



Regional Joint Development Assessment Panel Minutes

Meeting Date and Time: Monday, 19 December 2022; 9.30am
Meeting Number: RJDAP/79
Meeting Venue: Electronic Means

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

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Attendance

DAP Members

Mr Tony Arias (Presiding Member)
Ms Kanella Hope (Deputy Presiding Member)
Mr Justin Page (Third Specialist Member)
Cr Betty McCleary (Local Government Member, City of Bunbury)

Officers in attendance

Ms Alice Baldock (City of Bunbury)
Ms Barbara Macaulay (City of Bunbury)
Ms Matilda Hodge (City of Bunbury)
Ms Shandelle Evans (City of Bunbury)

Minute Secretary

Ms Ashlee Kelly (DAP Secretariat)

Applicants and Submitters

Ms Melanie Cox (Planning Solutions)
Mr Reece Hendy (Planning Solutions)
Mr Michael Prosser (Citygate Properties Pty Ltd)

Members of the Public / Media

There were 3 members of the public in attendance.

1. Opening of Meeting, Welcome and Acknowledgement


The Presiding Member declared the meeting open at 9.35am on 19 December 2022 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 2020 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 2020 which states '*A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.*', the meeting would not be recorded.

This meeting was convened via electronic means (Zoom). Members were reminded to announce their name and title prior to speaking.


Mr Tony Arias
Presiding Member, Presiding Member JDAP



2. Apologies

Cr Michelle Steck (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

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 16 December 2022.

All members declared that they had duly considered the documents.

6. Disclosure of Interests

DAP Member, Cr Michelle Steck, declared a Direct Pecuniary Interest in Item 8.1. Cr Steck's partner is the landowner.

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

DAP Member, Ms Kanella Hope, declared an Impartiality Interest in Item 8.1. Ms Hope is a Planning Consultant who lives and works in Bunbury. Ms Hope is familiar with Councillor McCleary and the City Officers, including through other professional networks and unrelated development matters in which she is involved in. Ms Hope has not had any involvement in this application, however living in Bunbury she is familiar with the site and the locality. Ms Hope confirmed that she will act with impartiality.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member determined that the member listed above, who had disclosed an Impartiality Interest, was permitted to participate in the discussion and voting on the item.



7. Deputations and Presentations

- 7.1 Mr Michael Prosser (Citygate Properties Pty Ltd) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.2 Mr Reece Hendy (Planning Solutions) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.3 The City of Bunbury responded to questions from the panel in relation to Item 8.1.
- 7.4 Written Submission - Mr Roland van Heerwaarden against the application at Item 8.1.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 1 (Lot 12) Island Queen Street, Withers

Development Description: Proposed Service Station
Applicant: Planning Solutions
Owner: SBMP Pty Ltd
Responsible Authority: City of Bunbury
DAP File No: DAP/22/02328

REPORT RECOMMENDATION

Moved by: Mr Justin Page

Seconded by: Ms Kanella Hope

1. **Accept** that the DAP Application reference DAP/22/02328 is appropriate for consideration as a “Service Station” land use and compatible with the objectives of the zoning table in accordance with Clause 16 of the City of Bunbury Local Planning Scheme No. 8.
2. **Approve** DAP Application reference DAP/22/02328 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

General

1. This decision constitutes development 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 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 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. The approved Service Station use must only operate between the hours of 5:00am and 10:00pm Monday to Sunday.

Luminance and Lighting Requirements

5. Before the development commences, the applicant shall submit a Lighting Impact Assessment (LIA) prepared by a suitably qualified lighting consultant to determine the appropriate sign luminance levels and compliance with AS4282:2019 – Control of the obtrusive effects of outdoor lighting. The signage shall operate in accordance with the approved LIA at all times.
6. The sign shall be professionally made and kept clean and maintained free of dilapidation at all times.
7. The illuminated pylon sign is to be switched off between 10pm and 5am.

Landscaping

8. 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:
 - The location, species and size of existing vegetation and vegetation to be removed.
 - Exact species, location and number of proposed to be plants.
 - 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).

