwin Nair
<i>Part C – City of Busselton</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Anne Ryan	Andrew Watts
Cr Kate Cox	Bethany Baker

**Dale Page**  
Presiding Member, Regional DAP



<b>Applicant and Submitters</b>
<i>Part B – Shire of Dardanup</i>
Jenny Trigwell (Dardanup Environmental Action Group) Julius Skinner (Thomson Geer) Kylie Shaw (Harley Dkystra) Andrew Doyle (Cleanaway) Jamie Wills (Cleanway) John Mulholland (Cleanaway)
<i>Part C – City of Busselton</i>
Marc Halsall (Halsall & Associates) Rhys Johnson

**Members of the Public / Media**

Nil.

**Observers via livestream**

There were 9 persons observing the meeting via the livestream.

**Dale Page**  
Presiding Member, Regional DAP



## PART A – INTRODUCTION

### 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:33 am on 13 February 2025 and acknowledged the traditional owners and custodians of the land on which the meeting was held and welcomed members.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2024 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

#### 1.1 Announcements by Presiding Member

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.

The meeting was recorded and livestreamed on the DAP website in accordance with regulation 40(2A) of the *Planning and Development (Development Assessment Panels) Regulations 2011*. Members were reminded to announce their name and title prior to speaking.

### 2. Apologies

Cr Stacie Gillespie (Local Government DAP Member, Shire of Dardanup)  
Cr Ellen Lilly (Local Government DAP Member, Shire of Dardanup)  
Cr Annette Webster (Local Government DAP Member, Shire of Dardanup)

### 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](#).

Dale Page  
Presiding Member, Regional DAP



## **PART B – SHIRE OF DARDANUP**

### **1. Declaration of Due Consideration**

The Presiding Member noted that details of DAP directions for further information and responsible authority responses in relation to Item 3.1, received on 10 February 2025 and 12 February 2025, were published in Part B of the Related Information.

All members declared that they had duly considered the documents contained within Part B of the Agenda and Part B of the Related Information.

### **2. Disclosure of Interests**

DAP Member, Cr Ellen Lilly, declared an impartiality interest in item 3.1. Cr Lilly is a member of the Dardanup Action Environmental Group and lives close to development site.

In accordance with section 3.3 of the DAP Code of Conduct 2024, the DAP Executive Director determined that the member listed above, who had disclosed an impartiality interest, was not permitted to participate in the discussion and voting on the item

In accordance with section 2.4.9 of the DAP Code of Conduct 2024, DAP Member, Cr Tyrell Gardiner, declared that they had participated in a prior Council meeting in relation to the application at item 3.1. However, under section 2.1.2 of the DAP Code of Conduct 2024, Cr Gardiner acknowledged that they are not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

In accordance with section 3.3 of the DAP Code of Conduct 2024, the DAP Executive Director determined that the member listed above, who had disclosed an impartiality interest, are permitted to participate in the discussion and voting on the item.

**Dale Page**  
Presiding Member, Regional DAP



### 3. Form 1 DAP Applications

#### 3.1 Lot 2 Banksia Road, Crooked Brook - Capping of Tronox Cell 1 – DAP/24/02807

##### Deputations and Presentations

Jenny Trigwell (Dardanup Environmental Action Group) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Julius Skinner (Thomson Geer) addressed the DAP against the recommendation for the application at Item 3.1 and responded to questions from the panel.

Kylie Shaw (Harley Dykstra) responded to questions from the panel.

Andrew Doyle (Cleanaway) responded to questions from the panel.

Jamie Wills (Cleanaway) responded to questions from the panel.

John Mulholland (Cleanaway) responded to questions from the panel.

Ashwin Nair (Shire of Dardanup) addressed the DAP in relation to the application at Item 3.1 and responded to questions from the panel.

