



# Regional Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Thursday, 23 March 2023; 9.30am  
**Meeting Number:** RJDAP/87  
**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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**Mr Gene Koltasz**  
**Presiding Member, Regional JDAP**



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## Attendance

### DAP Members

Mr Gene Koltasz (Presiding Member)  
Ms Gabriela Poezyn (A/Deputy Presiding Member)  
Mr Justin Page (Third Specialist Member)  
Cr Michelle Steck (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 Matilda Hodge (City of Bunbury)  
Ms Barbara Macaulay (City of Bunbury)  
Mr Brad Brooksby (City of Bunbury)  
Mr Cameron Scott (City of Bunbury)  
Ms Michelle Hayward (City of Bunbury)

### Minute Secretary

Ms Ashlee Kelly (DAP Secretariat)

### Applicants and Submitters

#### *Item 8.1*

Mr Nik Hidding (Hidding Urban Planning)  
Mr Glenn Brockman  
Mr Paul Jakins

#### *Item 8.2*

Mr Steven DePiazzi (Urbanista Town Planning)  
Ms Bianca Sandri (Urbanista Town Planning)  
Mr Trent Fleskens (Strategic Property Group)  
Mr Kieran O'Brien

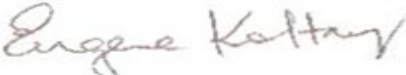
### Members of the Public / Media

There were 15 members of the public in attendance.

Ms Jemillah Dawson from ABC South-West was in attendance.

## 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.38am on 23 March 2023 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

  
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Presiding Member, Regional JDAP



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

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

### **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.

## **2. Apologies**

Mr Tony Arias (Presiding Member)  
Mr Ray Haeren (Presiding Member)  
Ms Kanella Hope (Deputy Presiding Member)

## **3. Members on Leave of Absence**

Nil

## **4. Noting of Minutes**

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

## **5. Declaration of Due Consideration**

All members declared that they had duly considered the documents.

## **6. Disclosure of Interests**

DAP Member, Ms Kanella Hope, declared an Indirect Pecuniary Interest in item 8.2. Ms Hope has provided advice on this matter to nearby neighbours who oppose the proposal.

DAP Member, Mr Ray Haeren, declared an Indirect Pecuniary Interest in item 8.1 and Item 8.2 Mr Haeren is an employee of Urbis. Urbis is working for the City of Bunbury undertaking.

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

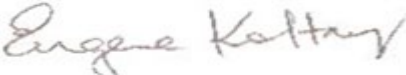
## 7. Deputations and Presentations

- 7.1 Mr Glenn Brockman addressed the DAP against the recommendation for the application at Item 8.1.
- 7.2 Mr Paul Jakins addressed the DAP against the recommendation for the application at Item 8.1.
- 7.3 Mr Nik Hidding (Hidding Urban Planning) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.4 The City of Bunbury officers addressed the DAP in relation to Item 8.1 and responded to questions from the panel.

***The presentations at Items 7.1 – 7.4 were heard prior to the application at Item 8.1.***

- 7.5 Mr Kieran O'Brien addressed the DAP in support of the recommendation for the application at Item 8.2.
- 7.6 Ms Bianca Sandri (Urbanista Town Planning) addressed the DAP against the recommendation for the application at Item 8.2 and responded to questions from the panel.
- 7.7 The City of Bunbury officers addressed the DAP in relation to Item 8.1 and responded to questions from the panel.

***The presentations at Items 7.5 - 7.7 were heard prior to the application at Item 8.2.***

  
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Presiding Member, Regional JDAP



## 8. Form 1 – Responsible Authority Reports – DAP Applications

### 8.1 92 (Lot 33, 34, & 102) Blair Street, Bunbury

Development Description: Motor Vehicle Wash, Fast Food Outlet with Drive Through Facility, and Pylon Signs  
Applicant: Mr Nik Hidding (Hidding Urban Planning)  
Owner: OTR 393 Pty Ltd  
Responsible Authority: City of Bunbury  
DAP File No: DAP/22/02395

### REPORT RECOMMENDATION

**Moved by:** Cr Michelle Steck

**Seconded by:** Mr Justin Page

*With the agreement of the mover and seconder the following amendment was made to the report recommendation:*

That a new Condition No.21d be added to read as follows:

#### ***d. Register of complaints and management of complaints.***

**REASON:** To ensure as part of the approved use of the site that operations are undertaken in a manner which reduce impacts on neighbouring and surrounding sensitive uses and this includes the recording and management of any complaints, so that complaints (if any) can be appropriately considered and addressed.