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



Acoustic Requirements

9. Prior to submission of the building permit, a qualified acoustic engineer shall review the construction and detailed design drawings and undertake a follow up verification of mechanical plant selections if they differ from those assumed in the endorsed Acoustic Report provided by Lloyd George Acoustics Report: 22087484-01. Written certification shall be provided to the City of Bunbury confirming that this review has been completed and the final mechanical plant selections are able to achieve compliance with the Environmental Protection (Noise) Regulations 1997. Should there be any deviations in design from the reference drawing set as detailed in the aforementioned acoustic report that affect the findings of the report, additional review and assessment by a qualified acoustic engineer to demonstrate compliance with the Environmental Protection (Noise) Regulations 1997 will be required and any relevant documentation provided to the City of Bunbury for assessment and endorsement.
10. Prior to occupation of the development, a qualified acoustic engineer shall certify to the satisfaction of the City of Bunbury that all recommendations of the endorsed Acoustic Report have been implemented. All ongoing operational requirements are to be carried out in accordance with the endorsed Acoustic Report.
11. Prior to occupation of the development, the business operator shall provide to the satisfaction of the City of Bunbury a Noise Management Plan which details the administrative and operational controls to be implemented to manage noise emissions to comply with the Environmental Protection (Noise) Regulations 1997. In particular, the acoustic report (Reference 22087484-01) indicates noise levels from refrigerated trucks keeping their condensers running are predicted to exceed the level permitted in accordance with the Environmental Protection (Noise) Regulations 1997 between 10.00pm to 07.00am Monday to Saturday and 10.00pm to 09.00am Sundays and public holidays. The noise management plan shall specifically detail management strategies to ensure condensers are turned off during these times.

Access and Parking

12. 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, line marking and signage is to be in accordance with the approved plans and be completed before the development is occupied.
13. Before the development is occupied, the recommendations of the approved Transport Statement must be carried out and implemented to the satisfaction of the City of Bunbury.
14. Before the development commences, a damage bond to the value of \$5000 must be paid to the City of Bunbury in accordance with the City of Bunbury's Local Planning Policy "Bonds".



Stormwater and Drainage

15. 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 the approval of the City of Bunbury prior to the development commencing and be implemented in accordance with the approved plan prior to the development being occupied.

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. Where a modifications to a crossover is proposed, and before construction of it can commence, a separate verge crossover application must be submitted and approved. A permit application form can be obtained on the City's website www.bunbury.wa.gov.au
4. Prior to works commencing, the applicant is required to obtain a works and thoroughfare permit for any works within Council land other than a crossover. A permit application form can be obtained on the City's website www.bunbury.wa.gov.au
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 and the Environmental Protection (Unauthorised Discharge) Regulations 2004 in relation to discharges into the environment.
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. An application shall be made to the City of Bunbury 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.
8. The development the subject of this development approval is required to comply with the requirements of the Department of Mines, Industry Regulation and Safety (Resources Safety Section) in relation to the storage of dangerous goods. Further information may be found at www.dmp.wa.gov.au



9. In the event dewatering is proposed, the proponent is advised to contact the Department of Water and Environmental Regulation (DWER) on 9726 4111 for a licence to dewater under the RIWI Act if the proposed activity is to exceed the threshold specified at <https://www.water.wa.gov.au/licensing/water-licensing/exemptions>
10. In the event the take of groundwater is proposed for the irrigation of POS/landscaping, the proponent is advised to contact DWER's Bunbury Water licensing branch on 97264111 to discuss any potential water licensing requirements under the *Rights in Water and Irrigation Act 1914*.
11. The proponent is advised that as per Condition 24 of Water Quality Protection Note 25, sufficient detail to the satisfaction of DMIRS and the City with regards to hydrocarbon management and protection of the PDWSA, consistent with DWER's Water Quality Protection Notes (WQPN) as appropriate:
 - WQPN 10: Contaminant spills – emergency response plan
 - WQPN 56: Tanks for fuel and chemical storage near sensitive water resources
 - WQPN 65: Toxic and hazardous substances

AMENDING MOTION 1

Moved by: Mr Justin Page

Seconded by: Cr Betty McCleary

That Condition No. 4 be amended to read as follows:

The approved Service Station use ~~may~~ must only operate between the hours of 5:00am and 10:00pm Monday to Sunday. 24 hours a day, Monday to Sunday in accordance with a Noise Management Plan, which shall include (but not be limited to) noise management in relation to:

- a) Customer pre-payment and PA announcements*
- b) Fuel and service deliveries*
- c) Waste collection*

The Amending Motion was put and CARRIED (3/1).

