



Regional Joint Development Assessment Panel Minutes

Meeting Date and Time: Wednesday, 21 April 2021; 1pm
Meeting Number: RJDAP/23
Meeting Venue: City of Bunbury
4 Stephen Street, Bunbury

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Attendance

DAP Members

Ms Francesca Lefante (Presiding Member)
Ms Lindsay Baxter (A/Deputy Presiding Member)
Mr John Syme (A/Third Specialist Member)
Cr Todd Brown (Local Government Member, City of Bunbury)
Cr Betty McCleary (Local Government Member, City of Bunbury)

Officers in attendance

Ms Barbara Macaulay (City of Bunbury)
Mr Anthony Pick (City of Bunbury)
Ms Alice Baldock (City of Bunbury)
Mr Gary Barbour (City of Bunbury)

Minute Secretary

Ms Shandelle Evans (City of Bunbury)

Applicants and Submitters

Mr Jim Litis (Primewest)
Mr Todd Doepel (Primewest)
Mr Jorrit Muller (Primewest)
Mr Fernando Faugno (Cox Architecture)
Mr Andreas Wang (Cardno)
Mr Scott Vincent (Planning Solutions)
Ms Lyn van Nierop (Bunbury Women's Club)
Ms Marina Quain

Members of the Public / Media

There were 5 members of the public in attendance

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 1.01pm on 21 April 2021 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

Due to the conflict of interest of the Presiding Member and the Deputy Presiding Member, Ms Francesca Lefante has been appointed as Presiding Member for this meeting in accordance with regulation 27(3A) of the *Planning and Development (Development Assessment Panel) Regulations 2011*.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2020 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

Ms Francesca Lefante
Presiding Member, Regional JDAP



1.1 Announcements by Presiding Member

The Presiding Member advised that the meeting is being audio recorded in accordance with Section 5.16 of the DAP Standing Orders 2020 which states '*A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.*' The Presiding Member granted permission for the minute taker to record proceedings for the purpose of the minutes only.

2. Apologies

Mr Paul Kotsoglo (Presiding Member)
Ms Kanella Hope (Deputy Presiding Member)
Mr Tony Arias (A/Deputy Presiding Member)
Mr Justin Page (Third 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

The Presiding Member noted that an addendum to the agenda was published to include details of a DAP direction for further information and responsible authority response in relation to Item 8.1, received on 15 and 19 April 2021

All members declared that they had duly considered the documents.

6. Disclosure of Interests

DAP Member, Mr Paul Kotsoglo, declared a Pecuniary Interest in item 8.1. Mr Kotsoglo is the managing director of Planning Solutions, the applicant for this application.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member, Ms Francesca Lefante, determined that the member listed above, who had disclosed a Pecuniary Interest, was not permitted to participate in the discussion and voting on the item.

DAP Member, Ms Kanella Hope, declared an Impartiality Interest in item 8.1. Ms Hope lives in Bunbury and frequents the Bunbury CBD where this development is located. Ms Hope lodged a submission against the application with the City of Bunbury after reviewing the application during the City's consultation period.



DAP Member, Mr Justin Page, declared an Indirect Pecuniary Interest in item 8.1. Mr Page's employer (Element Advisory) has been appointed by City of Bunbury (a co-landowner of this application) to complete the City of Bunbury Heritage Strategy. Element also offered its heritage consulting services to Crestway Nominees Pty Ltd (landowner).

DAP Member, Mr Tony Arias, declared an Impartiality Interest in item 8.1. Mr Arias is a share holder in a Trust that owns land within the Bunbury CBD, located within 1 kilometre of the land subject of the development application.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member, Ms Francesca Lefante, determined that the members listed above, who had disclosed an Impartiality Interest, were not permitted to participate in the discussion and voting on the item.

7. Deputations and Presentations

- 7.1** Ms Marina Quain addressed the DAP against the recommendation for the application at Item 8.1
- 7.2** Ms Lyn van Nierop (Bunbury Women's Club) addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.3** Mr Jim Litis (Primewest) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.4** Mr Fernando Faugno (Cox Architecture) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.5** Mr Scott Vincent (Planning Solutions) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.6** City of Bunbury officers, Gary Barbour and Anthony Pick, responded to questions from the panel in relation to the application at Item 8.1



8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 20 (#22) Stephen Street Bunbury; Lot 74 (#60) Blair Street Bunbury; Lot 856 Haley Street, Bunbury

Development Description: Proposed Four Storey Office Development
Applicant: Planning Solutions
Owner: Crestway Nominees Pty Ltd
Crown M/O City of Bunbury
Responsible Authority: City of Bunbury
DAP File No: DAP/21/01934