##### REPORT RECOMMENDATION

**Moved by:** Cr Tyrell Gardiner

**Seconded by:** NIL.

That the Regional DAP resolves to:

1. **Accept** that the DAP Application reference DAP/24/02807 (Appendix ORD: 12.2.2B) is appropriate for consideration as a “Waste Disposal Facility” land use and compatible with the objectives of the zoning table in accordance with Clause 2.4.2 of the Shire of Dardanup Local Planning Scheme No. 3;
2. **Recommends Refusal** DAP Application reference DAP/24/02807 and accompanying plans:
  - Site Overview Plan, Drawing No. 123169.S01-001, Rev B;
  - Existing Conditions and Stormwater Management Plan, Drawing No. 123169.S01-002, Rev B;
  - Top of Cap (Stage 3) Plan, Drawing No. 123169.S01-006, Rev D;
  - Top of Cap Sections Plan, Drawing No. 123169.S01-013, Rev B; and
  - Typical Details Plan, Drawing No. 123169.S01-014, Rev C.

**Dale Page**  
Presiding Member, Regional DAP



In accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, and the provisions of Clause 7.3 of the Shire of Dardanup Local Planning Scheme No. 3, for the following reasons:

### Reasons for Responsible Authority Recommendation

- a) Insufficient environmental reporting has been provided to demonstrate that the proposed development will not result in adverse environmental impacts in relation to:
- i) Dust Management;
  - ii) Leachate Management; and
  - iii) Stormwater Management.

### Advice Notes

- b) If you are aggrieved by the reasons of this refusal, you have the right to request that the State Administrative Tribunal (SAT) review the decision under Part 14 of the Planning and Development Act 2005.

**The Report Recommendation LAPSED for want of a seconder.**

### ALTERNATE MOTION

**Moved by:** Dale Page

**Seconded by:** Clayton Higham

That the Regional DAP resolves to:

1. **Accept** that the DAP Application reference DAP/24/02807 is appropriate for consideration as a "Waste Disposal Facility" land use and compatible with the objectives of the zoning table in accordance with Clause 2.4.2 of the Shire of Dardanup Local Planning Scheme No. 3;
2. **Approve** DAP Application reference DAP/24/02807 and accompanying plans:
  - Site Overview Plan, Drawing No. 123169.201-001, Rev B;
  - Existing Conditions and Stormwater Management Plan, Drawing No. 123169.201-002, Rev B;
  - Top of Cap (Stage 3) Plan, Drawing No. 123169.201-006, Rev D;
  - Top of Cap Sections Plan, Drawing No. 123169.201-013, Rev B; and
  - Typical Details Plan, Drawing No. 123169.201-014, Rev C;

in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause 7.3 of the Shire of Dardanup Local Planning Scheme No. 3, subject to the following conditions:

**Dale Page**  
Presiding Member, Regional DAP



## Conditions

1. This decision constitutes planning approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. Prior to the commencement of works an updated Rehabilitation and Closure Plan must be submitted and approved by the Shire of Dardanup which includes the following monitoring regime for the approved development:
  - Quality testing of the leachate draining into the Leachate Pond on an annual basis until the closure of the pond to demonstrate that the integrity of the capping of the waste cell has not been impacted. Where the quality testing of the leachate indicates that the capping has failed this must be addressed and immediately reported to the Shire of Dardanup.
  - Monitoring of upgradient and downgradient bores from the Leachate Pond for a period of 10 years post closure of the Leachate Pond to ensure no contamination is present and reported to the Shire on an annual basis. Where contamination is present at any time this must be addressed and immediately reported to the Shire of Dardanup.
3. At the completion of works, landscaping of the site must be implemented in accordance with the Landscaping Plan, dated 29 August 2022 (as amended), to the satisfaction of the Shire of Dardanup.
4. Prior to the commencement of works, detailed designs of the existing Leachate Ponds are to be submitted to the Shire of Dardanup for approval to demonstrate the constructed capacities of the ponds would maintain adequate freeboard in the event of a 1:100 or 1% AEP storm event. Where works are required to ensure the freeboard is maintained this will be subject to approval.
5. Prior to the commencement of works a site-specific Dust Management Plan to be submitted for approval to the Shire of Dardanup for approval. The plan must include all dust generating activities associated with the approved development and measures to control dust.

