



Regional Joint Development Assessment Panel Agenda

Meeting Date and Time: Wednesday, 12 August 2020; 10:30am
Meeting Number: RJDAP/11
Meeting Venue: Via Zoom

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

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Attendance

DAP Members

Mr Paul Kotsoglo (Presiding Member)
Ms Kanella Hope (Deputy Presiding Member)
Mr Justin Page (Third Specialist Member)
Cr Betty McCleary (Local Government Member, City of Bunbury)
Mayor Gary Brennan (Local Government Member, City of Bunbury)

Officers in attendance

Mr Anthony Pick (City of Bunbury)
Ms Barbara Macaulay (City of Bunbury)
Mr Kyle Daly (City of Bunbury)

Minute Secretary

Ms Megan Ventriss (DAP Secretariat)
Ms Ashlee Kelly (DAP Secretariat)
Mr Christopher Dodson (DAP Secretariat)

Applicants and Submitters

Mr Alex Doble (Bunbury Turf Club)
Mr David Hunter (Racing & Wagering Western Australia)
Mr Niall Wadding (Racing & Wagering Western Australia)

Members of the Public / Media

Nil

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 10:32am on 12 August 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

Cr Todd Brown (Local Government Member, City of Bunbury)

3. Members on Leave of Absence

Nil

4. Noting of Minutes

DAP members noted that signed minutes of previous meetings are available on the [DAP website](#).

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of Interests

DAP Member, Ms Kanella Hope, declared an Impartiality Interest in item 8.1. Ms Hope formerly worked for Calibre Consulting. Calibre was engaged as part of a team of Consultants by the City of Bunbury to prepare the Racecourses Local Area Plan (LAP) which is referenced as a non-statutory reference document applying to the Turf Club in the RAR. Ms Hope participated in the inception meeting for the LAP. Although, Ms Hope was working at Calibre when the LAP was being prepared, she was not responsible for this task and had minimal involvement in the matter beyond this inception meeting.

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

7. Deputations and Presentations

7.1 Mr Alex Doble (Bunbury Turf Club) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

7.2 The City of Bunbury Officers addressed 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 4354 Bussell Highway and Lot 36 Barr Road, Carey Park

Development Description:	Race Track Redvelopment
Applicant:	Bunbury Turf Club
Owner:	Bunbury Turf Club
Responsible Authority:	City of Bunbury
DAP File No:	DAP/19/01718

REPORT RECOMMENDATION



Moved by: Cr Betty McCleary

Seconded by: Ms Kanella Hope

That the Regional JDAP resolves to:

1. **Approve** DAP Application reference DAP/19/01718 and accompanying plans contained in Attachment 3 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City of Bunbury Local Planning Scheme No.8, subject to the following conditions:

Conditions

1. This decision constitutes development approval only and is valid for a period of two (2) years from the date of approval. If the subject development is not substantially commenced within the two (2) 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. All works required to satisfy a condition of this development 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.
4. Before the development commences, engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications for filling, grading and stabilisation of the site and draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Development shall be carried out in accordance with the approved details.
5. Before the development is commenced, a Construction and Environmental Management Plan (CEMP) is to be submitted for approval to the specifications and satisfaction of the City of Bunbury. The CEMP 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;
 - 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. The applicant is to undertake an appropriate health and safety management plan to manage any risks associated with potential exposure of contaminated soil;
 - k) storm water and sediment control; and
 - l) any other matters deemed appropriate by the local government.



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

6. Before the development commences, a Stormwater Management Strategy (SMP) is to be submitted for approval to the specifications and satisfaction of the City of Bunbury. The SMP shall be prepared generally in accordance with the Department of Water and Environmental Regulation's Stormwater Management Manual and Decision Process for Stormwater Management in WA.

The SMP will determine the drainage infrastructure required to support the development. As a minimum the SMP must address:

- a) proposed development;
- b) storm events to be managed;
- c) maintenance of post-development annual discharge volume and peak flow relative to pre-development conditions up to the 1% Annual Exceedance Probability (AEP) to mitigate enhanced flood risks to the City's stormwater system (primarily the Five Mile Brook drainage catchment);
- d) overland flow path(s) for larger events;
- e) effect of groundwater;
- f) use of water sensitive urban design principles;
- g) water quality;
- h) potential disturbance of acid sulphate soils and contamination;
- i) protection of adjacent / nearby waterways and wetlands; and
- j) conclusions / recommendations.

Development is to be carried out in accordance with the approved details.