REPORT RECOMMENDATION

Moved by: Cr Todd Brown

Seconded by: Cr Betty McCleary

That the Regional JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/21/01934 is appropriate for consideration as an “Office” land use and is compatible with the objectives of the zoning table in accordance with Clause 16 of the City of Bunbury Local Planning Scheme No. 8 and the purpose of the Regional Centre zone under clause 12(c) of the Greater Bunbury Region Scheme.
2. **Approve** DAP Application reference DAP/21/01934 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the provisions the City of Bunbury Local Planning Scheme No. 8 and the Greater Bunbury Region Scheme, subject to the following conditions:

Conditions

General

1. This decision constitutes development approval only and is valid for a period of 3 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. All development shall be in accordance with the approved development plans (attached) which form part of this development approval.
3. At all times, the development the subject of this approval must comply with the land use definition of ‘Office’ or ‘Civic Use’ as contained in Part 6, Division 2 of the City of Bunbury Local Planning Scheme No. 8.
4. All works required to satisfy a condition of this approval are required to be installed / constructed and maintained in accordance with the approved plans and conditions of approval for the life of the development.



Construction Management

5. Before the development is commenced, a Construction Management Plan (CMP) is to be submitted for approval to the specifications and satisfaction of the City of Bunbury. The CMP must address the following issues, where applicable:
 - a. public safety and amenity;
 - b. site plan and security;
 - c. contact details of essential site personnel, construction period and operating hours
 - d. community information, consultation and complaints management plan;
 - e. noise, vibration and dust management;
 - f. dilapidation reports of nearby properties (including Bunbury Women's Club and Bunbury Museum) and City of Bunbury assets;
 - g. traffic, access and parking management;
 - h. waste management and materials re-use and/or recycling;
 - i. earthworks, excavation, land retention / piling and associated matters;
 - j. contamination risks;
 - k. storm water and sediment control;
 - l. street tree management and protection; and
 - m. any other matters deemed appropriate by the local government.

The approved CMP must be complied with at all times during the construction of the development.

6. Before construction of the development commences, a damage bond to the value of \$50,000 shall be paid to the City of Bunbury in accordance with the City of Bunbury's Local Planning Policy: Bonds.
7. Before the development is occupied, any alterations, relocation and/or damage of existing infrastructure within the road reserve shall be completed and/or reinstated to the specification and satisfaction of the City of Bunbury.

Building Design and Appearance

8. Before commencement of development, scaled plans and revised elevations of the office building shall be submitted for the approval of the City of Bunbury which reflects the amendments referred to in email dated 1 April 2021 and identified on site plan – reference SK-04 Rev 5. Development shall generally be carried out in accordance with the approved details.
9. Before commencement of development, a schedule of external materials, textures, colours and finishes shall be submitted to and approved by the City of Bunbury. Development shall be carried out in accordance with the approved details unless any variation is agreed in writing by the City of Bunbury.
10. Before commencement of development, the applicant shall submit amended plans to the satisfaction of the City of Bunbury detailing the extension of the proposed awning over the Prinsep Street footpath, adjacent to the building, and wrapping around the building to the proposed entrance. The revised awning shall be constructed in accordance with the approved details prior to the occupation of the building.



11. Prior to the submission of a building permit, a public art concept for the subject development, including but not limited to the large blank wall to the rear (south elevation) and providing visual interest along Prinsep Street, shall be submitted to and approved in writing by the City of Bunbury. The approved public art concept shall be implemented within six months of the completion of the building and maintained thereafter to the satisfaction of the City of Bunbury.
12. Prior to the occupation of the development, the applicant shall submit to the City of Bunbury a lighting strategy integral to the building design for the external lighting up of the building, as part of creating a vibrant streetscape in the Bunbury CBD. The external lighting of the building shall be carried out in accordance with the approved details.
13. The ground floor of the office development shall incorporate clear glazing or visually permeable surfaces for a minimum of 50% of the building frontage along Prinsep Street and where adjacent to public areas in order to provide activation and passive surveillance.
14. Prior to commencement, revised plans shall be submitted that review measures for reducing anti-social behaviour in relation to the area referred to as the 'plaza' in accordance with CPTED principles. Development shall be carried out in accordance with the approved details.
15. The boundary (parapet) wall adjoining Lot 10 (#19 Prinsep Street), including footings and associated structures, shall be constructed wholly within the lot boundaries and finished to a quality finish and professional standard, to the satisfaction of the City of Bunbury.

Heritage

16. Prior to the lodgement of a building permit, the following shall be submitted to and approved by the City of Bunbury:
 - a. A dilapidation survey prepared by a structural engineer of the Bunbury Women's Club. The survey must include, but not be limited to, an investigation of the building's footings and internal cracking. Underpinning or other forms of remediation may be required prior to the commencement of works.
 - b. A Construction Management Plan detailing the potential impacts of the proposed development on the adjacent Bunbury Women's Club. The Plan must include protection and monitoring methods, including for vibration, for Bunbury Women's Club.
 - c. A final Stormwater Site Plan for the proposed development that clearly demonstrates proposed measures to direct stormwater runoff away from the adjacent Bunbury Women's Club.
 - d. A Landscape Plan that integrates interpretation of the history of the development site as the grounds to the adjacent Bunbury Women's Club.
 - e. An external material and colours schedule that considers interpretation of the history of the site and its association with the adjacent Bunbury Women's Club.



