



Regional Joint Development Assessment Panel Minutes

Meeting Date and Time: Monday, 17 July 2023; 9:30am
Meeting Number: RJDAP/105
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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Eugene Koltasz
Presiding Member, Regional JDAP



Attendance

DAP Members

Eugene Koltasz (Presiding Member)
Gabriela Poezyn (A/Deputy Presiding Member)
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

Matilda Hodge (City of Bunbury)
Barbara Macaulay (City of Bunbury)
Brandon Goodwin (City of Bunbury)
Johan van Zyl (City of Bunbury)

Minute Secretary

Tenielle Brownfield (DAP Secretariat)

Applicants and Submitters

Bianca Sandri (Urbanista Town Planning)
Trent Fleskens (Strategic Property Group)
David and Michele Keyser
Keiran O'Brien
Bernadette Johnstone

Members of the Public / Media

There were 3 members of the public in attendance.

Amelia Searson from ABC News was in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.33am on 17 July 2023 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

Due to the unavailability of the Presiding Member and the conflict of interest of the Deputy Presiding Member, 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*.

Eugene Koltasz
Presiding Member, Regional JDAP



1.1 Announcements by Presiding Member

The Presiding Member advised that panel members may refer to technical devices, such as phones and laptops, throughout the meeting to assist them in considering the information before them.

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)
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, Kanella Hope, declared an indirect pecuniary interest in item 8.1. Ms Hope has provided advice on this matter to nearby neighbours who oppose this proposal.

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 indirect pecuniary interest, was not permitted to participate in the discussion and voting on the item.

In accordance with section 2.4.10 of the DAP Code of Conduct 2017, DAP Member, Eugene Koltasz, declared that they had participated in a State Administrative Tribunal process in relation to the application at item 8.1. However, under section 2.1.3 of the DAP Code of Conduct 2017, Eugene Koltasz acknowledged that they are not bound by any confidential discussions that occurred as part of the mediation process and undertakes to exercise independent judgment in relation to any DAP applications before them, which will be considered on its planning merits.

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Presiding Member, Regional JDAP



7. Deputations and Presentations

- 7.1** David and Michele Keyser addressed the DAP in support of the recommendation for the application at Item 10.1.
- 7.2** Kieran O'Brien addressed the DAP in support of the recommendation for the application at Item 10.1.
- 7.3** Bernadette Johnstone addressed the DAP in support of the recommendation for the application at Item 10.1 and responded to questions from the panel.
- 7.4** Bianca Sandri (Urbanista Town Planning) presenting in against the recommendation for the application at Item 10.1 and responded to questions from the panel.
- 7.5** Alyssa Continibali (Meyer Shircore) addressed the DAP against the recommendation for the application at Item 10.1 and responded to questions from the panel.
- 7.6** City of Bunbury addressed the DAP in relation to the application at Item 10.1 and responded to questions from the panel.

8. Form 1 – Responsible Authority Reports – DAP Applications

Nil.

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

Nil.

Eugene Koltasz
Presiding Member, Regional JDAP



10. State Administrative Tribunal Applications and Supreme Court Appeals

10.1 6 (Lot 10) Mangles Street & 83 (Lot 30) Mossop Street, South Bunbury

Development Description:	Proposed Child Care Premises
Summary of Modifications:	<ul style="list-style-type: none">• Reduction in children from 92 to 92• Reduction in staff from 16 to 15• Amended fencing design along street frontages• Amended building façade and colour palette• Amended pedestrian access and entry• Amended carparking layout• Amended bin store location• Revised Landscaping plan• Revised Operational Management Plan• Revised Acoustic Report• Revised Traffic Impact Statement
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: NIL

That the Regional Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 51 of 2023, resolves to:

Reconsider its decision dated 23 March 2023 and **AFFIRM its** decision for refusal of Child Care Premises DAP Application reference RJDAP/22/2403 and amended 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.

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Presiding Member, Regional JDAP



- b. Clause 16 – Objectives of the Residential Zone which includes:
- i. ‘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
 - ii. ‘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, and car parking in conjunction with the scale of the proposal for 92 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.
 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 LAPSED for want of a seconder.

ALTERNATE MOTION

Moved by: Cr Michelle Steck

Seconded by: Justin Page

With the agreement of the mover and seconder, the following amendments were made to the report recommendation:

- (i) That Condition No. 5 be amended to read as follows:

*At all times, the proposal shall only operate Monday – Friday 7am – 6pm
(excluding public holidays), with staff onsite only from 6.30am – 6.30pm.*

REASON: To clarify as per the Applicant’s intention that the development will not operate during public holidays.