For: Mr Tony Arias
Mr Justin Page
Cr Betty McCleary

Against: Ms Kanella Hope

REASON: The majority of the Panel did not consider that the potential amenity impacts were sufficiently proven to justify the restriction of the Service Station use to only operate between the hours of 5:00am and 10:00pm Monday to Sunday. It was considered that the potential amenity impacts could be appropriately managed through a Noise Management Plan and the imposition of a Operational Management Plan.



AMENDING MOTION 2

Moved by: Mr Justin Page

Seconded by: Ms Kanella Hope

That Condition No. 13 be deleted, and the remaining conditions be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The City and Applicant have agreed that this condition can be removed and the Panel concurs, as the requirements of the condition is suitably covered in detailed design plans.

AMENDING MOTION 3

Moved by: Mr Justin Page

Seconded by: Ms Kanella Hope

That Condition No. 7 be deleted, and the remaining conditions be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The illuminated pylon sign is an integral part of the 24hr/7 days operation and could be managed through Condition 5 which required a Lighting Impact Assessment in compliance with AS4282:2019.

AMENDING MOTION 4

Moved by: Mr Justin Page

Seconded by: Ms Kanella Hope

That Condition No. 10 (now Condition No. 9) be amended to read as follows:

*Prior to occupation of the development, a qualified acoustic engineer shall certify to the satisfaction of the City of Bunbury that all recommendations of the endorsed Acoustic Report **(or as otherwise updated prior to the occupation)** have been implemented. All ongoing operational requirements are to be carried out in accordance with the endorsed Acoustic Report.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To clarify that acoustic recommendations could also include any City approved updated version of the acoustic report following further detailed design.



AMENDING MOTION 5

Moved by: Mr Justin Page

Seconded by: Ms Kanella Hope

That Condition No. 11 (now Condition No. 10) be amended to read as follows:

Prior to occupation of the development, the business operator shall provide to the satisfaction of the City of Bunbury a Noise Management Plan which details the administrative and operational controls to be implemented to manage noise emissions to comply with the Environmental Protection (Noise) Regulations 1997. ~~In particular, the acoustic report (Reference 22087484-01) indicates noise levels from refrigerated trucks keeping their condensers running are predicted to exceed the level permitted in accordance with the Environmental Protection (Noise) Regulations 1997 between 10.00pm to 07.00am Monday to Saturday and 10.00pm to 09.00am Sundays and public holidays. The noise management plan shall specifically detail management strategies to ensure condensers are turned off during these times.~~

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The matters removed in this condition are adequately addressed in other conditions of the approval.

AMENDING MOTION 6

Moved by: Ms Kanella Hope

Seconded by: Mr Justin Page

That a new Condition No. 5 be added, and the remaining conditions be renumbered accordingly, read as follows:

Before the Development commences, the applicant shall submit an Operational Management Plan for the approval of the City of Bunbury. This is to include (but is not limited to):

- a. Management of the use, including overnight between 10pm and 5am daily***
- b. Management of deliveries***
- c. Noise management arising from other conditions***
- d. Management of security and potentially anti-social behaviour arising from the use***

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: This condition provides further certainty and obligation to manage the use, including overnight, that is not addressed by other conditions of approval. Operations, especially overnight is a concern of city Officers, some members of the community and Panel Members. It was considered that the potential amenity impacts could be appropriately managed by a Operational Management Plan. It is recognised that policing of anti-social behaviours is not the responsibility of the operator, however, it is contingent on the operator to manage their use to avoid, discourage and react should it occur, to anti-social behaviours and amenity impacts that could arise from their operations.



AMENDING MOTION 7

Moved by: Ms Kanella Hope

Seconded by: Cr Betty McCleary

That a new Advice Note 5 be added to read as follows:

With regards to Condition 12, this includes as required upgrades to the crossovers to accommodate the development and ensuring sufficient pedestrian connectivity from Hudson Road through the development into the Neighbourhood Centre.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: to provide further certainty concerning Condition 12. Some crossover upgrades may be necessary to manage the new development and the swing of delivery trucks, and the matter of pedestrian connectivity from Hudson Road through the service station to the centre, is considered important and requiring further attention. The Withers renewal plan will see a new access beside the library opposite through from Jacaranda Way (where the house has already been demolished so is no longer a sensitive receptor) which reinforces pedestrian movements from this direction. Improved pedestrian connectivity is a safety and community principle of the Withers renewal plan being actively advanced by the City and the State Government.

