



Regional Joint Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 30 July 2020; 9:30am
Meeting Number: RJDAP/10
Meeting Venue: Via Zoom

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

1 Table of Contents

1.	Opening of Meeting, Welcome and Acknowledgement	2
2.	Apologies.....	3
3.	Members on Leave of Absence	3
4.	Noting of Minutes.....	3
5.	Declaration of Due Consideration.....	3
6.	Disclosure of Interests.....	3
7.	Deputations and Presentations.....	3
8.	Form 1 – Responsible Authority Reports – DAP Applications.....	3
	8.1 Lot 4669 Forrest Avenue, Carey Park.....	3
9.	Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval	25
	Nil	25
10.	State Administrative Tribunal Applications and Supreme Court Appeals ...	25
	Nil.....	25
11.	General Business	25
12.	Meeting Closure	25



Attendance

DAP Members

Mr Paul Kotsoglo (Presiding Member)
Ms Kanella Hope (Deputy Presiding Member)
Mr Justin Page (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 Alice Baldock (City of Bunbury)
Ms Barbara Macaulay (City of Bunbury)
Mr Kyle Daly (City of Bunbury)
Ms Shandelle Evans (City of Bunbury)

Minute Secretary

Ms Megan Ventriss (DAP Secretariat)
Ms Ashlee Kelly (DAP Secretariat)

Applicants and Submitters

Mr Lloyd Pringle (MCG Architects)
Mr Lesley Nelson (South West Aboriginal Medical Services)

Members of the Public / Media

There were 2 members of the public in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:33am on 30 July 2020 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2017 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

1.1 Announcements by Presiding Member

The Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2017 which states '*A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.*', the meeting would not be recorded.

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



2. Apologies

Nil

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 29 July 2020.

All members declared that they had duly considered the documents.

6. Disclosure of Interests

DAP Member, Cr Betty McCleary, declared an Impartiality Interest in item 8.1. Councillor McCleary is an elected member of the City of Bunbury and the City of Bunbury has transferred the ownership of the land to SWAMS.

DAP Member, Cr Todd Brown, declared an Impartiality Interest in item 8.1. The City of Bunbury has transferred the ownership of the land to SWAMS.

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

7. Deputations and Presentations

7.1 The City of Bunbury Officers addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

7.2 Mr Lloyd Pringle (MCG Architects) was addressed by the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 4669 Forrest Avenue, Carey Park



Development Description: Construction of an Aboriginal community health hub including a medical facility, community centre and corporate office level

Applicant: MCG Architects
Owner: City of Bunbury
Responsible Authority: City of Bunbury
DAP File No: DAP/19/01673

REPORT RECOMMENDATION

Moved by: Cr Betty McCleary

Seconded by: Cr Todd Brown

That condition no. 20 and 21 be changed administratively to follow numeric order.

That the Regional JDAP resolves to:

1. **Approve** DAP Application reference DAP/19/10673 and accompanying plans contained in Attachment 4 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the Greater Bunbury Region Scheme and the provisions of the City of Bunbury Local Planning Scheme No. 8, subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of three (3) years from the date of approval. If the subject development is not substantially commenced within the three (3) year 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 'Medical Centre' and 'Community Purpose' 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.
5. Before commencement of development a schedule of external materials and finishes shall be submitted to and approved by the City of Bunbury. Development shall be carried out in accordance with the approved details.
6. Before construction of the development commences, a Construction and Environmental Management Plan (CEMP) must be submitted to and approved by the City of Bunbury. The CEMP must address the following matters, as applicable:
 - Public safety and amenity;
 - Site plan and security;
 - Contact details of essential site personnel, construction period and operating hours;
 - Community information, consultation and complaints Management Plan;
 - Noise, vibration, and dust management;



- Dilapidation reports of nearby properties;
- Traffic management plan in accordance with Main Roads WA's Code of Practice;
- Construction waste management and materials re-use;
- Earthworks, excavation, land retention/piling and associated matters;
- Stormwater and sediment control;
- Street tree management and protection; and
- Protection of nearby waterways from sediment or pollution during the construction phase.

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

7. Before the development commences, a landscaping plan must be submitted for the approval of the City of Bunbury. The landscape plan shall be based on the submitted landscaped concept plan and must address the following:
 - A site plan of existing and proposed development with natural and finished ground levels;
 - The removal of the proposed fire pit;
 - The location, species and size of existing vegetation retained and vegetation to be removed;
 - A key or legend detailing proposed species type grouped under the subheadings of tree, shrub and ground cover;
 - Mulching or similar treatments of garden beds including edges;
 - Details of reticulation of landscaped areas including the source of the water supply and proposed responsibility for maintenance;
 - Treatment of paved areas (parking and pedestrian areas); and
 - Shade trees to be planted at a rate of no less than one tree per 6 car parking bays. Species shall have a clean trunk to 2.0 metres with non-invasive roots.

Before the development is occupied, the landscaped area(s) must be planted, established and reticulated in accordance with the endorsed landscape plan and maintained thereafter to the satisfaction of the City of Bunbury.

8. Before the development is occupied, the recommendations of the final approved Transport Statement / Assessment must be constructed and implemented to the satisfaction of the City of Bunbury.

Before the development is commenced, detailed design plans shall be prepared in accordance with relevant Australian Standards, Austroads Guidelines, and City of Bunbury requirements, for all access, carparking and pedestrian movement requirements, to the satisfaction of the City of Bunbury. Once plans are approved construction is to be in accordance with the approved plans and be completed before the development is occupied.