Eugene Koltasz
Presiding Member, Regional JDAP



- (ii) That Condition No. 13 be amended to read as follows:

As outlined in the ~~endorsed acoustic report dated December 2022, addendum email transmittal dated 12 June 2023 prepared by Herring Storer Acoustics (reference 30387-1-22388 Version 3 and Reference 31151-1-22388 respectively) (Here after referred to as the acoustic report) and email from Herring Storer Acoustics dated 13 June 2023~~ The proposal is to operate in accordance with the following at all times:

- a) *No more than 40 children are to utilise the main eastern/northern outdoor play area at any one time.*
- b) *The western outdoor play area shall be utilised by 0–3-year-olds only, and shall be limited to 10, 2-3 year olds at any one time.*
- c) *No children shall utilise any outdoor play areas prior to 7.00am.*
- d) *The childcare centre will cater for children up to 5 years of age only.*

REASON: To simplify the condition.

- (iii) That Condition No. 22 be deleted, and the remaining conditions be renumbered accordingly.

REASON: During the meeting Shire officers agreed that this condition is not required, as the matter could still be considered as part of Condition 12.

- (iv) That Condition No. 16 be amended to read as follows:

After construction and prior to occupancy of the development, the business operator shall:

- a) *Provide, to the satisfaction of the City of Bunbury Manager Community Wellbeing, an ~~a~~ **Noise Operational 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.*
- b) *The ~~Noise~~ **Noise Operational Management Plan** is to include, but not limited to:*
 - i. operating hours,*
 - ii. the **rules and** use of the outdoor play area, and*
 - iii. vehicle movement restrictions within the car parking area,*
 - as outlined in the endorsed acoustic report.*
 - iv. designated staff parking bays for staff arriving between 6.30am - 7.00am.***
 - v. Management of complaints.***

REASON: The Operational Management Plan will provide further detail as to on-going measures that will be put in place to adequately manage the impacts of the proposal on neighbouring and surrounding residential amenity.

Eugene Koltasz
Presiding Member, Regional JDAP



ALTERNATE MOTION (AS AMENDED)

It is recommended that the Regional JDAP Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 51 of 2023, resolves to:

Reconsider its decision dated 23 March 2023 and **SET ASIDE the decision** and approve proposed Child Care Premises DAP Application reference RJDAP/22/2403 and amended 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, subject to the following conditions:

Amended 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 development shall be in accordance with the approved development plans (attached) which form part of this development approval.
3. At all times, the development the subject of this approval must comply with the land use definition of 'Child Care Premises' as contained in Part 6, Division 2 of the City of Bunbury Local Planning Scheme No. 8.
4. All works required to satisfy a condition of this approval are required to be installed / constructed and maintained in accordance with the approved plans and conditions of approval for the life of the development.
5. At all times, the proposal shall only operate Monday – Friday 7am – 6pm (excluding public holidays), with staff onsite only from 6.30am – 6.30pm.
6. The building shall incorporate solar panels to the satisfaction of the City of Bunbury.
7. Prior to the commencements of works, the applicant is to demonstrate compliance with CPTED principles to the satisfaction of the City of Bunbury. Including, but not limited to security gates to the carpark, lighting, and security cameras to deter crime after hours.
8. All servicing and deliveries, including waste collection, for the site are to take place during the operational hours and not during peak morning drop off or peak afternoon pick-up periods of the Child Care Premises to the satisfaction of the City of Bunbury.
9. Prior to the commencement of works, revised plans demonstrating the provision of fencing between the two outdoor play areas is to be provided to the satisfaction of the City of Bunbury.

Eugene Koltasz
Presiding Member, Regional JDAP



Landscaping and Fencing

10. 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 five (5) advanced tree to be planted. Advanced trees are to be planted within the carparking area in 90L or larger container and must be a minimum 2m height and 2 years age at the time of planting.
 - b) Landscaping treatments inclusive of vegetation within the verge area.
 - c) The retention of the two existing trees onsite.
 - 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 to be planted.
 - 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).
 - k) Screening of car parking areas.
 - l) Fence material, height and treatment.

11. 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.

Amalgamation

12. Before the development commences, the subject land parcels must be amalgamated/consolidated into the one certificate of title and the new title issued, and a copy of the new title provided, to the satisfaction of the City of Bunbury.

