



LG Ref: 5/2022/233/1
DAP Ref: DAP/22/02344
Enquiries: (08) 6551 9919

Mr Trent Will
Taylor Burrell Barnett
Level 7/160 St Georges Tce
Perth 6000

Dear Mr Will

REGIONAL JDAP - CITY OF BUNBURY - DAP APPLICATION - 5/2022/233/1 - DETERMINATION

Property Location:	Lot 151 Clarke Street South Bunbury
Application Details:	Grandstand Building & Carpark Upgrade

Thank you for your Form 1 Development Assessment Panel (DAP) application and plans submitted to the City of Bunbury on 12 October 2022 for the above-mentioned development.

This application was considered by the Regional JDAP at its meeting held on 16 January 2023, where in accordance with the provisions of the City of Bunbury LPS No.8, it was resolved to **approve** the application as per the attached notice of determination.

Should the applicant not be satisfied by this decision, an application may be made to amend or cancel this planning approval in accordance with regulation 17 and 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

Please also be advised that there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. Such an application must be made within 28 days of the determination, in accordance with the *State Administrative Tribunal Act 2004*.

Should you have any queries with respect to the conditions of approval, please contact Ms Matilda Hodge on behalf of the City of Bunbury on 08 9792 7015.

Yours sincerely,

DAP Secretariat

18 January 2023

Encl. DAP Determination Notice
Approved Plans

Cc: Ms Matilda Hodge
City of Bunbury



Planning and Development Act 2005

City of Bunbury LPS NO.8

Regional Joint Development Assessment Panel

**Determination on Development Assessment Panel
Application for Planning Approval**

Property Location: Lot 151 Clarke Street South Bunbury

Application Details: Grandstand Building & Carpark Upgrade

In accordance with regulation 8 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, the above application for planning approval was **granted** on 16 January 2023, subject to the following:

1. **Accept** that the DAP Application reference RJDAP/22/2344 is appropriate for consideration as a “Community Purpose” land use and compatible with the objectives of the reserve in accordance with Clause 14 of the City of Bunbury Local Planning Scheme No. 8;
2. **Approve** DAP Application reference RJDAP/22/2344 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*, 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 four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. 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.
3. Before the development commences, a landscaping plan must be submitted for the approval of the City of Bunbury. The landscape plan must address the following:
 - a) A site plan of proposed landscaping, including not less than two (2) advanced *Agonis flexuosa* trees to be planted for every one (1) tree removed. Advanced trees are to be planted in 90L or larger container and must be a minimum 2m height and 2 years age at the time of planting.
 - b) Additional *Agonis flexuosa* trees to be planted between the large-retained trees to set up long-term tree crown connection.
 - c) Landscaping to facilitate the screening of the fire tanks and pumps.
 - d) A site plan of existing and proposed development with natural and finished ground levels.



- e) The location, species and size of existing vegetation and vegetation to be removed.
 - f) Exact species, location and number of proposed plants.
 - g) A key or legend detailing proposed species type grouped under the subheadings of tree, shrub and ground cover.
 - h) Mulching or similar treatments of garden beds including edges.
 - i) Details of reticulation of landscaped areas including the source of the water supply and proposed responsibility for maintenance.
 - j) Treatment of paved areas (parking and pedestrian areas)
4. Before the development is occupied, the landscaped areas must be planted, established and reticulated in accordance with the endorsed landscape plans. These areas must be maintained as landscaped areas at all times and to the satisfaction of the City of Bunbury.
 5. Before the development is occupied, a minimum of 73 standard parking bays inclusive of eight (8) car parking bays for the exclusive use of disabled persons in accordance with AS/NZS 2890.6:2009, must be provided on the land the subject of this development approval and to the satisfaction of the City of Bunbury.
 6. Before the development is occupied, a minimum of four (4) bicycle parking spaces must be provided on the land the subject of this development approval to the satisfaction of the City of Bunbury.
 7. All events expected to generate more than 1,500 patrons are to be accompanied by an event management plan to address event traffic and provision of additional off-site carparking to the specifications and satisfaction of the City of Bunbury.
 8. 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 to be completed before the development is occupied.
 9. Before the development is occupied, the following infrastructure must be upgraded to the 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) A new 2m pedestrian path shall be provided along the Eastern side of Spencer Street extending between Clarke Street and Halsey Street.
 - b) A path realignment and crossing point shall be provided along Clarke Street adjacent to the Spencer and Clarke Street intersection.



10. A minimum of 1 m³ of storm water storage for each 65 m² of impervious area must be provided on site' in-accordance with the City of Bunbury's Information Guide – Stormwater Disposal from Private, Commercial and Industrial Properties.

Detailed design plans of the proposed stormwater management must be submitted for approval prior to the development commencing and be implemented in accordance with the approved plan prior to the development being occupied.

11. Before the development is occupied, the property must be connected to the Water Corporation reticulated sewerage system.
12. Immediately prior to and during vegetation clearing occurring, an authorised fauna spotter is to be on site to manage impacts to threatened western ringtail possum.

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 relate to the development.
2. 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
3. Please be aware that the subject land is in a high groundwater table area. Treatments such as subsoil drainage may be required to prevent any increases to groundwater table levels on adjoining properties.
4. 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 Community Services for assessment and approval prior to the commencement of development.
5. 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.
6. 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.



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. Applicant to liaise with the Water Corporation regarding application for an industrial waste permit.
9. The proponent is advised of their obligations and approval requirements under section 40 of the Biodiversity Conservation Act 2016. DBCA recommends that the proponent seek advice from DBCA’s Species and Communities branch at speciesandcommunities@dbca.wa.gov.au prior to clearing and heavy pruning works, in relation to section 40 authorisation requirements.
10. Proponents are advised to contact the Department of Environment Regulation regarding Clearing Permit requirements under the Environmental Protection Act 1986.
11. Acid sulfate soils (ASS) risk mapping indicates that the site is located within an area identified as representing a moderate to low risk of ASS occurring within 3 metres of the natural soil surface. Please refer to Department of Water and Environmental Regulation’s (DWER) acid sulfate soil guidelines for information to assist with the management of ground and/or groundwater disturbing works: <https://www.der.wa.gov.au/your-environment/acid-sulfate-soils/69-acidsulfatesoils-guidelines>.
12. The Proponent is encouraged to rationalise the existing lots so that the proposed stadium and associated 73 parking bays is contained in a single lot.

Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) or local government approval under regulation 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*.