That the Regional JDAP resolves to:

1. **Accept** that the DAP Application reference RDAP/22/2395 is appropriate for consideration as a 'Service Station', 'Motor Vehicle Wash' and 'Fast Food Outlet' land use and is compatible with the objectives of the zoning table in accordance with Clause 16 of the City of Bunbury Local Planning Scheme No. 8 and the Greater Bunbury Region Scheme.
2. **Approve** DAP Application reference RDAP/22/2395 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, the provisions the City of Bunbury Local Planning Scheme No. 8 and the Greater Bunbury Region Scheme, subject to the following conditions:

### Conditions

#### General

1. This decision constitutes development approval only and is valid for a period of four 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.

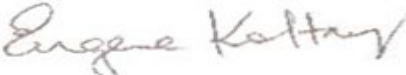
  
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2. All development shall be in accordance with the approved development plans (attached) which form part of this development approval.
3. All works required to satisfy a condition of this approval are required to be installed / constructed and maintained in accordance with the approved plans and conditions of approval for the life of the development.
4. At all times, the development the subject of this development approval must comply with the definition of Service Station, Fast Food Outlet and Motor Vehicle Wash as contained in Part 6 of the City of Bunbury Local Planning Scheme 8.
5. At all times the Fast Food Outlet, including the drive through facility, must be used in association with the Service Station retail building/convenience store.
6. At all times, the hours of operation for the dog wash are restricted to Monday to Saturday 7am to 7pm and Sunday (including public holidays) 9am to 7pm.
7. All deliveries shall be restricted to Monday to Saturday 7am to 7pm and Sunday (including public holidays) 9am to 7pm.
8. At all times, waste collection vehicles shall be restricted to Monday to Saturday 7am to 7pm and Sunday (including public holidays) 9am to 7pm.

#### Luminance and Lighting Requirements

9. The Blair Street pylon sign shall be limited to a maximum height of 7m above natural ground level.
10. The Zoe Street pylon sign shall be setback a minimum of 2.5m from the western lot boundary.
11. Prior to occupation, 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. The site shall operate in accordance with the approved LIA at all times.
12. The sign is to only display consecutive static messages in either text or pictographic format only (no video or animation). The sign is to display only single, self-contained messages, which is to have a dwell duration of not less than 40 seconds.
13. Illuminated signage is not to flash or pulsate and shall be of an illumination level that is suitable to off-street ambient lighting.
14. At all times the advertising device is not permitted to display third party advertising.
15. The sign shall be professionally made and kept clean and maintained free of dilapidation at all times.

  
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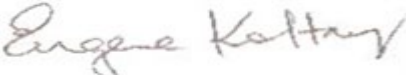
16. Before the development is occupied, a lighting plan must be submitted to the City of Bunbury for approval and must address security lighting for the site's pedestrian path connection to Blair Street in accordance with CPTED principles. All lighting must be designed to be baffled and maintained at all times to the satisfaction of the City of Bunbury.

#### Acoustic

17. 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 (Reverberate Consulting dated 18 August 2022 Reference: P191162RP1 and Addendum dated 22 February 2023). Written certification shall be provided to the City of Bunbury confirming that that this review has been completed and the final mechanical plant selections are able to achieve compliance with the Environmental Protection (Noise) Regulations 1997.
18. 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 (Reverberate Consulting dated 18 August 2022 Reference: P191162RP1 and Addendum dated 22 February 2023) have been implemented. All ongoing operational requirements are to be carried out in accordance with the endorsed Acoustic Report.

#### Management Plans

19. Prior to the issue of an occupancy permit, a Delivery Management Plan shall be submitted for approval by the City of Bunbury, detailing the hours of fuel and goods delivery, and the methods for entering and exiting the site to the satisfaction of the City of Bunbury. The Delivery Management Plan is to be adhered to for the life of the development.
20. A Construction Management Plan shall be submitted to and approved by the City prior to the commencement of development. The management plan shall include details regarding mitigation measures to address impacts associated with construction works and shall be prepared to the specification and satisfaction of the City. The construction works shall be undertaken in accordance with the approved Construction Management Plan.
21. Before the development commences, the applicant must submit an Operational Management Plan for the approval of the City of Bunbury, which shall include (but not be limited to):
  - a. Management of the use, including overnight between 10pm and 5am daily;
  - b. Management of the drive through facility;
  - c. Onsite waste management.
  - d. Register of complaints and management of complaints.