Or, alternatively the land owner must enter into a legal agreement with the City of Bunbury to secure the amalgamation/consolidation of the subject land parcels into one certificate of title within a specified time frame. The legal agreement must be at the full cost of the landowner, to the specification of the City's solicitor and to the satisfaction of the City of Bunbury.

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Presiding Member, Regional JDAP



Acoustic

13. The proposal is to operate in accordance with the following at all times:
- a) No more than 40 children are to utilise the main eastern/northern outdoor play area at any one time.
 - b) The western outdoor play area shall be utilised by 0–3-year-olds only, and shall be limited to 10, 2-3 year olds at any one time.
 - c) No children shall utilise any outdoor play areas prior to 7.00am.
 - d) The childcare centre will cater for children up to 5 years of age only.
14. Prior to the submission of a Building Permit Application, a qualified acoustic engineer shall:
- a) Review the construction drawings and certify to the satisfaction of the City of Bunbury that the documents/plans incorporate all the recommended design and construction noise attenuation elements, specified in the endorsed acoustic report
 - b) Review/assess the proposed air conditioning and ventilations systems selection and design as outlined in the acoustic report .
 - i. This review/assessment shall include any noise attenuation measures required for the air conditioning and ventilation systems to comply with the Environmental Protection (Noise) Regulations 1997.
 - ii. Written certification shall be provided by the endorsed acoustic engineer to the City of Bunbury's Manager Community Wellbeing confirming that the assessment has been completed and the final selection and design of the air conditioning and ventilation, including any noise attenuation measures, is able to achieve compliance with the Environmental Protection (Noise) Regulations 1997.
15. After construction, prior to occupancy of the development, a qualified acoustic engineer shall:
- a) Provide written certification to the satisfaction of the City of Bunbury's Manager Community Wellbeing that all noise attenuation measures required as part of the outdoor play area, and air conditioning design assessments have been implemented onsite.
 - b) All ongoing operational requirements are to be carried out in accordance with the endorsed acoustic report and any further measures identified in the subsequent acoustic assessments.

Eugene Koltasz
Presiding Member, Regional JDAP



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16. After construction and prior to occupancy of the development, the business operator shall:
- a) Provide, to the satisfaction of the City of Bunbury Manager Community Wellbeing, an Operational 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.
 - b) The Operational Management Plan is to include, but not limited to:
 - i. operating hours,
 - ii. the rules and use of the outdoor play area, and
 - iii. vehicle movement restrictions within the car parking area, as outlined in the endorsed acoustic report.
 - iv. Designated staff parking bays for staff arriving between 6.30am – 7.00am
 - v. Management of complaints

Access and Parking

17. Before the development commences, a damage bond to the value of \$3000 must be paid to the City of Bunbury in accordance with the City of Bunbury's Local Planning Policy "Bonds".
18. Before the development is occupied, the access ways, car parking and turning areas shall be constructed in accordance with the development approval to the satisfaction of the City of Bunbury.
19. Before the development is occupied, wheel stops shall be implemented within the parking area to the satisfaction of the City of Bunbury.
20. Before the development is occupied, all disused or redundant vehicular crossovers must be removed, and the area reinstated to the satisfaction of the City of Bunbury.
21. 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.
22. All construction activities must be undertaken so as to avoid dust nuisance to occupiers of land in the vicinity to the satisfaction of the City of Bunbury.

Management Plans

23. At all times, the site shall operate in accordance with the approved Operational Management Plan.
24. Before the development commences, a Construction and Site Management Plan detailing access to the site, hours of construction, the delivery and storage of materials and the parking of tradespersons is to be approved by the City of Bunbury prior to the issue of a Building Permit and implemented for the duration of construction.

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25. Before the development commences, a revised Waste Management Plan shall be provided and approved by the City of Bunbury.
26. 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:

- a. proposed development;
 - b. storm events to be managed;
 - c. onsite-retention for 1:1 year events;
 - d. onsite-detention for 1:5 year events;
 - e. overland flow path for larger events;
 - f. effect of groundwater;
 - g. use of water sensitive urban design principles;
 - h. water quality;
 - i. protection of adjacent / nearby waterways and wetlands; and
 - j. conclusions / recommendations.
27. 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

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

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A final inspection of the premises will be required to be carried out by Environmental Health Services prior to commencing operation. Further information may be obtained from the City of Bunbury's Environmental Health Services on (08) 9792 7100.

- e) 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.
- f) The City of Bunbury advises that as a food business serving food to vulnerable persons, the proposed childcare centre will be required to also comply with clause 3.3.1 of the Australian Food Safety Standards - Food Safety Programs for Food Service to Vulnerable Persons.
- g) Where a new 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.