- f. Due to the site's archaeological potential to yield information about the design and use of the building and building materials and construction at Bunbury in the mid-to-late nineteenth century, an Archaeological Management Strategy shall be prepared by a suitably qualified historical archaeologist.

Note: The information required to satisfy the above requirements will be referred to the State Heritage Office for advice.

Sustainability

17. The development is to achieve a minimum 4 Star - Green Star certification rating. At the building permit stage, the applicant is to submit a sustainability report confirming the final green star strategy that will guide the construction stage and demonstrate a minimum 4 Star Green Star sustainable design rating is to be achieved.

Landscaping

18. Before commencement of development, the applicant shall submit amended plans to the satisfaction of the City of Bunbury detailing the removal of car parking bays adjacent to Stephen Street, in order to provide a high-quality landscaping / Water Sensitive Urban Design, to screen the car parking bays and provide an appropriate interface with the street.

The dual landscaped / drainage areas shall be planted, established and reticulated in accordance with the endorsed Landscape Plan. These areas must be maintained as landscaped areas at all times and to the satisfaction of the City of Bunbury.

19. Before construction of the development commences, a comprehensive Landscape Plan, addressing both on site landscaping provision and interface with the public realm, shall be submitted to the specifications and satisfaction of the City of Bunbury. The Landscape Plan shall address the following:
 - a. a site plan of existing and proposed development with natural and finished ground levels;
 - b. Integration with the City of Bunbury proposed streetscape works on Haley Street and Prinsep Street;
 - c. dual use drainage function areas;
 - d. the location, species and size of existing vegetation, including details of any landscaping to be removed;
 - e. the species, location and number of proposed specimens to be planted;
 - f. a key or legend detailing proposed species type grouped under the subheadings of tree, shrub and ground cover;
 - g. details of mulching or similar treatments of garden beds including hedges;
 - h. details of reticulation of landscaped areas including the source of the water supply and proposed responsibility for maintenance;
 - i. details of treatment of paved areas (parking and pedestrian areas);
 - j. details of screening of car parking areas and provision of shade trees;
 - k. details of fence material, height and treatment; and
 - l. phasing of the landscape works.



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

20. The Norfolk Pine (identified on the legend as H on the landscaping plan) and tree marked for removal in the south east corner of the site (as shown on the Civil Plans) shall be retained. All trees to be retained shall be protected in accordance with AS4970:2009 'Protection of Trees on Development Sites'.

Access and Parking

21. Before construction of the development commences, detailed car park design plans for all vehicle access/egress, car parking, bicycle and pedestrian movement requirements and trolley bay provision shall be prepared and submitted to the City of Bunbury in accordance with the relevant Australian Standards, Austroad Guidelines and the City of Bunbury's Local Planning Policy: Access and Parking for Pedestrians, Bicycles and Vehicles. Development shall be carried out in accordance with the approved details and specifications to the satisfaction of the City of Bunbury prior to occupation of the office building.
22. Before the development is occupied, the following requirements relating to access and car parking must be completed:
 - a. car parking bays provided in accordance with the approved plans, including car parking bays identified for the exclusive use of disabled persons in accordance with AS/NZS2890.6:2009;
 - b. the car park(s) to be constructed, kerbed, graded, drained and finished with a sealed or paved surface, in accordance with the approved detailed car park design plans;
 - c. line marking and parking signage must be installed, in accordance with the approved detailed car park design plans; and,
 - d. lighting installed to pedestrian accessways and parking areas, in accordance with the approved detailed car park design plans.

All car parking areas must comply with the above requirements for the duration of the development.

23. The car parking bays sited to the rear of the Bunbury Women's Club are to be for staff parking and official visitors only. Signage or marking of bays shall identify the bays for this purpose only and not general public parking.
24. The maximum size of vehicle using the accessway at Lot 66 Prinsep Street is limited to a Medium Rigid Vehicle (MRV) up to 8.8m in length.
25. Details of fencing or other means of enclosure shall be submitted for the approval of the City of Bunbury to restrict public access from land identified as 'future development site' through Lot 66 Prinsep Street. Development shall be carried out in accordance with the approved details prior to the occupation of the office building.