  
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22. Prior to occupation of the development, the business operator shall provide to the satisfaction of the City of Bunbury an amended 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*. The approved use may operate 24 hours a day, Monday to Sunday in accordance with an approved Noise Management Plan, which shall include (but not be limited to) noise management in relation to:
- Customer pre-payment and PA announcements;
  - Fuel and service deliveries;
  - Waste collection.

#### Amalgamation

23. Prior to occupancy of the development, the following land parcels Lot 33, 34 and 102 Blair Street, Bunbury shall be amalgamated into one certificate of title, with the new title issued and a copy of the new title provided to the satisfaction of the City of Bunbury.

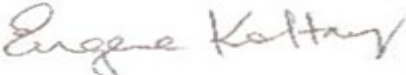
#### Landscaping

24. The proposed 3m high masonry wall located along Zoe Street (western boundary) shall have a minimum 3m setback from the boundary in accordance with the annotated development plans. The 3m street setback shall be landscaped to the satisfaction of the City of Bunbury with landscaping details being submitted.
25. The proposed colorbond fence, as marked in red on the development plan, be removed or reduced to a maximum height of 0.75m.
26. On-site car parking areas are to be landscaped with shade trees planted at the rate of no less than 1 tree per 8 car parking bays. Species must have a clean trunk to 2m with non-invasive roots.

Before the development is occupied, the landscaping plan shall be updated and provided to the City of Bunbury to include the required shade trees. The approved landscaping plan must be planted, established, and reticulated in accordance with the endorsed landscape plans prior to occupation. These areas must be maintained as landscaped areas at all times and to the satisfaction of the City of Bunbury.

#### Access and Parking

27. 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.

  
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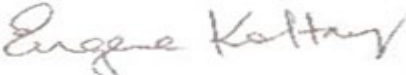
28. At all times, no service delivery access is permitted from Zoe Street. Signage restricting delivery vehicle access must be installed to the satisfaction of the City of Bunbury.
29. Before the development is occupied, detailed design plans for the Blair Street crossovers shall be submitted to the City of Bunbury for approval and include:
  - 'No entry' signage and line marking must be installed at the northern crossover;
  - 'No exit' signage and line marking must be installed at the southern crossover; and
  - Installation of 'one way' signage within the Blair Street median adjacent to the northern crossover.
30. Before the development is occupied, line marking and parking signage must be installed in accordance with the approved plans.
31. Before the development is occupied, the Zoe Street redundant vehicular crossover must be removed and the area, including the road reserve, be reinstated to the satisfaction of the City of Bunbury.
32. Before the development commences, a damage bond to the value of \$5,000 must be paid to the City of Bunbury.

#### Stormwater and Drainage

33. This property is situated within the 1% Annual Exceedance Probability (AEP) and is susceptible to flooding. The building must have a minimum finished floor level of 1.7 metres AHD in accordance with the City of Bunbury's Local Planning Policy: Development in Flood Affected Areas.
34. Before the development commences, a Stormwater and Drainage Management Plan, prepared in accordance with the Department for Water's Stormwater Management Manual must be submitted for the approval of the City of Bunbury.

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

- proposed development;
- storm events to be managed;
- onsite-retention for 1:1 year events;
- onsite-detention for 1:5 year events;
- overland flow path for larger events;
- effect of groundwater;
- use of water sensitive urban design principles;
- water quality;
- protection of adjacent / nearby waterways and wetlands; and
- conclusions / recommendations.


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

### 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 on (08) 9792 7000.
3. With regards to the lighting plan condition, the plan should address the safety of publicly accessible areas, including pedestrian links and the vehicle accessways, and the suitability of existing lighting for pedestrians along the Blair Street footpath.
4. With regards to the Acoustic Report, 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.
5. 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](http://www.bunbury.wa.gov.au)
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 and the Environmental Protection (Unauthorised Discharge) Regulations 2004 in relation to discharges into the environment. Further information can be obtained from the City of Bunbury 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 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 for assessment and approval prior to commencing development.