7. Before the development is commenced, a Constructed Lakes Management Plan is to be submitted for approval to the specifications and satisfaction of the City of Bunbury. The Constructed Lakes Management Plan must address the following issues:

- a) water use efficiency;
- b) protection of water dependent ecosystems;
- c) algal and aquatic weed blooms
- d) ongoing maintenance and life-cycle costs;
- e) acid sulfate soils and monosulfides
- f) mosquito and midges;
- g) groundwater contamination; and
- h) flood risk and drainage management.

Development is to be carried out in accordance with the approved details.

8. Before the development is commenced, a Nutrient and Irrigation Management Plan is to be submitted for approval to the specifications and satisfaction of the City of Bunbury. Development is to be carried out in accordance with the approved details.
9. 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.
10. Before the development commences, a damage bond to the value of \$20,000 must be paid to the City of Bunbury, in accordance with the City of Bunbury's Local Planning Policy "Bonds".



11. Before the development is brought into use, drainage easements and reserves as required by the local government for drainage infrastructure being shown on the diagram or plan of survey (deposited plan), granted free of cost, and vested in the local government under Sections 152 and 167 of the *Planning and Development Act 2005*.

Before the development is brought into use, a copy of the new Certificate of Title must be supplied to the City of Bunbury.

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 may related to the development.
2. 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.
3. 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.

An application for an extension of time to an existing development approval shall require a formal written request, signed by both the land owner and applicant (if applicable) and the payment of the appropriate application fee (as per the Council's Fees & Charges Schedule), details of the relevant development approval are required (e.g. DA number, date of approval, property address).

4. Parts of the development (e.g. retaining walls) are also 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.
5. With respect to the Stormwater Management Strategy the applicant is advised to have regard to and address the City of Bunbury's requirements sent to the applicant under separate cover.
6. The applicant is advised that the risk category for Acid Sulfate Soils is identified as 'moderate to low risk'. The applicant is to undertake an acid sulfate soils self-assessment and, if required as a result of the self-assessment, an acid sulfate soils report and an acid sulfate soils management plan be prepared and submitted to and approved by the Department of Water and Environmental Regulation before development is commenced. Where an acid sulfate soils management plan is required to be submitted, all works shall be carried out in accordance with the approved management plan.



The form can be downloaded from the Western Australian Planning Commission's website at: www.dplh.wa.gov.au The "acid sulphate soils self-assessment form" makes reference to the Department of Water and Environmental Regulation's "Identification and Investigation of Acid Sulphate Soils" guideline. This guideline can be obtained from the Department of Water and Environmental Regulation's website at: www.dwer.wa.gov.au

7. The applicant is advised to refer to the Department of Planning, Lands and Heritage (DPLH) Aboriginal Heritage Due Diligence Guidelines which can be found on the DPLH website at the following:

<https://www.dplh.wa.gov.au/information-and-services/aboriginal-heritage/land-use-under-the-aha>.

8. 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. The applicant is advised to contact the Department of Water and Environmental Regulation on (08) 9333 7469 for further advice.
9. Constructed water bodies, including storm and wastewater management infrastructure, shall be designed and maintained in order to minimise mosquito breeding. Further information is available in the Department of Health (WA) document *Chironomid Midge and Mosquito Risk Assessment Guide for Constructed Water Bodies*.
10. The reuse system of harvested stormwater for track irrigation shall be designed and maintained to manage any associated health and environmental risk. Please refer to the *Australian Guidelines for Water Recycling: Managing Health and Environmental Risks (phase 2) Stormwater Harvesting and Reuse* for further information.

AMENDING MOTION

Moved by: Ms Kanella Hope

Seconded by: Mr Justin Page

That condition no. 11 be amended to read as follows:

Before the development is brought into use, a storm water drainage easement is required over the existing open drain on Nuytsia Ave ~~drainage easements and reserves as required by the local government for drainage infrastructure.~~ This is to be shown on the diagram or plan of survey (deposited plan), granted free of cost, and vested in the local government under Sections 152 and 167 of the Planning and Development Act 2005.

Before the development is brought into use, a copy of the new Certificate of Title must be supplied to the City of Bunbury.

REASON: Clarify the storm water drainage requirement to Nuytsia Ave.

The Amending Motion was put and CARRIED UNANIMOUSLY

REPORT RECOMMENDATION (AS AMENDED)

That the Regional JDAP resolves to:



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3. All works required to satisfy a condition of this development 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.
4. Before the development commences, engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications for filling, grading and stabilisation of the site and draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Development shall be carried out in accordance with the approved details.
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 - d) community information, consultation and complaints management plan;
 - e) noise, vibration and dust management;
 - f) dilapidation reports of nearby properties;
 - 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. The applicant is to undertake an appropriate health and safety management plan to manage any risks associated with potential exposure of contaminated soil;
 - k) storm water and sediment control; and
 - l) any other matters deemed appropriate by the local government.