9. Before the development is occupied, lighting must be provided on site for the accessway(s), parking areas(s) and turning area(s) to the satisfaction of the City of Bunbury. Plans are to be submitted to the City of Bunbury for approval prior to construction commencing.
10. Before the development is occupied, a minimum of 199 car parking bays must be provided and line marked in accordance with the approved car parking plan of



which, a minimum of 4 car parking bays must be provided for the exclusive use of disabled persons. The proposed ACROD bays shall be constructed in accordance with AS/NZS 2890.6:2009 and to the satisfaction of the City of Bunbury.

11. Before the development is occupied, provision for the parking of 33 bicycles on site, in accordance with AS2890.3-1993, Parking Facilities, Part 3: Bicycle Parking Facilities, shall be provided. The bicycle parking spaces must be made available and maintained in good condition at all times.
12. Before the development is occupied, all proposed crossovers as shown on the approved plans and detailed in the verge crossover permit are to be constructed and subsequently maintained to the satisfaction of the City of Bunbury. Existing crossovers which are disused or redundant must be removed and the area reinstated to the satisfaction of the City of Bunbury. Where new crossovers are proposed, a verge crossover permit will be required.
13. Before the development is occupied, all disused or redundant vehicular crossover(s) must be removed and the area reinstated to the satisfaction of the City of Bunbury.
14. Before the development is occupied, any alterations, relocation or damage of existing infrastructure within the road reserve must be completed and reinstated to the specification and satisfaction of the City of Bunbury.
15. Before the development is occupied, the following infrastructure items must be upgraded to the specifications and satisfaction of the City of Bunbury. Detailed design plans of the infrastructure upgrade must be submitted to the City of Bunbury for approval prior to construction commencing.
 - a. The main crossover access to/from the site (directly opposite Wisbey Street) is to be upgraded to a roundabout using a Safe Systems approach and as such will require the preparation of a road safety audit to inform the final design. The road safety audit is to be undertaken by a suitably qualified, independent person who is an IPWEA/Main Roads WA Accredited Senior Road Safety Auditor. The road safety audit is to be prepared at the full cost of the applicant and to the satisfaction of the City of Bunbury.
 - b. All other crossovers to the subject site and the proposed indented bus bay on Forrest Avenue will require the preparation of a road safety audit to inform the final design. The road safety audit is to be undertaken by a suitably qualified, independent person who is an IPWEA/Main Roads WA Accredited Senior Road Safety Auditor. The road safety audit is to be prepared at the full cost of the applicant and to the satisfaction of the City of Bunbury.
 - c. A footpath is to be installed on Forrest Avenue as generally shown on the Site Layout Plan. The footpath is to have a minimum constructed width of 2 metres and shall be connected to the existing path network.
16. Prior to the construction of a bus embayment on Forrest Avenue, details of the proposed works are to be submitted to the City of Bunbury in accordance with the procedures and specifications outlined in the Public Transport Authority's Transport Bus Stop Site – Layout Guidelines. The landowner is responsible for all costs associated with the construction of the bus stop.



17. Before the development is occupied, the property must be connected to the Water Corporation reticulated sewerage and water system.
18. Prior to commencement of the development, a report prepared by a qualified acoustic engineer, who is a member of the Australian Acoustical Society, shall be submitted addressing noise emissions as raised in the preliminary Acoustic report supplied by Gabriel Hearne Farrell Pty Ltd which was provided in the development application documentation. The subsequent report shall compare the potential noise emissions to relevant noise criteria, and should the predicted/measured results not comply with the criteria, the report must detail the appropriate actions and mitigation measures that will be undertaken to ensure that the noise emissions do not contravene the provisions of the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997. The report will be at the cost of the applicant/owner and shall be submitted for endorsement by the City's Manager Community Services.

Prior to the development being occupied, the outcomes and recommendations of the endorsed acoustic report shall be implemented on site to the satisfaction of the City's Manager Community Services. All work completed as part of the acoustic requirements detailed in the report shall be verified and documented by an appropriately qualified person. A copy of this certification will be required to be provided to the City's Manager Community Services. Operational management plans required to be implemented to satisfy acoustic requirements will be required to be provided to the City's Manager Community Services prior to commencing operation.

For any further information in relation to these requirements please contact the City's Environmental Health Services on (08) 97927100.

19. Prior to commencement of development works, investigation for soil and groundwater contamination is to be carried out to determine if remediation and/or management of contamination is required.

If required, remediation, including validation of remediation, of any contamination identified shall be completed prior to the completion of construction works to the satisfaction of the City of Bunbury on advice from Department of Water and Environmental Regulation, to ensure that the site is suitable for the proposed use.

Investigations and remediation are to be carried out in compliance with the Contaminated Sites Act 2003 and current Department of Water and Environmental Regulation contaminated sites guidelines.

20. Before the development commences, a Stormwater and Groundwater Management Plan, prepared generally in accordance with the Department for Waters and Environmental Regulation's Stormwater Management Manual, Decision Process for Stormwater Management in WA and Interim Position Statement: Constructed Lakes must be submitted to the satisfaction of the City of Bunbury.

The Stormwater and Groundwater Management Plan will determine the drainage infrastructure required to support the development and as a minimum must address:

- 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;
- f. effect of groundwater;
- g. use of water sensitive urban design principles;
- h. water quality;
- i. protection of adjacent/nearby waterways and wetlands; and
- j. conclusions/recommendations.

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

21. Prior to occupation, a Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Bunbury:
 - the location of bin storage areas and bin collection areas;
 - the number, volume and type of bins, and the type of waste to be placed in the bins;
 - management of the bins and bin storage areas, including cleaning, rotation and moving bins to and from the collection areas; and
 - frequency of bin collections.

All works must be carried out in accordance with the Waste Management Plan, for the duration of development and maintained at all times.