### **The Alternate Motion was put and CARRIED (3/1).**

For: Dale Page  
Clayton Higham  
Jacky Jurmann

Against: Cr Tyrell Gardiner

**Dale Page**  
Presiding Member, Regional DAP





**REASON:** From a land use planning perspective, the development is consistent with, and incidental to, the existing use. It complies with the relevant provisions of the scheme and complies with the height and setback requirements set out in the Local Development Plan applicable to the site. The key issue for consideration was whether the proposal meets the environmental management provisions of the Local Development Plan – specifically, whether the proposal demonstrates consistency with any environmental approvals for the site, and whether the proposal is supported by relevant technical and management plans. The DAP considered that relevant documentation had either been provided, will be dealt with as part of DWER’s licensing process or could be appropriately conditioned as part of approval of the development application.

**4. Form 2 DAP Applications**

Nil.

**5. Section 31 SAT Reconsiderations**

Nil.

*Cr Tyrell Gardiner (Local Government DAP Member, Shire of Dardanup) left the panel at 10:39am.*

A handwritten signature in black ink, appearing to read 'Dale Page'.



## PART C – CITY OF BUSSELTON

*Cr Anne Ryan and Cr Kate Cox (Local Government DAP Members, City of Busselton) joined the panel at 10:40am.*

### 1. Declaration of Due Consideration

All members declared that they had duly considered the documents contained within Part C of the Agenda and Part C of the Related Information.

### 2. Disclosure of Interests

Nil.

### 3. Form 1 DAP Applications

#### 3.1 Geographe Bay Road, No. 652 (Lot 173) Broadwater – Caravan Park (8 Chalets, Office/Check-in and car parking) – DAP/24/02772

##### Deputations and Presentations

Marc Halsall (Halsall & Associates) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Rhys Johnson responded to questions from the panel.

Andrew Watts and Bethany Baker (City of Busselton) addressed the DAP in relation to the application at Item 3.1 and responded to questions from the panel.

## REPORT RECOMMENDATION

**Moved by:** Cr Anne Ryan

**Seconded by:** Cr Kate Cox

That the Regional DAP resolves to:

1. **Approve** DAP Application reference DAP/24/02772 and accompanying plans (SK100 Rev B, SK101 Rev B, SK102 Rev B, SK103 Rev A, SK104 Rev B, SK105 Rev B, SK200 Rev A, SK201 Rev B, SK202 Rev B) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Busselton Local Planning Scheme No. 21, subject to the following conditions:

**Dale Page**  
Presiding Member, Regional DAP



## General Conditions

1. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. The development hereby approved shall be undertaken in accordance with the Approval Development Plans (SK100 Rev B, SK101 Rev B, SK102 Rev B, SK103 Rev A, SK104 Rev B, SK105 Rev B, SK200 Rev A, SK201 Rev B, SK202 Rev B), including any notes placed thereon in red, except as may be modified by the following conditions.

### Prior to Commencement of Any Works Conditions:

3. The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details have been submitted to the City and have been approved in writing:
  - 3.1 A Construction Management Plan (CMP). The CMP shall address the following:
    - 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, air and dust management;
    - f) dilapidation reports of nearby properties;
    - g) traffic, access and parking management;
    - h) waste management;
    - i) sanitary facilities;
    - j) earthworks, excavation, land retention/piling methods and associated matters;
    - k) stormwater and sediment control;
    - l) street tree management and protection; and
    - m) any other matter deemed relevant by the City.

**Dale Page**  
Presiding Member, Regional DAP



- 3.2 Details of the design, construction, sealing, drainage and marking of the parking area(s) and driveway(s) as indicated on the Approved Plans in accordance with the *Australian Standard for Parking Facilities-Off-street car parking (AS 2890.1)*.
- 3.3 Details of stormwater and surface water drainage. Stormwater to be retained for use and/or infiltration within the lot at a rate of 1m<sup>3</sup> per 40m<sup>2</sup> of roofed and impervious area.
- 3.4 Engineering drawings and specifications are to be submitted, approved, and road upgrade works to Mandalay Entrance undertaken in accordance with the approved development plans, engineering drawings and specifications and such road(s) are constructed and drained at the developer/applicant's cost.
- 3.5 A Landscape Plan (LP). The LP shall include the following:
  - a) the location and species of all trees to be removed and/or retained;
  - b) details of the method to provide definition to the northern site boundary with Reserve (R46146) Lot 63 and a portion of Lot 64 adjoining the development site;
  - c) the location and type of reticulation to be installed;
  - d) the location and type of paving to be installed;
  - e) a plant schedule nominating species, planting distances, numbers, planting sizes, together with the anticipated height of each plant at maturity;
  - f) any adjoining road verges; and
  - g) If the development is to be completed in stages the landscaping plan shall detail which portions of the landscaping is to be installed upon the completion of each stage.
- 3.6 A Tree Protection Plan (TPP) prepared in accordance with *Australian Standard AS 4970-2009 Protection of trees on development sites* for the trees to be retained on the site, adjoining road reserves and for vegetation within the adjoining Recreation Reserve (R46146) Lot 63 and a portion of Lot 64. The approved TPP shall be implemented before any of the substantive development is commenced and shall be retained throughout the development period until such time as all equipment, machinery and surplus materials have been removed from the site. Within any vegetation areas identified to be protected with fencing, nothing shall be stored or placed, and the ground levels shall not be altered.