26. Before the development is occupied, 29 staff bicycle parking spaces and end-of-trip facilities, including a minimum of three male and three female showers, and thirty secure lockers, are to be provided in accordance with the City of Bunbury's Local Planning Policy: Access & Parking for Pedestrians, Bicycles and Vehicles.
27. A minimum of 6 bicycle bays identified to be located on-street shall be provided to the satisfaction and specification of the City of Bunbury prior to occupation of the development.

Flooding / Stormwater Management

28. The subject land is situated on the Preston River Flood Plain and is susceptible to flooding. Building construction shall have a minimum finished floor level of 2.1m AHD.
29. Before construction of the development commences, a Stormwater and Drainage Management Plan, prepared in accordance with the Department for Water's Stormwater Management Manual, shall be submitted for approval to the specifications and satisfaction of the City of Bunbury. The Stormwater and Drainage Management Plan will determine the drainage infrastructure required supporting the development and as a minimum it must address the following matters:
 - a. proposed development;
 - b. storm events to be managed;
 - c. onsite-retention for 1:1 year events;
 - d. onsite-detention for 1:5 year events;
 - e. overland flow path for larger events, including a 1:100 year flood;
 - f. effect of groundwater;
 - g. application of water sensitive urban design principles;
 - h. standard of water quality;
 - i. pollution control devices;
 - j. protection of adjacent / nearby waterways and wetlands; and
 - k. conclusions / recommendations.

Before the development is occupied, the recommendations of the approved Stormwater and Drainage Management Plan must be constructed and implemented to the satisfaction of the City of Bunbury.

Waste Management Plan

30. Waste Management shall operate in accordance with endorsed Operational Waste Management Plan, prepared by Talis (December 2020) to the satisfaction of the City of Bunbury and as amended with reference to the restriction on size of vehicles (MRV) in order that vehicles are able to access and egress the site in forward gear.



Amalgamation

31. Prior to occupancy of the development, the following land parcels Lot 20 Stephen Street; Lot 74 Blair Street; and, Lot 856 Haley Street, Bunbury shall be amalgamated into one certificate of title, with the new title issued and a copy of the new title provided to the satisfaction of the City of Bunbury.

Or, alternatively and prior to occupation, the land owner shall enter into a legal agreement with the City of Bunbury to secure the amalgamation of the subject land parcels into one certificate of title within a specified time frame and in accordance with the above realignment clause. The legal agreement must be at the full cost of the landowner, to the specification of the City's solicitor and to the satisfaction of the City of Bunbury.

Advice Notes

1. Under r.42(3) of the Heritage Regulations 2019, a copy of the determination notice is to be provided to the Department of Planning Lands & Heritage (Heritage Council) within 10 days after making the decision.
2. This is a development approval only. The applicant/owner is advised that it is their responsibility to ensure that the proposed development complies with all other applicable legislation, local laws and/or license requirements that may relate to the development.
3. The applicant is advised that in accordance with clause 4.2 of the Notice of Exemption from Planning Requirements During a State of Emergency issued by the Minister for Planning under clause 78H of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* on 8 April 2020, the timeframe for the substantial commencement of works associated with this approval is extended by two years from the expiry date stated in the conditions of approval.
4. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
5. The development is subject to the Building Act 2011, Building Regulations 2012 and Building Code of Australia. A separate building permit must be granted before the development commences, where offences occur statutory penalties apply. The applicant/owner is advised to liaise further with the City of Bunbury's Building Services on (08) 9792 7000.
6. The applicant / landowner is advised to engage with the owners of the Bunbury Women's Club regarding construction activities relating to the premises (Heritage Place No. 7166), ongoing maintenance in relation to the access at Lot 66 Prinsep Street and / or any agreed upgrades/improvements to the accessway. A copy of the Dilapidation report shall be provided to the Bunbury Women's Club.



7. The applicant is recommended to implement line-marking on Lot 66 (adjacent) to the Prinsep Street footpath that would seek to bring vehicles into the centre of the laneway on the approach to the footpath in order to maximise potential sight distance and, therefore, safety. It is acknowledged that the applicant doesn't own this land and will need to consult with the Women's club for approval.
8. With regards to the detailed car park design plans, the north car park is to generally have a one-way (clockwise) vehicle circulation on the outside aisle as discussed with Cardno on 6 April 2021.
9. With regards to the detailed car park design plans, six (6) bays are to be removed under the existing multi-storey car park to facilitate appropriate vehicle movements as generally shown in the applicants design response to the City dated 1 April 2021.
10. In relation to addressing the public art condition, the City invites the applicant to enter into early discussions in relation to the specifications of external materials as the treatment options can be integral to the success and options for delivering high quality and durable public art. Options may include window etching, murals, community art etc.
11. The construction of an awning over the footpath (Prinsep Street) provides the opportunity for additional landscaping within the proposed setback area. Details shall be submitted as part of the landscaping plan requirement.