Advice Notes

1. 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 relate to the development.
2. The applicant is hereby 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 deadline 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
3. The development the subject of this development approval is also regulated by 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 owner is advised to liaise further with the City of Bunbury's Building Services on (08) 9792 7000.
4. Any constructed water bodies, including wetlands and storm water management infrastructure, shall be designed, constructed and maintained to minimise potential mosquito breeding.
5. The development must comply with the requirements of the *Health (Public Buildings) Regulations 1992*. Regardless of whether a building permit is required, application shall be made to the City of Bunbury's Environmental Health Services for assessment and approval prior to the commencement of development.



Two (2) sets of scaled plans (minimum of 1:100) and specifications shall be submitted to Environmental Health Services and shall include the following information:

- location and width of emergency exits;
- location of emergency exit signage;
- location and number of sanitary facilities;
- emergency lighting; and
- intended use of each public building area.

A final inspection of the premises will be required to be carried out by Environmental Health Services prior to commencing operation.

The *Health (Public Buildings) Regulations 1992* contain construction requirements that may be in addition to requirements contained in the Building Code of Australia. The applicant should ensure that relevant requirements in these Regulations have been incorporated into the development design from the outset. Neglecting to do so may result in costly post-construction alterations or delays to the development process.

In particular, the building must not be opened to the public until a Certificate of Approval or a Variation of Certificate of Approval has been issued by the City in accordance with section 178 of the *Health (Miscellaneous Provisions) Act 1911*. Further information can be obtained from the City of Bunbury's Environmental Health Services on (08) 9792 7100 or (08) 9792 7000.

6. The City of Bunbury advises that the development the subject of this development approval must comply with the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997* in relation to noise emissions. Further information can be obtained from the City of Bunbury's Environmental Health Services on (08) 9792 7100 or (08) 9792 7000.
7. The development is defined as a "Food Business" under the *Food Act 2008*. The development must comply with the *Food Act 2008* and *Food Regulations 2009*. Further information can be obtained from the City of Bunbury's Environmental Health Services on (08) 9792 7100 or (08) 9792 7000.
8. The premises and equipment the subject of this development approval is required to comply with clause 3.2.3 of the Australian Food Safety Standards.

Regardless of whether a building permit is required, application shall be made to the City of Bunbury's Environmental Health Services for assessment and approval prior to commencing development.

Two (2) sets of scaled plans (minimum 1:100) and specifications detailing the design and fit out shall be submitted to Environmental Health Services and shall include the following information:

- the use of each room/area;
- the structural finishes of walls, floors, ceilings, benches, shelves and other structures;
- the position and type of all fixtures, fittings and equipment;



- all sanitary conveniences, floor wastes/bucket traps/cleaner's sinks, grease traps, etc;
- waste storage and disposal areas;
- plans and specification of the mechanical exhaust system if cooking is to take place in the food business;
- specifications of all cooking equipment (stoves, ovens, fryers, etc);
- elevations of food handling and storage areas; and
- details of the types of food being prepared or sold.

Please refer to the City of Bunbury's Requirements for the Establishment, Construction and Fit Out of Food Premises available on the website at www.bunbury.wa.gov.au.

A final inspection of the premises will be required to be carried out by Environmental Health Services prior to commencing operation.

Further information may be obtained from the City of Bunbury's Environmental Health Services on (08) 9792 7100.

9. In relation to the infrastructure upgrade condition, it is noted that the required road safety audit for Forrest Avenue would essentially be undertaken as one overall audit which includes the proposed roundabout, all vehicular access and proposed bus bay to the subject site. It should also be noted that the City is of the initial opinion that raised median islands will be required on Forrest Avenue at the other access points to adequately control safe movements in and out of the subject site.
10. Before the development commences, a damage bond to the value of \$50,000 must be paid to the City of Bunbury in accordance with the City of Bunbury's Local Planning Policy: Bonds.
11. In relation to the contamination investigation condition and in accordance with regulation 31(1)(c) of the Contaminated Sites Regulations 2006, a Mandatory Auditor's Report, prepared by an accredited contaminated sites auditor, will need to be submitted to the Department of Water and Environmental Regulation as evidence of compliance with the condition. A current list of accredited auditors is available from www.dwer.wa.gov.au.
12. As the subject site is within an area of low to moderate risk of acid sulfate soils, ground disturbing works should be guided by DWER's acid sulfate soil guidelines at www.dwer.wa.gov.au/your-environmental/acid-sulfate-soils/69-acidsulfatesoils-guidelines
13. Acid sulfate soils risk mapping indicates that the site is located within an area identified as representing a low to moderate risk of acid sulfate soils occurring within 3 metres of the natural soil surface. Please refer to Department of Water and Environmental Regulation's acid sulfate soil guidelines for information to assist with the management of ground and/or ground disturbing works.
14. Should the take of groundwater be proposed, the proponent is to contact DWER on 9726 4111 or bunbury.admin@dwer.wa.gov.au to discuss the trading options as the groundwater resource is fully allocated and its take is subject to licensing under the RIWI Act.



15. The proponent is advised to contact DWER on 9726 4111 for a licence to dewater under the RIWI Act if the proposed activity is to exceed the threshold specified at www.water.wa.gov.au/licensing/water-licensing/exemptions.
16. The clearing of native vegetation in Western Australia requires a Clearing Permit under the *Environmental Protection Act 1986* unless the clearing is for an exempt purpose. Proponents are advised to contact the Department of Water and Environmental Regulation on (08) 9333 7469 for further advice in this regard.

It should also be noted that the clearing of native vegetation within the City of Bunbury may result in impacts upon threatened species that are protected under the *Commonwealth Environment Protection & Biodiversity Conservation Act 1999*. Proponents are advised to contact the Department Agriculture, Water and Environment on (02) 6274 2496 for further advice regarding their obligations under the Act.