**Dale Page**  
Presiding Member, Regional DAP



- 3.7 Lighting Management Plan consistent with the 'dark sky principles' and the requirements of *Australian Standard AS 4282—2023 Control of the obtrusive effects of outdoor lighting*, including no use of flood lights and not causing light emissions off site.
- 3.8 A legal agreement between the owner and the City being entered into, at the full cost of the applicant/owner, by which the owner covenants to comply with the Maintenance Agreement for Reserve 46146 Lot 63 and a portion of Lot 64, and to indemnify the City in relation to any claim for loss or damage made against the City by any person where the owner (or its successors in title) fails to do so, such covenants are to be secured by a charge against the lot and a caveat registered against the title to the lot.

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

4. The development hereby approved shall not be occupied, or used, until all plans, details or works required by Conditions 2 and 3 have been implemented; and the following conditions have been complied with to the satisfaction of the City –
  - 4.1 Notification in the form of a section 70A notification, pursuant to the *Transfer of Land Act 1893* (as amended) is to be placed on the Certificate of Title of Lot 173 PLAN 247422 advising the following:

*“This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner. The approval of the Caravan Park (8 Chalets, Office/Check-in and Car Parking) is conditional upon the details contained within the Bushfire Management Plan (BMP) prepared by Ecosystem Solutions (Revision D) dated 3 February 2025 and the accompanying Bushfire Emergency Plan (BEP).”*

*“VULNERABLE COASTAL AREA – This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years from the date this notification is registered.”*

A copy of the Certificate of Title with the section 70A notification registered against it, or Landgate lodgement receipt, is to be provided to the City.
  - 4.2 All vehicle parking, access ways, footpaths and external lighting shall be constructed to a minimum standard in accordance with the *Australian Standard for Parking Facilities - Off-Street Car Parking (AS 2890.1)* and shall be developed in the form and layout depicted on the approved plans to the satisfaction of the City.
  - 4.3 Accessible car parking and access shall be provided and designed in accordance with the *Australian Standard for Parking Facilities - Off-Street Car Parking for people with disabilities (AS 2890.6)*.

**Dale Page**  
Presiding Member, Regional DAP



- 4.4 Details of the proposed bicycle parking facilities. The details shall include, as a minimum, the location, design and materials to be used in their construction.
- 4.5 Arrangements to provide public art works within the development site. This entails compliance with the Percent for Art provisions of the City's Development Contribution Policy via appropriate works up to a minimum value of 1% of the Estimated Cost of Development ("ECD").

#### **On-going Conditions:**

5. The works undertaken to satisfy Conditions 2, 3 and 4 shall be subsequently maintained for the life of the development and the following conditions shall be complied with:
  - 5.1 The Bushfire Management Plan prepared by Ecosystem Solutions (Revision D) dated 3 February 2025 shall be implemented and maintained in accordance with the approval details and any recommendations therein.
  - 5.2 Landscaping and reticulation shall be maintained in accordance with the approved Landscaping Plan to the satisfaction of the City. Unless otherwise first agreed in writing, any trees or plants which, within a period of five years from first planting, are removed, die or, are assessed by the City as being seriously damaged, shall be replaced within the next available planting season with others of the same species, size and number as originally approved.
  - 5.3 The lighting detailed within the Approved Lighting Management Plan shall be subsequently maintained for the life of the development.