AMENDING MOTION 8

Moved by: Ms Kanella Hope

Seconded by: Cr Betty McCleary

That a new Dot Point be added to Condition 8 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 must address the following:

- *The location, species and size of existing vegetation and vegetation to be removed.*
- *Exact species, location and number of proposed to be plants.*
- *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).*
- ***Landscape screening along the boundary walls of the development***

The Amending Motion was put and CARRIED UNANIMOUSLY.



REASON: The applicant indicated they have discussed the possibility of a hedge or landscape strip type treatment along the boundary walls of the development to soften the views of these walls from outside the site, when viewed from both Minninup Road and Hudson Road. Although part of the new development sits slightly lower than these roads, this measure is considered to improve presentation of the development which is quite open, complementing the few large trees that exist on what is largely a grassed verge area.

REPORT RECOMMENDATION (AS AMENDED)

1. **Accept** that the DAP Application reference DAP/22/02328 is appropriate for consideration as a “Service Station” land use and compatible with the objectives of the zoning table in accordance with Clause 16 of the City of Bunbury Local Planning Scheme No. 8.
2. **Approve** DAP Application reference DAP/22/02328 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

General

1. This decision constitutes development 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 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 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. The approved use may operate 24 hours a day, Monday to Sunday in accordance with a Noise Management Plan, which shall include (but not be limited to) noise management in relation to:
 - a) Customer pre-payment and PA announcements
 - b) Fuel and service deliveries
 - c) Waste collection



-
5. Before the Development commences, the applicant shall submit an Operational Management Plan must be submitted for the approval of the City of Bunbury. This is to include (but is not limited to):
- Management of the use, including overnight between 10pm and 5am daily
 - Management of deliveries
 - Noise management arising from other conditions
 - Management of security and potentially anti-social behaviour arising from the use

Luminance and Lighting Requirements

6. Before the development commences, the applicant shall submit a Lighting Impact Assessment (LIA) prepared by a suitably qualified lighting consultant to determine the appropriate sign luminance levels and compliance with AS4282:2019 – Control of the obtrusive effects of outdoor lighting. The signage shall operate in accordance with the approved LIA at all times.
7. The sign shall be professionally made and kept clean and maintained free of dilapidation at all times.

Landscaping

8. 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:
- The location, species and size of existing vegetation and vegetation to be removed.
 - Exact species, location and number of proposed to be plants.
 - 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).
 - Landscape screening along the boundary walls of the development

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



Acoustic Requirements

9. Prior to submission of the building permit, a qualified acoustic engineer shall review the construction and detailed design drawings and undertake a follow up verification of mechanical plant selections if they differ from those assumed in the endorsed Acoustic Report provided by Lloyd George Acoustics Report: 22087484-01. Written certification shall be provided to the City of Bunbury confirming that this review has been completed and the final mechanical plant selections are able to achieve compliance with the Environmental Protection (Noise) Regulations 1997. Should there be any deviations in design from the reference drawing set as detailed in the aforementioned acoustic report that affect the findings of the report, additional review and assessment by a qualified acoustic engineer to demonstrate compliance with the Environmental Protection (Noise) Regulations 1997 will be required and any relevant documentation provided to the City of Bunbury for assessment and endorsement.
10. Prior to occupation of the development, a qualified acoustic engineer shall certify to the satisfaction of the City of Bunbury that all recommendations of the endorsed Acoustic Report (or as otherwise updated prior to the occupation) have been implemented. All ongoing operational requirements are to be carried out in accordance with the endorsed Acoustic Report.
11. Prior to occupation of the development, the business operator shall provide to the satisfaction of the City of Bunbury a Noise Management Plan which details the administrative and operational controls to be implemented to manage noise emissions to comply with the Environmental Protection (Noise) Regulations 1997.

Access and Parking

12. 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, line marking and signage is to be in accordance with the approved plans and be completed before the development is occupied.
13. Before the development commences, a damage bond to the value of \$5000 must be paid to the City of Bunbury in accordance with the City of Bunbury's Local Planning Policy "Bonds".

Stormwater and Drainage

14. 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 the approval of the City of Bunbury prior to the development commencing and be implemented in accordance with the approved plan prior to the development being occupied.