AMENDING MOTION 1

Moved by: Mr Justin Page

Seconded by: Cr Betty McCleary

That condition no. 6 be amended to read as follows:

Before construction of the development commences, a Construction and Environmental Management Plan (CEMP) must be submitted to and approved by the City of Bunbury. The CEMP must address the following matters, as applicable:

- *Public safety and amenity;*
- *Site plan and security;*
- *Contact details of essential site personnel, construction period and operating hours;*
- *Community information, consultation and complaints Management Plan;*
- *Noise, vibration, and dust management;*
- *Dilapidation reports of nearby properties;*
- *Traffic management plan in accordance with Main Roads WA's Code of Practice;*
- *Construction waste management and materials re-use;*
- *Earthworks, excavation, land retention/piling and associated matters;*
- *Stormwater and sediment control;*
- *Street tree management and protection; and*
- *Protection of nearby waterways from sediment or pollution during the construction phase.*
- ***Construction works to be contained within the construction site boundary with management protocols for construction methods to ensure no building material is placed within the rail corridor boundary (e.g. concrete, sheet metal, cables, insulation, other materials).***
- ***No services (water, electricity, fibre optic, gas, other) to/from the site are to be run across the rail corridor, either above or below ground.***
- ***No parking of construction equipment (e.g. front end loader, excavator, dozer, dump trucks, bobcats, utilities, other equipment) is permitted on rail corridor land at any time during construction works.***



- ***Should the developer require access across the rail corridor to enable construction works, this requires a separate application to Arc Third Party Projects.***
- ***No drainage or water runoff from construction works is permitted onto rail corridor land. All water runoff is to be contained on the site.***
- ***During construction and earthworks activities, Arc recommends dust suppression methods (i.e. watering down) are deployed to prevent airborne dust from being released to atmosphere that may affect rail operations (prevailing wind direction dependent).***
- ***Any removal of fencing along the rail corridor is to be replaced with equivalent fencing or perimeter barrier during construction and operation, to ensure rail corridor separation from the adjacent land use (i.e. a barrier for public access to the rail corridor).***
- ***Where practical, provision of appropriate pedestrian access to the existing railway crossing through the subject site is to be provided.***

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

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Ensure Public Transport Authority submission requirements were addressed as part of condition 6.

AMENDING MOTION 2

Moved by: Cr Todd Brown

Seconded by: Ms Kanella Hope

That condition no. 7 be amended to read as follows:

Before the development commences, a landscaping plan must be submitted for the approval of the City of Bunbury. The landscape plan shall be based on the submitted landscaped concept plan and must address the following:

- *A site plan of existing and proposed development with natural and finished ground levels;*
- *The ~~removal~~ **submission of a management plan for the proposed fire pit and ground (including use of open space);***
- *The location, species and size of existing vegetation retained and vegetation to be removed;*
- *A key or legend detailing proposed species type grouped under the subheadings of tree, shrub and ground cover;*
- *Mulching or similar treatments of garden beds including edges;*
- *Details of reticulation of landscaped areas including the source of the water supply and proposed responsibility for maintenance;*
- *Treatment of paved areas (parking and pedestrian areas); and*
- *Shade trees to be planted at a rate of no less than one tree per 6 car parking bays. Species shall have a clean trunk to 2.0 metres with non-invasive roots.*

Before the development is occupied, the landscaped area(s) must be planted, established and reticulated in accordance with the endorsed landscape plan and maintained thereafter to the satisfaction of the City of Bunbury.



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

REASON: Fire is integral to Noongar culture. A management plan can address the concerns raised by the City of Bunbury.

AMENDING MOTION 3

Moved by: Mr Justin Page

Seconded by: Cr Todd Brown

That condition no. 7 be amended to read as follows:

Before the development commences, a landscaping plan must be submitted for the approval of the City of Bunbury. The landscape plan shall be based on the submitted landscaped concept plan and must address the following:

- *A site plan of existing and proposed development with natural and finished ground levels;*
- *The removal of the proposed fire pit;*
- *The location, species and size of existing vegetation retained and vegetation to be removed;*
- *A key or legend detailing proposed species type grouped under the subheadings of tree, shrub and ground cover;*
- *Mulching or similar treatments of garden beds including edges;*
- *Details of reticulation of landscaped areas including the source of the water supply and proposed responsibility for maintenance;*
- *Treatment of paved areas (parking and pedestrian areas); and*
- *Shade **structures or** trees to be planted at a rate of no less than one tree per 6 car parking bays. Species shall have a clean trunk to 2.0 metres with non-invasive roots.*

Before the development is occupied, the landscaped area(s) must be planted, established and reticulated in accordance with the endorsed landscape plan and maintained thereafter to the satisfaction of the City of Bunbury.

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

REASON: To provide shade alternatives for the upper floor car park.

AMENDING MOTION 4

Moved by: Ms Kanella Hope

Seconded by: Mr Paul Kotsoglo

That condition no. 15 be amended to read as follows:

*Before the development is occupied, the following infrastructure items must be upgraded to the specifications and satisfaction of the City of Bunbury **based on a proportional contribution by the applicant.** Detailed design plans of the infrastructure upgrade must be submitted to the City of Bunbury for approval prior to construction commencing.*

- a. The main crossover access to/from the site (directly opposite Wisbey Street) is to be upgraded to a roundabout using a Safe Systems approach and as such will require the preparation of a road safety audit to inform the final design. The*



road safety audit is to be undertaken by a suitably qualified, independent person who is an IPWEA/Main Roads WA Accredited Senior Road Safety Auditor. The road safety audit is to be prepared at the full cost of the applicant and to the satisfaction of the City of Bunbury.