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

6. Before the development commences, a Stormwater Management Strategy (SMP) is to be submitted for approval to the specifications and satisfaction of the City of



Bunbury. The SMP shall be prepared generally in accordance with the Department of Water and Environmental Regulation's Stormwater Management Manual and Decision Process for Stormwater Management in WA.

The SMP will determine the drainage infrastructure required to support the development. As a minimum the SMP must address:

- a) proposed development;
- b) storm events to be managed;
- c) maintenance of post-development annual discharge volume and peak flow relative to pre-development conditions up to the 1% Annual Exceedance Probability (AEP) to mitigate enhanced flood risks to the City's stormwater system (primarily the Five Mile Brook drainage catchment);
- d) overland flow path(s) for larger events;
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- f) use of water sensitive urban design principles;
- g) water quality;
- h) potential disturbance of acid sulphate soils and contamination;
- i) protection of adjacent / nearby waterways and wetlands; and
- j) conclusions / recommendations.

Development is to be carried out in accordance with the approved details.

7. Before the development is commenced, a Constructed Lakes Management Plan is to be submitted for approval to the specifications and satisfaction of the City of Bunbury. The Constructed Lakes Management Plan must address the following issues:

- a) water use efficiency;
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- e) acid sulfate soils and monosulfides
- f) mosquito and midges;
- g) groundwater contamination; and
- h) flood risk and drainage management.

Development is to be carried out in accordance with the approved details.

8. Before the development is commenced, a Nutrient and Irrigation Management Plan is to be submitted for approval to the specifications and satisfaction of the City of Bunbury. Development is to be carried out in accordance with the approved details.
9. 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.
10. Before the development commences, a damage bond to the value of \$20,000 must be paid to the City of Bunbury, in accordance with the City of Bunbury's Local Planning Policy "Bonds".
11. Before the development is brought into use, a storm water drainage easement is required over the existing open drain on Nuytsia Ave by the local government for drainage infrastructure. This is to be shown on the diagram or plan of survey



(deposited plan), granted free of cost, and vested in the local government under Sections 152 and 167 of the Planning and Development Act 2005.

Before the development is brought into use, a copy of the new Certificate of Title must be supplied to the City of Bunbury.

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 may related to the development.
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4. Parts of the development (e.g. retaining walls) are also 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.
5. With respect to the Stormwater Management Strategy the applicant is advised to have regard to and address the City of Bunbury's requirements sent to the applicant under separate cover.
6. The applicant is advised that the risk category for Acid Sulfate Soils is identified as 'moderate to low risk'. The applicant is to undertake an acid sulfate soils self-assessment and, if required as a result of the self-assessment, an acid sulfate soils report and an acid sulfate soils management plan be prepared and submitted to and approved by the Department of Water and Environmental Regulation before development is commenced. Where an acid sulfate soils management plan is required to be submitted, all works shall be carried out in accordance with the approved management plan.

The form can be downloaded from the Western Australian Planning Commission's website at: www.dplh.wa.gov.au The "acid sulphate soils self-assessment form" makes reference to the Department of Water and Environmental Regulation's "Identification and Investigation of Acid Sulphate Soils" guideline. This guideline



can be obtained from the Department of Water and Environmental Regulation's website at: www.dwer.wa.gov.au

- The applicant is advised to refer to the Department of Planning, Lands and Heritage (DPLH) Aboriginal Heritage Due Diligence Guidelines which can be found on the DPLH website at the following:

<https://www.dplh.wa.gov.au/information-and-services/aboriginal-heritage/land-use-under-the-aha>.

- 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. The applicant is advised to contact the Department of Water and Environmental Regulation on (08) 9333 7469 for further advice.
- Constructed water bodies, including storm and wastewater management infrastructure, shall be designed and maintained in order to minimise mosquito breeding. Further information is available in the Department of Health (WA) document *Chironomid Midge and Mosquito Risk Assessment Guide for Constructed Water Bodies*.
- The reuse system of harvested stormwater for track irrigation shall be designed and maintained to manage any associated health and environmental risk. Please refer to the *Australian Guidelines for Water Recycling: Managing Health and Environmental Risks (phase 2) Stormwater Harvesting and Reuse for further information*.

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

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 165/2020	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	28/07/2020



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 11:21am.