AMENDING MOTION 1

Moved by: Mr John Syme

Seconded by: Cr Betty McCleary

That condition no. 10 be amended to read as follows

Before commencement of development, the applicant shall submit amended plans to the satisfaction of the City of Bunbury detailing the extension of the proposed awning ~~over the Prinsep Street footpath, adjacent to the building, and wrapping around the building to the proposed entrance.~~ The revised awning shall be constructed in accordance with the approved details prior to the occupation of the building.

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

For: Ms Francesca Lefante
Ms Lindsay Baxter
Mr John Syme
Cr Betty McCleary

Against: Cr Todd Brown

REASON: There is sufficient pedestrian cover provided by the awning proposed.

Ms Francesca Lefante
Presiding Member, Regional JDAP



AMENDING MOTION 2

Moved by: Mr John Syme

Seconded by: Cr Betty McCleary

The following amendments were made en bloc:

- (i) That condition no. 11 be amended to read as follows:

*Prior to the submission of a building permit **occupation** of the building, a public art concept for the subject development, including but not limited to the large blank wall to the rear (south elevation) and providing visual interest along Prinsep Street, shall be submitted to and approved in writing by the City of Bunbury. The approved public art concept shall be implemented within six months of the completion of the building and maintained thereafter to the satisfaction of the City of Bunbury.*

- (ii) That condition no. 13 be amended to read as follows:

*The ground floor of the office development shall incorporate **Ground floor glazing shall comprise** clear glazing or visually permeable surfaces for a minimum of 50% of the building frontage along Prinsep Street and where adjacent to public areas in order to provide activation and passive surveillance.*

- (iii) That condition no. 17 (now 18) be amended to read as follows:

*The development is to achieve a minimum 4 Star Green Star certification rating. At the building permit stage, the applicant is to submit a sustainability report confirming the final green star strategy that will guide the construction stage and demonstrate a minimum 4 Star Green Star **performance is to be achieved by an equivalency / self-assessed pathway.** sustainable design rating is to be achieved.*

- (iv) That condition no. 31 be amended to read as follows:

Prior to occupancy of the development, the following land parcels Lot 20 Stephen Street; Lot 74 Blair Street; and, Lot 856 Haley Street, Bunbury shall be amalgamated into one certificate of title, with the new title issued and a copy of the new title provided to the satisfaction of the City of Bunbury. Or, alternatively and prior to occupation, the land owner shall enter into a legal agreement with the City of Bunbury to secure the amalgamation of the subject land parcels into one certificate of title within a specified time frame and in accordance with the above realignment clause. The legal agreement must be at the full cost of the landowner, to the specification of the City's solicitor and to the satisfaction of the City of Bunbury.

A right of carriageway easement or similar arrangement to the satisfaction of the City of Bunbury shall be registered on the certificates of title of the land in order to secure a legal right of access to Lot 20 from the modified Prinsep Street roundabout, via Lots 74 and 856. The registration of such an easement of similar arrangement is to occur prior to occupation.

The Amending Motion was put and CARRIED UNANIMOUSLY

Ms Francesca Lefante
Presiding Member, Regional JDAP



REASON: The modifications provide clarity on the condition requirements and timeframes for compliance.

AMENDING MOTION 3

Moved by: Mr John Syme **Seconded by:** Cr Betty McCleary

That condition no. 14 be amended to read as follows:

~~*Prior to commencement, revised plans shall be submitted that review measures for reducing anti-social behaviour in relation to the area referred to as the 'plaza' in accordance with CPTED principles. Development shall be carried out in accordance with the approved details.*~~

Prior to building occupation, a safety and security management plan will be provided to the City which details the safety and security management measures to be implemented.

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

REASON: To complement the physical *Crime Prevention Through Environmental Design* (CPTED) measures which have already been proposed by the applicant in this modify design and addressed through Condition 8.

AMENDING MOTION 4

Moved by: Mr John Syme **Seconded by:** Ms Lindsay Baxter

That condition no. 16 (f) be deleted, added as a new condition 17 to read as follows and the remaining

Due to the site's archaeological potential to yield information about the design and use of the building and building materials and construction at Bunbury in the mid-to-late nineteenth century, an Archaeological Management Strategy for the Bunbury Women's Club building shall be prepared by a suitably qualified historical archaeologist, and submitted to / approved by the City of Bunbury prior to commencement of site works.