- b. All other crossovers to the subject site and the proposed indented bus bay on Forrest Avenue will require the preparation of a road safety audit to inform the final design. The road safety audit is to be undertaken by a suitably qualified, independent person who is an IPWEA/Main Roads WA Accredited Senior Road Safety Auditor. The road safety audit is to be prepared at the full cost of the applicant and to the satisfaction of the City of Bunbury.*
- c. A footpath is to be installed on Forrest Avenue as generally shown on the Site Layout Plan. The footpath is to have a minimum constructed width of 2 metres and shall be connected to the existing path network.*

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

For: Ms Kanella Hope
Mr Paul Kotsoglo

Against: Mr Justin Page
Cr Betty McCleary
Cr Todd Brown

AMENDING MOTION 5

Moved by: Mr Justin Page

Seconded by: Ms Kanella Hope

That condition no. 15 be amended to read as follows:

Before the development is occupied, the following infrastructure items must be upgraded to the specifications and satisfaction of the City of Bunbury. Detailed design plans of the infrastructure upgrade must be submitted to the City of Bunbury for approval prior to construction commencing.

- a. The main crossover access to/from the site (directly opposite Wisbey Street) is to be upgraded to a roundabout using a Safe Systems approach and as such will require the preparation of a road safety audit to inform the final design. The road safety audit is to be undertaken by a suitably qualified, independent person who is an IPWEA/Main Roads WA Accredited Senior Road Safety Auditor. The road safety audit is to be prepared at the full cost of the applicant and to the satisfaction of the City of Bunbury.*
- b. All other crossovers to the subject site and the proposed indented bus bay on Forrest Avenue will require the preparation of a road safety audit to inform the final design. The road safety audit is to be undertaken by a suitably qualified, independent person who is an IPWEA/Main Roads WA Accredited Senior Road Safety Auditor. The road safety audit is to be prepared at the full cost of the applicant and to the satisfaction of the City of Bunbury.*
- c. A footpath is to be installed on Forrest Avenue as generally shown on the Site Layout Plan. The footpath is to have a minimum constructed width of 2 metres and shall be connected to the existing path network **via a crossing point near***



the intersection of Wisbey Street and Forrest Avenue to the satisfaction of the City of Bunbury.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To ensure clarity of the footpath location.

AMENDING MOTION 6

Moved by: Cr Betty McCleary

Seconded by: Mr Justin Page

That condition no. 18 be amended to read as follows:

*Prior to commencement of the development, a report prepared by a qualified acoustic engineer, who is a member of the Australian Acoustical Society, shall be submitted addressing noise emissions as raised in the preliminary Acoustic report supplied by Gabriel Hearne Farrell Pty Ltd which was provided in the development application documentation. The subsequent report shall compare the potential noise emissions to relevant noise criteria, and should the predicted/measured results not comply with the criteria, the report must detail the appropriate actions and mitigation measures that will be undertaken to ensure that the noise emissions do not contravene the provisions of the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997. The report will be at the cost of the applicant/owner and shall be submitted for endorsement by the City's ~~Manager Community Services~~ **of Bunbury.***

*Prior to the development being occupied, the outcomes and recommendations of the endorsed acoustic report shall be implemented on site to the satisfaction of the City's ~~Manager Community Services~~ **of Bunbury.** All work completed as part of the acoustic requirements detailed in the report shall be verified and documented by an appropriately qualified person. A copy of this certification will be required to be provided to the City's ~~Manager Community Services~~ **of Bunbury.** Operational management plans required to be implemented to satisfy acoustic requirements will be required to be provided to the City's ~~Manager Community Services~~ **of Bunbury** prior to commencing operation.*

~~For any further information in relation to these requirements please contact the City's Environmental Health Services on (08) 97927100.~~

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: City of Bunbury is the responsible authority for the satisfaction of development approval conditions.

AMENDING MOTION 7

Moved by: Mr Justin Page

Seconded by: Ms Kanella Hope

The following amendments were moved en bloc.

That condition no. 19 be amended to have the last paragraph added to advice note 11:



- i. *Prior to commencement of development works, investigation for soil and groundwater contamination is to be carried out to determine if remediation and/or management of contamination is required.*

If required, remediation, including validation of remediation, of any contamination identified shall be completed prior to the completion of construction works to the satisfaction of the City of Bunbury on advice from Department of Water and Environmental Regulation, to ensure that the site is suitable for the proposed use.

~~*Investigations and remediation are to be carried out in compliance with the Contaminated Sites Act 2003 and current Department of Water and Environmental Regulation contaminated sites guidelines.*~~

- ii. That advice note no. 11 be amended to read as follows:

In relation to the contamination investigation condition and in accordance with regulation 31(1)(c) of the Contaminated Sites Regulations 2006, a Mandatory Auditor's Report, prepared by an accredited contaminated sites auditor, will need to be submitted to the Department of Water and Environmental Regulation as evidence of compliance with the condition. A current list of accredited auditors is available from www.dwer.wa.gov.au.

Investigations and remediation are to be carried out in compliance with the Contaminated Sites Act 2003 and current Department of Water and Environmental Regulation contaminated sites guidelines.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Due to information being appropriately contained in an advice note.