  
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Presiding Member, Regional JDAP



9. 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](http://www.dmp.wa.gov.au)
10. 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>
11. In the event that the taking 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*.
12. 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*
  - WQPN 49: *Service Stations*

**The Report Recommendation was put and CARRIED UNANIMOUSLY.**

**REASON:** The Panel having considered the Responsible Authority Report and all materials and information presented, was satisfied with the RAR recommendation but with the amended conditions. This included consideration of submitter issues against approval, of which concerns were adequately addressed by the applicant and their consultant team, along with recommendations from the Responsible Authority. The Panel considered that the proposed use was consistent with the Service Commercial zoning of the site and that the design of the proposal was suitable for the site's context. Key issues raised by submitters in relation to light, noise, odour and traffic could be adequately addressed through the conditions. In general, the Panel was satisfied that all relevant planning considerations had been appropriately addressed.

**Mr Gene Koltasz**  
Presiding Member, Regional JDAP



## 8.2 No.6 (Lot 10) Mossop Street and No.83 (Lot 40) Mangles Street, South Bunbury\*

Development Description: Proposed Child Care Premises  
Applicant: Mr Steven DePiazzi (Urbanista Town Planning)  
Owner: SPG Capital Fund 11 Pty Ltd  
Responsible Authority: City of Bunbury  
DAP File No: DAP/22/02403

### REPORT RECOMMENDATION

**Moved by:** Cr Betty McCleary

**Seconded by:** Ms Gabriela Poezyn

*With the agreement of the mover and seconder the following amendment was made to the report recommendation:*

That a new Reason No.4 be added to read as follows:


***The proposed Child Care Premises does not meet Cl 67(c) of the Planning and Development (Local Planning Schemes) Regulations 2015 as it does not align with the relevant objectives of SPP7.***

That the Regional JDAP resolves to:

1. **Refuse** DAP Application reference RJDAP/22/2403 and accompanying plans 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, for the following reasons:

### Reasons

1. The proposed Child Care Premises is inconsistent with the City of Bunbury Local Planning Scheme No. 8 with respect to:
  - a. A Child Care Premises is an 'A' use within Table 3 Zoning Table. It is considered that the proposal will have a detrimental impact on the amenity of the residents in the locality by way of increased noise and traffic. The scale of the commercial land use is not considered compatible with the existing residential area.
  - b. Clause 16 – Objectives of the Residential Zone which includes:
    - i. *'to facilitate high quality design, built form and streetscape'* It is considered the proposed solid fencing and car parking within the front setback area has a negative impact on the streetscape and is not in keeping with the residential character of the area;
    - ii. *'to provide for a range of non-residential uses, which are compatible with and complimentary to residential development'* It is considered the scale of the commercial land use is not complimentary to residential development in respect to the degree of noise and traffic that will be generated by the development; and

  
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- iii. *'to preserve and enhance residential amenity'*. It is considered the scale of the proposal is not in an appropriate location and would result in the creep of a commercial land use into the residential zone.
2. The proposed Child Care Premises does not comply with the objective of the City of Bunbury Local Planning Policy 5.4 – Non-Residential Development Adjoining Residential Development 'to ensure the provision of an acceptable level of physical separation and suitable interface treatment between non-residential and residential land uses and development'. It is considered that the 1.5m southern setback in lieu of the 3m required (CI 5.2.2) does not provide for a sufficient physical separation.
3. The proposed Child Care Premises does not meet CI 67 (2) (m) and (n) of the Planning and Development (Local Planning Schemes) Regulations 2015. The accumulated impacts associated with noise, traffic, car parking and impacts on the streetscape in conjunction with the scale of the proposal for 96 children, is not considered compatible with the 'Residential' zone and will have a negative impact on amenity.
4. The proposed Child Care Premises does not meet CI 67(c) of the Planning and Development (Local Planning Schemes) Regulations 2015 as it does not align with the relevant objectives of SPP7.

#### **AMENDING MOTION 1**

**Moved by:** Mr Justin Page

**Seconded by:** Cr Betty McCleary

That a new Reason No.5 be added to read as follows:

***In giving due regard to the matters to be considered under clause 67(y), Schedule 2, Part 9 of the Planning and Development (Local Planning Schemes) Regulations the proposed development will have an undue impact on residential amenity.***

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

For: Ms Gabriela Poezyn  
Mr Justin Page  
Cr Betty McCleary  
Cr Michelle Steck

Against: Mr Eugene Koltasz

**REASON:** Matters raised in advertising submissions including (but not limited to) traffic, size/scale of development and noise and how these impact on the residential amenity were considered relevant as to determining whether the proposal satisfactorily addresses the City of Bunbury Local Planning Scheme No. 8 Clause 16(ii) and Clause 16(iii) objectives.