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. Where a modifications to a crossover is proposed, and before construction of it can commence, a separate verge crossover application must be submitted and approved. A permit application form can be obtained on the City's website www.bunbury.wa.gov.au
4. Prior to works commencing, the applicant is required to obtain a works and thoroughfare permit for any works within Council land other than a crossover. A permit application form can be obtained on the City's website www.bunbury.wa.gov.au
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 and the Environmental Protection (Unauthorised Discharge) Regulations 2004 in relation to discharges into the environment.
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. An application shall be made to the City of Bunbury 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.
8. The development the subject of this development approval is required to comply with the requirements of the Department of Mines, Industry Regulation and Safety (Resources Safety Section) in relation to the storage of dangerous goods. Further information may be found at www.dmp.wa.gov.au
9. In the event dewatering is proposed, the proponent is advised to contact the Department of Water and Environmental Regulation (DWER) on 9726 4111 for a licence to dewater under the RIWI Act if the proposed activity is to exceed the threshold specified at <https://www.water.wa.gov.au/licensing/water-licensing/exemptions>



10. In the event the take of groundwater is proposed for the irrigation of POS/landscaping, the proponent is advised to contact DWER's Bunbury Water licensing branch on 97264111 to discuss any potential water licensing requirements under the *Rights in Water and Irrigation Act 1914*.
11. The proponent is advised that as per Condition 24 of Water Quality Protection Note 25, sufficient detail to the satisfaction of DMIRS and the City with regards to hydrocarbon management and protection of the PDWSA, consistent with DWER's Water Quality Protection Notes (WQPN) as appropriate:
 - WQPN 10: Contaminant spills – emergency response plan
 - WQPN 56: Tanks for fuel and chemical storage near sensitive water resources
 - WQPN 65: Toxic and hazardous substances
12. With regards to Condition 12, this includes as required upgrades to the crossovers to accommodate the development and ensuring sufficient pedestrian connectivity from Hudson Road through the development into the Neighbourhood Centre.

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

For: Mr Tony Arias
Ms Kanella Hope
Mr Justin Page

Against: Cr Betty McCleary

REASON: The Panel was satisfied, based on the information contained in the RAR, submitter presentations and meeting discussions, that the proposal is compatible with the existing activity centre and surrounding context. The subject site is located on a strategic corner within a designated Neighbourhood Centre that is considered suitable for a service station. The proposed service station's internal orientation within the centre (i.e. the main activities located under the canopy and at the building's entry façade) and the finished level being lower than Minninup Road, will assist to mitigate impacts (after hours) on existing residential properties.

The Panel was satisfied that traffic, pedestrian movement and safety was adequately addressed through the detailed design and modified development conditions. In determining the use to operate 24 hours on a daily basis, the key planning considerations of noise, lighting and effects of after-hour activities at the site could be satisfactorily addressed by the development conditions. Other considerations such as odour and excessive noise generation are adequately dealt with by other statutory mechanisms.

The Panel acknowledged the concerns raised by the City and in submissions, particularly in relation to the proposed use extending its operations between the hours of 10pm – 5.00am. Notwithstanding, in weighing these concerns against the Proponent's justification, the proposal is considered to provide a planning benefit, in terms of improved passive surveillance and activation of the centre, in context of the modified development approval conditions.



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

Nil

10. State Administrative Tribunal Applications and Supreme Court Appeals

The Presiding Member noted the following SAT Applications -

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DP/14/00039 DR 65/2020	Shire of York	Lots 4869 (2256), 5931, 9926 (2948) and 26934 Great Southern Highway, St Ronans	Construction and Use of Allawuna Farm for the purposes of a Class II Landfill	28 July 2020
DAP/21/02063 DR241/2021	Shire of Dardanup	Lot 2 Banksia Road, Crooked Brook	Cleanaway Dardanup Landfill Facility	5 November 2021
DAP/21/02120 DR49/2022	City of Busselton	Lot 400 (No.24) Dunn Bay Road, Dunsborough	Proposed six storey mixed use (Restaurant/Cafe and Multiple Dwellings) Development	23 March 2022
DAP/22/02265 DR204/2022	Shire of Harvey	Lot 101 (No. 96) Binningup Road, Binningup	Workers Accommodation Village	28 November 2022

11. General Business

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

12. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 11.44am.