AMENDING MOTION 8

Moved by: Ms Kanella Hope

Seconded by: Cr Betty McCleary

5. ~~*Before commencement of development: a schedule of external materials and finishes shall be submitted to and approved by the City of Bunbury. Development shall be carried out in accordance with the approved details.*~~

- a) ***A schedule of external materials and finishes shall be submitted to and approved by the City of Bunbury.***
- b) ***Amended plans are to be submitted to and approved by the City of Bunbury to provide improved connection and safer use of the pedestrian thoroughfare to the Railway Crossing. This is to demonstrate incorporation of CPTED principles, aimed at improving visual surveillance, sightlines, safety and use of the decked car park, within and outside of usual hours of operation.***

Development shall be carried out in accordance with the approved details.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The thoroughfare to the railway crossing is behind the building and surveillance of this space and the decked car park is restricted. The current design



does not clearly define this space as a public thoroughfare. Applying CPTED principles is not as simple as adding signs or lights or widening the path. A more fundamental redesign of this shared public space and the areas it interfaces with within the site is necessary to improve how this public thoroughfare and area will function.

AMENDING MOTION 9

Moved by: Ms Kanella Hope

Seconded by: Mr Justin Page

That a new condition no. 22 be added to read as follows:

Prior to occupation of the development, an easement in gross for right-of-carriageway (benefit to the City of Bunbury) is to be registered on the Certificate of Title to preserve unfettered public access to the pedestrian railway crossing.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To ensure appropriate public pedestrian access to the existing pedestrian railway crossing is unrestricted and maintained at all times.

REPORT RECOMMENDATION (AS AMENDED)

That the Regional JDAP resolves to:

1. **Approve** DAP Application reference DAP/19/10673 and accompanying plans contained in Attachment 4 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the Greater Bunbury Region Scheme and the provisions of the City of Bunbury Local Planning Scheme No. 8, subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of three (3) years from the date of approval. If the subject development is not substantially commenced within the three (3) year 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 'Medical Centre' and 'Community Purpose' 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.
5. Before commencement of development:
 - a) A schedule of external materials and finishes shall be submitted to and approved by the City of Bunbury.



- b) Amended plans are to be submitted to and approved by the City of Bunbury to provide improved connection and safer use of the pedestrian thoroughfare to the Railway Crossing. This is to demonstrate incorporation of CPTED principles, aimed at improving visual surveillance, sightlines, safety and use of the decked car park, within and outside of usual hours of operation.

Development shall be carried out in accordance with the approved details.

6. Before construction of the development commences, a Construction and Environmental Management Plan (CEMP) must be submitted to and approved by the City of Bunbury. The CEMP must address the following matters, as applicable:

- Public safety and amenity;
- Site plan and security;
- Contact details of essential site personnel, construction period and operating hours;
- Community information, consultation and complaints Management Plan;
- Noise, vibration, and dust management;
- Dilapidation reports of nearby properties;
- Traffic management plan in accordance with Main Roads WA's Code of Practice;
- Construction waste management and materials re-use;
- Earthworks, excavation, land retention/piling and associated matters;
- Stormwater and sediment control;
- Street tree management and protection; and
- Protection of nearby waterways from sediment or pollution during the construction phase.
- Construction works to be contained within the construction site boundary with management protocols for construction methods to ensure no building material is placed within the rail corridor boundary (e.g. concrete, sheet metal, cables, insulation, other materials).
- No services (water, electricity, fibre optic, gas, other) to/from the site are to be run across the rail corridor, either above or below ground.
- No parking of construction equipment (e.g. front end loader, excavator, dozer, dump trucks, bobcats, utilities, other equipment) is permitted on rail corridor land at any time during construction works.
- Should the developer require access across the rail corridor to enable construction works, this requires a separate application to Arc Third Party Projects.
- No drainage or water runoff from construction works is permitted onto rail corridor land. All water runoff is to be contained on the site.
- During construction and earthworks activities, Arc recommends dust suppression methods (i.e. watering down) are deployed to prevent airborne dust from being released to atmosphere that may affect rail operations (prevailing wind direction dependent).
- Any removal of fencing along the rail corridor is to be replaced with equivalent fencing or perimeter barrier during construction and operation, to ensure rail corridor separation from the adjacent land use (i.e. a barrier for public access to the rail corridor).
- Where practical, provision of appropriate pedestrian access to the existing railway crossing through the subject site is to be provided.



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

7. Before the development commences, a landscaping plan must be submitted for the approval of the City of Bunbury. The landscape plan shall be based on the submitted landscaped concept plan and must address the following:
- A site plan of existing and proposed development with natural and finished ground levels;
 - The submission of a management plan for the proposed fire pit and ground (including use of open space);
 - The location, species and size of existing vegetation retained and vegetation to be removed;
 - A key or legend detailing proposed species type grouped under the subheadings of tree, shrub and ground cover;
 - Mulching or similar treatments of garden beds including edges;
 - Details of reticulation of landscaped areas including the source of the water supply and proposed responsibility for maintenance;
 - Treatment of paved areas (parking and pedestrian areas); and
 - Shade structures or trees to be planted at a rate of no less than one tree per 6 car parking bays. Species shall have a clean trunk to 2.0 metres with non-invasive roots.

Before the development is occupied, the landscaped area(s) must be planted, established and reticulated in accordance with the endorsed landscape plan and maintained thereafter to the satisfaction of the City of Bunbury.

8. Before the development is occupied, the recommendations of the final approved Transport Statement / Assessment must be constructed and implemented to the satisfaction of the City of Bunbury.

Before the development is commenced, detailed design plans shall be prepared in accordance with relevant Australian Standards, Austroads Guidelines, and City of Bunbury requirements, for all access, carparking and pedestrian movement requirements, to the satisfaction of the City of Bunbury. Once plans are approved construction is to be in accordance with the approved plans and be completed before the development is occupied.