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

REASON: The modifications provide clarity on the condition requirements and timeframes for compliance



REPORT RECOMMENDATION (AS AMENDED)

Moved by: Cr Todd Brown

Seconded by: Cr Betty McCleary

That the Regional JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/21/01934 is appropriate for consideration as an "Office" land use and is compatible with the objectives of the zoning table in accordance with Clause 16 of the City of Bunbury Local Planning Scheme No. 8 and the purpose of the Regional Centre zone under clause 12(c) of the Greater Bunbury Region Scheme.
2. **Approve** DAP Application reference DAP/21/01934 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the provisions the City of Bunbury Local Planning Scheme No. 8 and the Greater Bunbury Region Scheme, subject to the following conditions:

Conditions

General

1. This decision constitutes development approval only and is valid for a period of 3 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. All development shall be in accordance with the approved development plans (attached) which form part of this development approval.
3. At all times, the development the subject of this approval must comply with the land use definition of 'Office' or 'Civic Use' as contained in Part 6, Division 2 of the City of Bunbury Local Planning Scheme No. 8.
4. All works required to satisfy a condition of this approval are required to be installed / constructed and maintained in accordance with the approved plans and conditions of approval for the life of the development.



Construction Management

5. Before the development is commenced, a Construction Management Plan (CMP) is to be submitted for approval to the specifications and satisfaction of the City of Bunbury. The CMP must address the following issues, where applicable:
 - n. public safety and amenity;
 - o. site plan and security;
 - p. contact details of essential site personnel, construction period and operating hours
 - q. community information, consultation and complaints management plan;
 - r. noise, vibration and dust management;
 - s. dilapidation reports of nearby properties (including Bunbury Women's Club and Bunbury Museum) and City of Bunbury assets;
 - t. traffic, access and parking management;
 - u. waste management and materials re-use and/or recycling;
 - v. earthworks, excavation, land retention / piling and associated matters;
 - w. contamination risks;
 - x. storm water and sediment control;
 - y. street tree management and protection; and
 - z. any other matters deemed appropriate by the local government.

The approved CMP must be complied with at all times during the construction of the development.

6. Before construction of the development commences, a damage bond to the value of \$50,000 shall be paid to the City of Bunbury in accordance with the City of Bunbury's Local Planning Policy: Bonds.
7. Before the development is occupied, any alterations, relocation and/or damage of existing infrastructure within the road reserve shall be completed and/or reinstated to the specification and satisfaction of the City of Bunbury.

Building Design and Appearance

8. Before commencement of development, scaled plans and revised elevations of the office building shall be submitted for the approval of the City of Bunbury which reflects the amendments referred to in email dated 1 April 2021 and identified on site plan – reference SK-04 Rev 5. Development shall generally be carried out in accordance with the approved details.
9. Before commencement of development, a schedule of external materials, textures, colours and finishes shall be submitted to and approved by the City of Bunbury. Development shall be carried out in accordance with the approved details unless any variation is agreed in writing by the City of Bunbury.
10. Before commencement of development, the applicant shall submit amended plans to the satisfaction of the City of Bunbury detailing the extension of the proposed awning wrapping around the building to the proposed entrance. The revised awning shall be constructed in accordance with the approved details prior to the occupation of the building.



11. Prior to occupation of the building, a public art concept for the subject development, including but not limited to the large blank wall to the rear (south elevation) and providing visual interest along Prinsep Street, shall be submitted to and approved in writing by the City of Bunbury. The approved public art concept shall be implemented within six months of the completion of the building and maintained thereafter to the satisfaction of the City of Bunbury.
12. Prior to the occupation of the development, the applicant shall submit to the City of Bunbury a lighting strategy integral to the building design for the external lighting up of the building, as part of creating a vibrant streetscape in the Bunbury CBD. The external lighting of the building shall be carried out in accordance with the approved details.
13. Ground floor glazing shall comprise clear or visually permeable in order to provide activation and passive surveillance.
14. Prior to building occupation, a safety and security management plan will be provided to the City which details the safety and security measures to be implemented.
15. The boundary (parapet) wall adjoining Lot 10 (#19 Prinsep Street), including footings and associated structures, shall be constructed wholly within the lot boundaries and finished to a quality finish and professional standard, to the satisfaction of the City of Bunbury.

Heritage

16. Prior to the lodgement of a building permit, the following shall be submitted to and approved by the City of Bunbury:
 - a. A dilapidation survey prepared by a structural engineer of the Bunbury Women's Club. The survey must include, but not be limited to, an investigation of the building's footings and internal cracking. Underpinning or other forms of remediation may be required prior to the commencement of works.
 - b. A Construction Management Plan detailing the potential impacts of the proposed development on the adjacent Bunbury Women's Club. The Plan must include protection and monitoring methods, including for vibration, for Bunbury Women's Club.
 - c. A final Stormwater Site Plan for the proposed development that clearly demonstrates proposed measures to direct stormwater runoff away from the adjacent Bunbury Women's Club.
 - d. A Landscape Plan that integrates interpretation of the history of the development site as the grounds to the adjacent Bunbury Women's Club.
 - e. An external material and colours schedule that considers interpretation of the history of the site and its association with the adjacent Bunbury Women's Club.