#### **Advice Notes**

1. If the applicant and/or owner are aggrieved by this decision, there may also be a right of review under the provisions of Part 14 of the *Planning and Development Act 2005*. A review must be lodged with the State Administrative Tribunal, and must be lodged within 28 days of the decision being made.
2. This Decision Notice grants development approval to the development the subject of this application. It cannot be construed as granting development approval for any other structure shown on the Approved Development Plans, which was not specifically included in this application.
3. For the purposes of this condition, the term "substantially commenced" has the meaning given to it in the *Planning and Development (Local Planning Schemes) Regulations 2015* as amended from time to time. Please note it is the responsibility of the applicant / owner to ensure that this development approval remains current and does not lapse.

**Dale Page**  
Presiding Member, Regional DAP



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's adopted *Crossover Policy and Vehicle Crossovers Technical Specification*.
6. You are advised that the definition to the northern site boundary is intended to demarcate the boundary between private land and public reserve. It is not intended or expected that pedestrian access is restricted through installation of a physical barrier.
7. In relation to the lodgement of a Section 70A, a notification can be pre-filled out via [Landgate's website](#) and needs to be submitted to the City for execution in its 'true form'- it must be an original copy with ink signatures, printed on double sides. You may either post the notification to the City or submit it in person. The Notification will be signed by the City's CEO and Mayor and have the Common Seal affixed. You will be notified once the document has been executed and may choose to come and collect or request it be posted. You must then lodge the document with Landgate (Perth office), and you will be given a receipt for the lodgement. A copy of the receipt provided by you to the City will clear your condition requiring a Section 70A notification.
8. A clearing permit may be required from the Department of Water and Environment Regulation, unless the clearing is exempt in accordance with Schedule 6 of the *Environmental Protection Act 1986*. It is the applicant's responsibility to ensure that they have the necessary approvals in place before they commence development and penalties apply under the *Environmental Protection Act 1986* for clearing without a permit where an exemption does not apply. You will be required to contact the Department of Water and Environment Regulation on 9724 6109 and speak with the Native Clearing branch to confirm your obligations under this Act.

**Dale Page**  
Presiding Member, Regional DAP



9. You are advised *Agonis flexuosa* (WA Peppermint Trees) provide key habitat for the endangered Western Ringtail Possum. The Western Ringtail Possum, and their habitat, are awarded protection under the *Biodiversity Conservation Act 2016* and you may face penalties for destroying their habitat and/or disturbing (including relocating or causing harm/death) a Western Ringtail Possum without the necessary approvals. A section 40 ministerial authorisation to take or disturb threatened fauna under the *Biodiversity Conservation Act 2016* is to be obtained prior to clearing occurring. A certified and / or registered fauna handler is required to be present during the removal of vegetation. The Handler is to provide a post clearing report to DBCA [speciesandcommunities@dbca.wa.gov.au](mailto:speciesandcommunities@dbca.wa.gov.au) that includes the numbers of adult or juvenile western ringtail possums observed, taken or disturbed, any injuries or fatalities, and the location of the fauna after clearing has occurred.
10. You are advised that the lighting plan shall deal with sensible timed management of lighting and demonstrate adequate design and management so there will be no impact on the amenity of neighbouring properties and the area in general.
11. You are advised to have regard for the maximum light level permitted to be emitted into the relevant portion of the environment (including impact on surrounding properties (*Environmental Protection Act 1986*)).
12. Applicants are encouraged to review the *Percent for Art Policy Step by Step Guide for Developers* which can be viewed on the City's website at [www.busselton.wa.gov.au](http://www.busselton.wa.gov.au) and liaise with the City's Cultural Planning Officer at the earliest possible opportunity.
13. The Estimated Cost of Development shall be to the satisfaction of the City and based on demonstrated contract values or estimates provided by a quantity surveyor, with such contract or estimates being no more than 3 months old at the time of calculation of the payment amount, and if such information is more than 3 months old, the Estimated Cost of Development shall be indexed to the general construction industry index for Western Australia.
14. Consideration may be given by the City to artwork recently installed on the development site (at the volition of the landowner) as a method to partially satisfy condition/s related to provision of public artwork within the development site.