9. Before the development is occupied, lighting must be provided on site for the accessway(s), parking areas(s) and turning area(s) to the satisfaction of the City of Bunbury. Plans are to be submitted to the City of Bunbury for approval prior to construction commencing.
10. Before the development is occupied, a minimum of 199 car parking bays must be provided and line marked in accordance with the approved car parking plan of which, a minimum of 4 car parking bays must be provided for the exclusive use of disabled persons. The proposed ACROD bays shall be constructed in accordance with AS/NZS 2890.6:2009 and to the satisfaction of the City of Bunbury.
11. Before the development is occupied, provision for the parking of 33 bicycles on site, in accordance with AS2890.3-1993, Parking Facilities, Part 3: Bicycle Parking Facilities, shall be provided. The bicycle parking spaces must be made available and maintained in good condition at all times.



12. Before the development is occupied, all proposed crossovers as shown on the approved plans and detailed in the verge crossover permit are to be constructed and subsequently maintained to the satisfaction of the City of Bunbury. Existing crossovers which are disused or redundant must be removed and the area reinstated to the satisfaction of the City of Bunbury. Where new crossovers are proposed, a verge crossover permit will be required.
13. Before the development is occupied, all disused or redundant vehicular crossover(s) must be removed and the area reinstated to the satisfaction of the City of Bunbury.
14. Before the development is occupied, any alterations, relocation or damage of existing infrastructure within the road reserve must be completed and reinstated to the specification and satisfaction of the City of Bunbury.
15. Before the development is occupied, the following infrastructure items must be upgraded to the specifications and satisfaction of the City of Bunbury. Detailed design plans of the infrastructure upgrade must be submitted to the City of Bunbury for approval prior to construction commencing.
 - a. The main crossover access to/from the site (directly opposite Wisbey Street) is to be upgraded to a roundabout using a Safe Systems approach and as such will require the preparation of a road safety audit to inform the final design. The road safety audit is to be undertaken by a suitably qualified, independent person who is an IPWEA/Main Roads WA Accredited Senior Road Safety Auditor. The road safety audit is to be prepared at the full cost of the applicant and to the satisfaction of the City of Bunbury.
 - b. All other crossovers to the subject site and the proposed indented bus bay on Forrest Avenue will require the preparation of a road safety audit to inform the final design. The road safety audit is to be undertaken by a suitably qualified, independent person who is an IPWEA/Main Roads WA Accredited Senior Road Safety Auditor. The road safety audit is to be prepared at the full cost of the applicant and to the satisfaction of the City of Bunbury.
 - c. A footpath is to be installed on Forrest Avenue as generally shown on the Site Layout Plan. The footpath is to have a minimum constructed width of 2 metres and shall be connected to the existing path network via a crossing point near the intersection of Wisbey Street and Forrest Avenue to the satisfaction of the City of Bunbury.
16. Prior to the construction of a bus embayment on Forrest Avenue, details of the proposed works are to be submitted to the City of Bunbury in accordance with the procedures and specifications outlined in the Public Transport Authority's Transport Bus Stop Site – Layout Guidelines. The landowner is responsible for all costs associated with the construction of the bus stop.
17. Before the development is occupied, the property must be connected to the Water Corporation reticulated sewerage and water system.
18. Prior to commencement of the development, a report prepared by a qualified acoustic engineer, who is a member of the Australian Acoustical Society, shall be submitted addressing noise emissions as raised in the preliminary Acoustic report



supplied by Gabriel Hearne Farrell Pty Ltd which was provided in the development application documentation. The subsequent report shall compare the potential noise emissions to relevant noise criteria, and should the predicted/measured results not comply with the criteria, the report must detail the appropriate actions and mitigation measures that will be undertaken to ensure that the noise emissions do not contravene the provisions of the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997. The report will be at the cost of the applicant/owner and shall be submitted for endorsement by the City of Bunbury.

Prior to the development being occupied, the outcomes and recommendations of the endorsed acoustic report shall be implemented on site to the satisfaction of the City of Bunbury. All work completed as part of the acoustic requirements detailed in the report shall be verified and documented by an appropriately qualified person. A copy of this certification will be required to be provided to the City of Bunbury. Operational management plans required to be implemented to satisfy acoustic requirements will be required to be provided to the City of Bunbury prior to commencing operation.

19. Prior to commencement of development works, investigation for soil and groundwater contamination is to be carried out to determine if remediation and/or management of contamination is required.

If required, remediation, including validation of remediation, of any contamination identified shall be completed prior to the completion of construction works to the satisfaction of the City of Bunbury on advice from Department of Water and Environmental Regulation, to ensure that the site is suitable for the proposed use.

20. Before the development commences, a Stormwater and Groundwater Management Plan, prepared generally in accordance with the Department for Waters and Environmental Regulation's Stormwater Management Manual, Decision Process for Stormwater Management in WA and Interim Position Statement: Constructed Lakes must be submitted to the satisfaction of the City of Bunbury.

The Stormwater and Groundwater Management Plan will determine the drainage infrastructure required to support the development and as a minimum must address:

- 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;
- f. effect of groundwater;
- g. use of water sensitive urban design principles;
- h. water quality;
- i. protection of adjacent/nearby waterways and wetlands; and
- j. conclusions/recommendations.

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



21. Prior to occupation, a Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Bunbury:

- the location of bin storage areas and bin collection areas;
- the number, volume and type of bins, and the type of waste to be placed in the bins;
- management of the bins and bin storage areas, including cleaning, rotation and moving bins to and from the collection areas; and
- frequency of bin collections.

All works must be carried out in accordance with the Waste Management Plan, for the duration of development and maintained at all times.

22. Prior to occupation of the development, an easement in gross for right-of-carriageway (benefit to the City of Bunbury) is to be registered on the Certificate of Title to preserve unfettered public access to the pedestrian railway crossing.