17. Due to the site's archaeological potential to yield information about the design and use of the building and building materials and construction at Bunbury in the mid-to-late nineteenth century, an Archaeological Management Strategy for the Bunbury Women's Club building shall be prepared by a suitably qualified historical archaeologist, and submitted to / approved by the City of Bunbury prior to commencement of site works.

Note: The information required to satisfy the above requirements will be referred to the State Heritage Office for advice.

Sustainability

18. At the building permit stage, the applicant is to submit a sustainability report demonstrating a minimum 4 Star Green Star performance is to be achieved by an equivalency / self-assessed pathway.

Landscaping

19. Before commencement of development, the applicant shall submit amended plans to the satisfaction of the City of Bunbury detailing the removal of car parking bays adjacent to Stephen Street, in order to provide a high-quality landscaping / Water Sensitive Urban Design, to screen the car parking bays and provide an appropriate interface with the street.

The dual landscaped / drainage areas shall be planted, established and reticulated in accordance with the endorsed Landscape Plan. These areas must be maintained as landscaped areas at all times and to the satisfaction of the City of Bunbury.

20. Before construction of the development commences, a comprehensive Landscape Plan, addressing both on site landscaping provision and interface with the public realm, shall be submitted to the specifications and satisfaction of the City of Bunbury. The Landscape Plan shall address the following:
 - a. a site plan of existing and proposed development with natural and finished ground levels;
 - b. Integration with the City of Bunbury proposed streetscape works on Haley Street and Prinsep Street;
 - c. dual use drainage function areas;
 - d. the location, species and size of existing vegetation, including details of any landscaping to be removed;
 - e. the species, location and number of proposed specimens to be planted;
 - f. a key or legend detailing proposed species type grouped under the subheadings of tree, shrub and ground cover;
 - g. details of mulching or similar treatments of garden beds including hedges;
 - h. details of reticulation of landscaped areas including the source of the water supply and proposed responsibility for maintenance;
 - i. details of treatment of paved areas (parking and pedestrian areas);
 - j. details of screening of car parking areas and provision of shade trees;
 - k. details of fence material, height and treatment; and
 - l. phasing of the landscape works.



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

21. The Norfolk Pine (identified on the legend as H on the landscaping plan) and tree marked for removal in the south east corner of the site (as shown on the Civil Plans) shall be retained. All trees to be retained shall be protected in accordance with AS4970:2009 'Protection of Trees on Development Sites'.

Access and Parking

22. Before construction of the development commences, detailed car park design plans for all vehicle access/egress, car parking, bicycle and pedestrian movement requirements and trolley bay provision shall be prepared and submitted to the City of Bunbury in accordance with the relevant Australian Standards, Austroad Guidelines and the City of Bunbury's Local Planning Policy: Access and Parking for Pedestrians, Bicycles and Vehicles. Development shall be carried out in accordance with the approved details and specifications to the satisfaction of the City of Bunbury prior to occupation of the office building.
23. Before the development is occupied, the following requirements relating to access and car parking must be completed:
 - a. car parking bays provided in accordance with the approved plans, including car parking bays identified for the exclusive use of disabled persons in accordance with AS/NZS2890.6:2009;
 - b. the car park(s) to be constructed, kerbed, graded, drained and finished with a sealed or paved surface, in accordance with the approved detailed car park design plans;
 - c. line marking and parking signage must be installed, in accordance with the approved detailed car park design plans; and,
 - d. lighting installed to pedestrian accessways and parking areas, in accordance with the approved detailed car park design plans.

All car parking areas must comply with the above requirements for the duration of the development.

24. The car parking bays sited to the rear of the Bunbury Women's Club are to be for staff parking and official visitors only. Signage or marking of bays shall identify the bays for this purpose only and not general public parking.
25. The maximum size of vehicle using the accessway at Lot 66 Prinsep Street is limited to a Medium Rigid Vehicle (MRV) up to 8.8m in length.
26. Details of fencing or other means of enclosure shall be submitted for the approval of the City of Bunbury to restrict public access from land identified as 'future development site' through Lot 66 Prinsep Street. Development shall be carried out in accordance with the approved details prior to the occupation of the office building.



27. Before the development is occupied, 29 staff bicycle parking spaces and end-of-trip facilities, including a minimum of three male and three female showers, and thirty secure lockers, are to be provided in accordance with the City of Bunbury's Local Planning Policy: Access & Parking for Pedestrians, Bicycles and Vehicles.
28. A minimum of 6 bicycle bays identified to be located on-street shall be provided to the satisfaction and specification of the City of Bunbury prior to occupation of the development.