**Dale Page**  
Presiding Member, Regional DAP





## AMENDING MOTION 1

**Moved by:** Cr Anne Ryan

**Seconded by:** Cr Kate Cox

That Condition No.4.5 and Advice Notes 12, 13 and 14 be deleted, and the remaining conditions and advice notes be renumbered accordingly.

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

**REASON:** It was not considered reasonable to require further contribution for public art, given the works propose to replace ageing facilities and do not represent an entirely new development. There was concern that applying the requirement to replacement of facilities could be a disincentive to upgrades and improvements.

## AMENDING MOTION 2

**Moved by:** Clayton Higham

**Seconded by:** Cr Anne Ryan

That Advice Note No.10 be amended to read as follows:

*You are advised that the lighting plan shall deal with ~~sensible~~ **appropriate** timed management of lighting **in regard to the security needs and any potential amenity issues** and demonstrate adequate design and management so there will be no impact on the amenity of neighbouring properties and the area in general.*

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

**REASON:** The word 'sensible' was considered unnecessary, ambiguous and open to interpretation.

## REPORT RECOMMENDATION (AS AMENDED)

That the Regional DAP resolves to:

1. **Approve** DAP Application reference DAP/24/02772 and accompanying plans (SK100 Rev B, SK101 Rev B, SK102 Rev B, SK103 Rev A, SK104 Rev B, SK105 Rev B, SK200 Rev A, SK201 Rev B, SK202 Rev B) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Busselton Local Planning Scheme No. 21, subject to the following conditions:

### General Conditions

1. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

**Dale Page**  
Presiding Member, Regional DAP



2. The development hereby approved shall be undertaken in accordance with the Approval Development Plans (SK100 Rev B, SK101 Rev B, SK102 Rev B, SK103 Rev A, SK104 Rev B, SK105 Rev B, SK200 Rev A, SK201 Rev B, SK202 Rev B), including any notes placed thereon in red, except as may be modified by the following conditions.

**Prior to Commencement of Any Works Conditions:**

3. The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details have been submitted to the City and have been approved in writing:
  - 3.1 A Construction Management Plan (CMP). The CMP shall address the following:
    - 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, air and dust management;
    - f) dilapidation reports of nearby properties;
    - g) traffic, access and parking management;
    - h) waste management;
    - i) sanitary facilities;
    - j) earthworks, excavation, land retention/piling methods and associated matters;
    - k) stormwater and sediment control;
    - l) street tree management and protection; and
  - 3.2 Details of the design, construction, sealing, drainage and marking of the parking area(s) and driveway(s) as indicated on the Approved Plans in accordance with the *Australian Standard for Parking Facilities-Off-street car parking (AS 2890.1)*.
  - 3.3 Details of stormwater and surface water drainage. Stormwater to be retained for use and/or infiltration within the lot at a rate of 1m<sup>3</sup> per 40m<sup>2</sup> of roofed and impervious area.

**Dale Page**  
Presiding Member, Regional DAP



- 3.4 Engineering drawings and specifications are to be submitted, approved, and road upgrade works to Mandalay Entrance undertaken in accordance with the approved development plans, engineering drawings and specifications and such road(s) are constructed and drained at the developer/applicant's cost.
- 3.5 A Landscape Plan (LP). The LP shall include the following:
- a) the location and species of all trees to be removed and/or retained;
  - b) details of the method to provide definition to the northern site boundary with Reserve (R46146) Lot 63 and a portion of Lot 64 adjoining the development site;
  - c) the location and type of reticulation to be installed;
  - d) the location and type of paving to be installed;
  - e) a plant schedule nominating species, planting distances, numbers, planting sizes, together with the anticipated height of each plant at maturity;
  - f) any adjoining road verges; and
  - g) If the development is to be completed in stages the landscaping plan shall detail which portions of the landscaping is to be installed upon the completion of each stage.
- 3.6 A Tree Protection Plan (TPP) prepared in accordance with *Australian Standard AS 4970-2009 Protection of trees on development sites* for the trees to be retained on the site, adjoining road reserves and for vegetation within the adjoining Recreation Reserve (R46146) Lot 63 and a portion of Lot 64. The approved TPP shall be implemented before any of the substantive development is commenced and shall be retained throughout the development period until such time as all equipment, machinery and surplus materials have been removed from the site. Within any vegetation areas identified to be protected with fencing, nothing shall be stored or placed, and the ground levels shall not be altered.
- 3.7 Lighting Management Plan consistent with the 'dark sky principles' and the requirements of *Australian Standard AS 4282—2023 Control of the obtrusive effects of outdoor lighting*, including no use of flood lights and not causing light emissions off site.
- 3.8 A legal agreement between the owner and the City being entered into, at the full cost of the applicant/owner, by which the owner covenants to comply with the Maintenance Agreement for Reserve 46146 Lot 63 and a portion of Lot 64, and to indemnify the City in relation to any claim for loss or damage made against the City by any person where the owner (or its successors in title) fails to do so, such covenants are to be secured by a charge against the lot and a caveat registered against the title to the lot.