Advice Notes

1. 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 relate to the development.
2. The applicant is hereby 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 deadline 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
3. The development the subject of this development approval is also regulated by 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 owner is advised to liaise further with the City of Bunbury's Building Services on (08) 9792 7000.
4. Any constructed water bodies, including wetlands and storm water management infrastructure, shall be designed, constructed and maintained to minimise potential mosquito breeding.
5. The development must comply with the requirements of the *Health (Public Buildings) Regulations 1992*. Regardless of whether a building permit is required, application shall be made to the City of Bunbury's Environmental Health Services for assessment and approval prior to the commencement of development.

Two (2) sets of scaled plans (minimum of 1:100) and specifications shall be submitted to Environmental Health Services and shall include the following information:

- location and width of emergency exits;
- location of emergency exit signage;
- location and number of sanitary facilities;
- emergency lighting; and



- intended use of each public building area.

A final inspection of the premises will be required to be carried out by Environmental Health Services prior to commencing operation.

The *Health (Public Buildings) Regulations 1992* contain construction requirements that may be in addition to requirements contained in the Building Code of Australia. The applicant should ensure that relevant requirements in these Regulations have been incorporated into the development design from the outset. Neglecting to do so may result in costly post-construction alterations or delays to the development process.

In particular, the building must not be opened to the public until a Certificate of Approval or a Variation of Certificate of Approval has been issued by the City in accordance with section 178 of the *Health (Miscellaneous Provisions) Act 1911*. Further information can be obtained from the City of Bunbury's Environmental Health Services on (08) 9792 7100 or (08) 9792 7000.

6. The City of Bunbury advises that the development the subject of this development approval must comply with the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997* in relation to noise emissions. Further information can be obtained from the City of Bunbury's Environmental Health Services on (08) 9792 7100 or (08) 9792 7000.
7. The development is defined as a "Food Business" under the *Food Act 2008*. The development must comply with the *Food Act 2008* and *Food Regulations 2009*. Further information can be obtained from the City of Bunbury's Environmental Health Services on (08) 9792 7100 or (08) 9792 7000.
8. The premises and equipment the subject of this development approval is required to comply with clause 3.2.3 of the Australian Food Safety Standards.

Regardless of whether a building permit is required, application shall be made to the City of Bunbury's Environmental Health Services for assessment and approval prior to commencing development.

Two (2) sets of scaled plans (minimum 1:100) and specifications detailing the design and fit out shall be submitted to Environmental Health Services and shall include the following information:

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



Please refer to the City of Bunbury's Requirements for the Establishment, Construction and Fit Out of Food Premises available on the website at www.bunbury.wa.gov.au.

A final inspection of the premises will be required to be carried out by Environmental Health Services prior to commencing operation.

Further information may be obtained from the City of Bunbury's Environmental Health Services on (08) 9792 7100.

9. In relation to the infrastructure upgrade condition, it is noted that the required road safety audit for Forrest Avenue would essentially be undertaken as one overall audit which includes the proposed roundabout, all vehicular access and proposed bus bay to the subject site. It should also be noted that the City is of the initial opinion that raised median islands will be required on Forrest Avenue at the other access points to adequately control safe movements in and out of the subject site.
10. Before the development commences, a damage bond to the value of \$50,000 must be paid to the City of Bunbury in accordance with the City of Bunbury's Local Planning Policy: Bonds.
11. In relation to the contamination investigation condition and in accordance with regulation 31(1)(c) of the Contaminated Sites Regulations 2006, a Mandatory Auditor's Report, prepared by an accredited contaminated sites auditor, will need to be submitted to the Department of Water and Environmental Regulation as evidence of compliance with the condition. A current list of accredited auditors is available from www.dwer.wa.gov.au.

Investigations and remediation are to be carried out in compliance with the Contaminated Sites Act 2003 and current Department of Water and Environmental Regulation contaminated sites guidelines.

12. As the subject site is within an area of low to moderate risk of acid sulfate soils, ground disturbing works should be guided by DWER's acid sulfate soil guidelines at www.der.wa.gov.au/your-environmental/acid-sulfate-soils/69-acidsulfatesoils-guidelines
13. Acid sulfate soils risk mapping indicates that the site is located within an area identified as representing a low to moderate risk of acid sulfate soils occurring within 3 metres of the natural soil surface. Please refer to Department of Water and Environmental Regulation's acid sulfate soil guidelines for information to assist with the management of ground and/or ground disturbing works.
14. Should the take of groundwater be proposed, the proponent is to contact DWER on 9726 4111 or bunbury.admin@dwer.wa.gov.au to discuss the trading options as the groundwater resource is fully allocated and its take is subject to licensing under the RIWI Act.
15. The proponent is advised to contact DWER on 9726 4111 for a licence to dewater under the RIWI Act if the proposed activity is to exceed the threshold specified at www.water.wa.gov.au/licensing/water-licensing/exemptions.
16. The clearing of native vegetation in Western Australia requires a Clearing Permit under the *Environmental Protection Act 1986* unless the clearing is for an exempt



purpose. Proponents are advised to contact the Department of Water and Environmental Regulation on (08) 9333 7469 for further advice in this regard.

It should also be noted that the clearing of native vegetation within the City of Bunbury may result in impacts upon threatened species that are protected under the *Commonwealth Environment Protection & Biodiversity Conservation Act 1999*. Proponents are advised to contact the Department Agriculture, Water and Environment on (02) 6274 2496 for further advice regarding their obligations under the Act.

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

REASON: The JDAP considered the RAR and the reasons contained to be appropriate and adopted the recommendation with modifications to the conditions, which were considered appropriate.

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

Nil

10. State Administrative Tribunal Applications and Supreme Court Appeals

Nil

11. General Business

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

12. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 11:38am.