**Mr Gene Koltasz**  
**Presiding Member, Regional JDAP**




## REPORT RECOMMENDATION (AS AMENDED)

That the Regional JDAP resolves to:

1. **Refuse** DAP Application reference RJDAP/22/2403 and accompanying plans 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, for the following reasons:

### Reasons

1. The proposed Child Care Premises is inconsistent with the City of Bunbury Local Planning Scheme No. 8 with respect to:
  - a. A Child Care Premises is an 'A' use within Table 3 Zoning Table. It is considered that the proposal will have a detrimental impact on the amenity of the residents in the locality by way of increased noise and traffic. The scale of the commercial land use is not considered compatible with the existing residential area.
  - b. Clause 16 – Objectives of the Residential Zone which includes:
    - i. *'to facilitate high quality design, built form and streetscape'* It is considered the proposed solid fencing and car parking within the front setback area has a negative impact on the streetscape and is not in keeping with the residential character of the area;
    - ii. *'to provide for a range of non-residential uses, which are compatible with and complimentary to residential development'* It is considered the scale of the commercial land use is not complimentary to residential development in respect to the degree of noise and traffic that will be generated by the development; and
    - iii. *'to preserve and enhance residential amenity'*. It is considered the scale of the proposal is not in an appropriate location and would result in the creep of a commercial land use into the residential zone.
2. The proposed Child Care Premises does not comply with the objective of the City of Bunbury Local Planning Policy 5.4 – Non-Residential Development Adjoining Residential Development 'to ensure the provision of an acceptable level of physical separation and suitable interface treatment between non-residential and residential land uses and development'. It is considered that the 1.5m southern setback in lieu of the 3m required (CI 5.2.2) does not provide for a sufficient physical separation.
3. The proposed Child Care Premises does not meet CI 67 (2) (m) and (n) of the Planning and Development (Local Planning Schemes) Regulations 2015. The accumulated impacts associated with noise, traffic, car parking and impacts on the streetscape in conjunction with the scale of the proposal for 96 children, is not considered compatible with the 'Residential' zone and will have a negative impact on amenity.
4. The proposed Child Care Premises does not meet CI 67(c) of the Planning and Development (Local Planning Schemes) Regulations 2015 as it does not align with the relevant objectives of SPP7.

  
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Presiding Member, Regional JDAP





5. In giving due regard to the matters to be considered under clause 67(y), Schedule 2, Part 9 of the Planning and Development (Local Planning Schemes) Regulations the proposed development will have an undue impact on residential amenity.

**The Report Recommendation (as amended) was put and CARRIED (3/2).**

For: Ms Gabriela Poezyn  
Mr Justin Page  
Cr Betty McCleary

Against: Mr Eugene Koltasz  
Cr Michelle Steck

**REASON:** Whilst the Panel agreed that there is a need for child care premises in Bunbury, proposals need to be considered and weighed on its merits. By majority, panel members concurred with the assessment in the Responsible Authority Report that the application be refused, for reasons (with above amendments) given in the recommendation. Whilst the alternative recommendation was considered and discussed by the Panel, the recommended conditions to approve it, which would require considerable and uncertain changes to be made, were still considered insufficient in satisfying the planning framework.

*\* The minutes have been updated and republished on the 29 March 2023 to correct an error with the address for Item 8.2.*


**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 DR65/2020	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/22/02265 DR204/2022	Shire of Harvey	Lot 101 (No. 96) Binningup Road, Binningup	Workers Accommodation Village	28 November 2022

  
**Mr Gene Koltasz**  
Presiding Member, Regional JDAP



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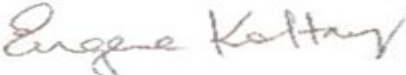
DAP/22/02360 DR30/2023	City of Kalgoorlie Boulder	Lot 302 Porter Kalgoorlie	(No.1) Street	Demolition of Existing Lodging House and Proposed Construction of Lodging House	17 February 2023
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## 11. General Business

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 11.57am.

  
**Mr Gene Koltasz**  
Presiding Member, Regional JDAP