**Dale Page**  
Presiding Member, Regional DAP



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

4. The development hereby approved shall not be occupied, or used, until all plans, details or works required by Conditions 2 and 3 have been implemented; and the following conditions have been complied with to the satisfaction of the City –
  - 4.1 Notification in the form of a section 70A notification, pursuant to the *Transfer of Land Act 1893* (as amended) is to be placed on the Certificate of Title of Lot 173 PLAN 247422 advising the following:

*“This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner. The approval of the Caravan Park (8 Chalets, Office/Check-in and Car Parking) is conditional upon the details contained within the Bushfire Management Plan (BMP) prepared by Ecosystem Solutions (Revision D) dated 3 February 2025 and the accompanying Bushfire Emergency Plan (BEP).”*

*“VULNERABLE COASTAL AREA – This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years from the date this notification is registered.”*

A copy of the Certificate of Title with the section 70A notification registered against it, or Landgate lodgement receipt, is to be provided to the City.
  - 4.2 All vehicle parking, access ways, footpaths and external lighting shall be constructed to a minimum standard in accordance with the *Australian Standard for Parking Facilities - Off-Street Car Parking (AS 2890.1)* and shall be developed in the form and layout depicted on the approved plans to the satisfaction of the City.
  - 4.3 Accessible car parking and access shall be provided and designed in accordance with the *Australian Standard for Parking Facilities - Off-Street Car Parking for people with disabilities (AS 2890.6)*.
  - 4.4 Details of the proposed bicycle parking facilities. The details shall include, as a minimum, the location, design and materials to be used in their construction.

**On-going Conditions:**

5. The works undertaken to satisfy Conditions 2, 3 and 4 shall be subsequently maintained for the life of the development and the following conditions shall be complied with:
  - 5.1 The Bushfire Management Plan prepared by Ecosystem Solutions (Revision D) dated 3 February 2025 shall be implemented and maintained in accordance with the approval details and any recommendations therein.

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Presiding Member, Regional DAP



- 5.2 Landscaping and reticulation shall be maintained in accordance with the approved Landscaping Plan to the satisfaction of the City. Unless otherwise first agreed in writing, any trees or plants which, within a period of five years from first planting, are removed, die or, are assessed by the City as being seriously damaged, shall be replaced within the next available planting season with others of the same species, size and number as originally approved.
- 5.3 The lighting detailed within the Approved Lighting Management Plan shall be subsequently maintained for the life of the development.

### Advice Notes

1. If the applicant and/or owner are aggrieved by this decision, there may also be a right of review under the provisions of Part 14 of the *Planning and Development Act 2005*. A review must be lodged with the State Administrative Tribunal, and must be lodged within 28 days of the decision being made.
2. This Decision Notice grants development approval to the development the subject of this application. It cannot be construed as granting development approval for any other structure shown on the Approved Development Plans, which was not specifically included in this application.
3. For the purposes of this condition, the term “substantially commenced” has the meaning given to it in the *Planning and Development (Local Planning Schemes) Regulations 2015* as amended from time to time. Please note it is the responsibility of the applicant / owner to ensure that this development approval remains current and does not lapse.
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's adopted *Crossover Policy and Vehicle Crossovers Technical Specification*.
6. You are advised that the definition to the northern site boundary is intended to demarcate the boundary between private land and public reserve. It is not intended or expected that pedestrian access is restricted through installation of a physical barrier.