Flooding / Stormwater Management

29. The subject land is situated on the Preston River Flood Plain and is susceptible to flooding. Building construction shall have a minimum finished floor level of 2.1m AHD.
30. Before construction of the development commences, a Stormwater and Drainage Management Plan, prepared in accordance with the Department for Water's Stormwater Management Manual, shall be submitted for approval to the specifications and satisfaction of the City of Bunbury. The Stormwater and Drainage Management Plan will determine the drainage infrastructure required supporting the development and as a minimum it must address the following matters:
 - a. proposed development;
 - l. storm events to be managed;
 - m. onsite-retention for 1:1 year events;
 - n. onsite-detention for 1:5 year events;
 - o. overland flow path for larger events, including a 1:100 year flood;
 - p. effect of groundwater;
 - q. application of water sensitive urban design principles;
 - r. standard of water quality;
 - s. pollution control devices;
 - t. protection of adjacent / nearby waterways and wetlands; and
 - u. conclusions / recommendations.

Before the development is occupied, the recommendations of the approved Stormwater and Drainage Management Plan must be constructed and implemented to the satisfaction of the City of Bunbury.

Waste Management Plan

31. Waste Management shall operate in accordance with endorsed Operational Waste Management Plan, prepared by Talis (December 2020) to the satisfaction of the City of Bunbury and as amended with reference to the restriction on size of vehicles (MRV) in order that vehicles are able to access and egress the site in forward gear.



Amalgamation

32. A right of carriageway easement or similar arrangement to the satisfaction of the City of Bunbury shall be registered on the certificates of title of the land in order to secure a legal right of access to Lot 20 from the modified Prinsep Street roundabout, via Lots 74 and 856. The registration of such an easement of similar arrangement is to occur prior to occupation.

Advice Notes

1. Under r.42(3) of the Heritage Regulations 2019, a copy of the determination notice is to be provided to the Department of Planning Lands & Heritage (Heritage Council) within 10 days after making the decision.
2. This is a development approval only. The applicant/owner is advised that it is their responsibility to ensure that the proposed development complies with all other applicable legislation, local laws and/or license requirements that may relate to the development.
3. The applicant is advised that in accordance with clause 4.2 of the Notice of Exemption from Planning Requirements During a State of Emergency issued by the Minister for Planning under clause 78H of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* on 8 April 2020, the timeframe for the substantial commencement of works associated with this approval is extended by two years from the expiry date stated in the conditions of approval.
4. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
5. The development is subject to the Building Act 2011, Building Regulations 2012 and Building Code of Australia. A separate building permit must be granted before the development commences, where offences occur statutory penalties apply. The applicant/owner is advised to liaise further with the City of Bunbury's Building Services on (08) 9792 7000.
6. The applicant / landowner is advised to engage with the owners of the Bunbury Women's Club regarding construction activities relating to the premises (Heritage Place No. 7166), ongoing maintenance in relation to the access at Lot 66 Prinsep Street and / or any agreed upgrades/improvements to the accessway. A copy of the Dilapidation report shall be provided to the Bunbury Women's Club.
7. The applicant is recommended to implement line-marking on Lot 66 (adjacent) to the Prinsep Street footpath that would seek to bring vehicles into the centre of the laneway on the approach to the footpath in order to maximise potential sight distance and, therefore, safety. It is acknowledged that the applicant doesn't own this land and will need to consult with the Women's club for approval.
8. With regards to the detailed car park design plans, the north car park is to generally have a one-way (clockwise) vehicle circulation on the outside aisle as discussed with Cardno on 6 April 2021.



9. With regards to the detailed car park design plans, six (6) bays are to be removed under the existing multi-storey car park to facilitate appropriate vehicle movements as generally shown in the applicant’s design response to the City dated 1 April 2021.
10. In relation to addressing the public art condition, the City invites the applicant to enter into early discussions in relation to the specifications of external materials as the treatment options can be integral to the success and options for delivering high quality and durable public art. Options may include window etching, murals, community art etc.
11. The construction of an awning over the footpath (Prinsep Street) provides the opportunity for additional landscaping within the proposed setback area. Details shall be submitted as part of the landscaping plan requirement.

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

REASON: The Panel Members considered the proposal to be a well-designed, with good use of various materials and finishes, overall the proposal was considered an innovative development which is consistent with the planning framework for the site. The proposed office use will contribute to the streetscape and contribute to significant generation of employment to the town centre. The configuration and location of limited on-site staff parking area was considered appropriate in the context of the site. The recommendation was moved with minor modifications to the conditions

9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval

Nil

10. State Administrative Tribunal Applications and Supreme Court Appeals

The Presiding Member noted the following SAT Applications –

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DP/14/00039 DR 65/2020	Shire of York	Lots 4869 (2256), 5931, 9926 (2948) and 26934 Great Southern Highway, St Ronans	Construction and Use of Allawuna Farm for the purposes of a Class II Landfill	28 July 2020

11. General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2020 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.



12. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 3:37pm.

A handwritten signature in black ink, appearing to be 'F. Lefante', with a long horizontal line extending to the right.

Ms Francesca Lefante
Presiding Member, Regional JDAP