**Dale Page**  
Presiding Member, Regional DAP



7. In relation to the lodgement of a Section 70A, a notification can be pre-filled out via [Landgate's website](#) and needs to be submitted to the City for execution in its 'true form' - it must be an original copy with ink signatures, printed on double sides. You may either post the notification to the City or submit it in person. The Notification will be signed by the City's CEO and Mayor and have the Common Seal affixed. You will be notified once the document has been executed and may choose to come and collect or request it be posted. You must then lodge the document with Landgate (Perth office), and you will be given a receipt for the lodgement. A copy of the receipt provided by you to the City will clear your condition requiring a Section 70A notification.
8. A clearing permit may be required from the Department of Water and Environment Regulation, unless the clearing is exempt in accordance with Schedule 6 of the *Environmental Protection Act 1986*. It is the applicant's responsibility to ensure that they have the necessary approvals in place before they commence development and penalties apply under the *Environmental Protection Act 1986* for clearing without a permit where an exemption does not apply. You will be required to contact the Department of Water and Environment Regulation on 9724 6109 and speak with the Native Clearing branch to confirm your obligations under this Act.
9. You are advised *Agonis flexuosa* (WA Peppermint Trees) provide key habitat for the endangered Western Ringtail Possum. The Western Ringtail Possum, and their habitat, are awarded protection under the *Biodiversity Conservation Act 2016* and you may face penalties for destroying their habitat and/or disturbing (including relocating or causing harm/death) a Western Ringtail Possum without the necessary approvals. A section 40 ministerial authorisation to take or disturb threatened fauna under the *Biodiversity Conservation Act 2016* is to be obtained prior to clearing occurring. A certified and / or registered fauna handler is required to be present during the removal of vegetation. The Handler is to provide a post clearing report to DBCA [speciesandcommunities@dbca.wa.gov.au](mailto:speciesandcommunities@dbca.wa.gov.au) that includes the numbers of adult or juvenile western ringtail possums observed, taken or disturbed, any injuries or fatalities, and the location of the fauna after clearing has occurred.
10. You are advised that the lighting plan shall deal with appropriate timed management of lighting regarding the security needs and any potential amenity issues and demonstrate adequate design and management so there will be no impact on the amenity of neighbouring properties and the area in general.
11. You are advised to have regard for the maximum light level permitted to be emitted into the relevant portion of the environment (including impact on surrounding properties (*Environmental Protection Act 1986*)).

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

**Dale Page**  
Presiding Member, Regional DAP



**REASON:** The proposed changes have no negative impact on the surrounding area and only serve to enhance the amenity of the site and the development as viewed from the street and the beachfront. No public submissions were received, the DBCA didn't raise any issues of significance and the issues raised by DFES initially have been responded to by an updated Bushfire Management Plan. In addition, the applicant made changes to address the AHD requirements of the City's CHRMP for the area, despite the CHRMP currently being a guiding document only, and not a statutory one.

**4. Form 2 DAP Applications**

Nil.

**5. Section 31 SAT Reconsiderations**

Nil.

A handwritten signature in black ink, appearing to read 'Dale Page'.

**Dale Page**  
Presiding Member, Regional DAP



## PART D – OTHER BUSINESS

### 1. State Administrative Tribunal Applications and Supreme Court Appeals

The DAP noted the status of the following State Administrative Tribunal Applications and Supreme Court Appeals:

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DP/14/00039 DR65/2020	Shire of York	Lots 4869 (2256), 5931, 9926 (2948) and 26934 Great Southern Highway, St Ronans	Construction and Use of Allawuna Farm for the purposes of a Class II Landfill	28 July 2020
DAP/21/02063 DR241/2021	Shire of Dardanup	Lot 2 Banksia Road, Crooked Brook	Cleanaway Dardanup Landfill Facility	5 November 2021
DAP/24/02737	Town of Port Hedland	Lot 601, Portion of Lot 604, Lot 300 and Portion of Road Reserve Parola Court, South Hedland	Mixed-Use Development	13 December 2024
DAP/24/02681 DR/199/2024	Shire of Capel	Lot 287 South Western Highway, Gwindinup	Sand Gravel Extraction	23 December 2024

### 2. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 11:07am.

**Dale Page**  
Presiding Member, Regional DAP