- h) The applicant is advised that the crossover is not to go through the concrete path on the verge of Mangles Street. The path is to remain to reinforce pedestrians have right of way.
- i) The applicant is advised that the City of Bunbury's rubbish trucks are longer than the 6.9m small rear lift rubbish trucks required for vehicle manoeuvring on site and as such the applicant will need to engage a private contracting service.

AMENDING MOTION 1

Moved by: Gabriela Poezyn

Seconded by: Justin Page

That a new Condition No. 16(vi) be added to read as follows:

Parents be advised not to queue in Mangles Street.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To prevent vehicle queuing in Mangles Street, so as not to compound existing traffic concerns.

AMENDING MOTION 2

Moved by: Gabriela Poezyn

Seconded by: Cr Michelle Steck

That a new Condition No. 28 be added to read as follows:

Prior to occupation a Lighting Management Plan is provided to the satisfaction of the City that ensures that there is no overspill of lighting into neighbouring properties

Eugene Koltasz
Presiding Member, Regional JDAP



The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The community raised a concern that lighting of the facility and parking areas would have a negative impact on adjoining properties.

ALTERNATE MOTION (AS AMENDED)

It is recommended that the Regional JDAP Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 51 of 2023, resolves to:

Reconsider its decision dated 23 March 2023 and **SET ASIDE the decision** and approve proposed Child Care Premises DAP Application reference RJDAP/22/2403 and amended 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, subject to the following conditions:

Amended 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 development shall be in accordance with the approved development plans (attached) which form part of this development approval.
3. At all times, the development the subject of this approval must comply with the land use definition of 'Child Care Premises' as contained in Part 6, Division 2 of the City of Bunbury Local Planning Scheme No. 8.
4. All works required to satisfy a condition of this approval are required to be installed / constructed and maintained in accordance with the approved plans and conditions of approval for the life of the development.
5. At all times, the proposal shall only operate Monday – Friday 7am – 6pm (excluding public holidays), with staff onsite only from 6.30am – 6.30pm.
6. The building shall incorporate solar panels to the satisfaction of the City of Bunbury.
7. Prior to the commencements of works, the applicant is to demonstrate compliance with CPTED principles to the satisfaction of the City of Bunbury. Including, but not limited to security gates to the carpark, lighting, and security cameras to deter crime after hours.
8. All servicing and deliveries, including waste collection, for the site are to take place during the operational hours and not during peak morning drop off or peak afternoon pick-up periods of the Child Care Premises to the satisfaction of the City of Bunbury.

Eugene Koltasz
Presiding Member, Regional JDAP



9. Prior to the commencement of works, revised plans demonstrating the provision of fencing between the two outdoor play areas is to be provided to the satisfaction of the City of Bunbury.

Landscaping and Fencing

10. 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 site plan of proposed landscaping, including not less than five (5) advanced tree to be planted. Advanced trees are to be planted within the carparking area in 90L or larger container and must be a minimum 2m height and 2 years age at the time of planting.
 - Landscaping treatments inclusive of vegetation within the verge area.
 - The retention of the two existing trees onsite.
 - A site plan of existing and proposed development with natural and finished ground levels.
 - The location, species and size of existing vegetation and vegetation to be removed.
 - Exact species, location and number of proposed to be planted.
 - 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).
 - Screening of car parking areas.
 - Fence material, height and treatment.
11. 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.

Amalgamation

12. Before the development commences, the subject land parcels must be amalgamated/consolidated into the one certificate of title and the new title issued, and a copy of the new title provided, to the satisfaction of the City of Bunbury.

Or, alternatively the land owner must enter into a legal agreement with the City of Bunbury to secure the amalgamation/consolidation of the subject land parcels into one certificate of title within a specified time frame. The legal agreement must be at the full cost of the landowner, to the specification of the City's solicitor and to the satisfaction of the City of Bunbury.

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Acoustic

13. The proposal is to operate in accordance with the following at all times:
- a) No more than 40 children are to utilise the main eastern/northern outdoor play area at any one time.
 - b) The western outdoor play area shall be utilised by 0–3-year-olds only, and shall be limited to 10, 2-3 year olds at any one time.
 - c) No children shall utilise any outdoor play areas prior to 7.00am.
 - d) The childcare centre will cater for children up to 5 years of age only.
14. Prior to the submission of a Building Permit Application, a qualified acoustic engineer shall:
- a) Review the construction drawings and certify to the satisfaction of the City of Bunbury that the documents/plans incorporate all the recommended design and construction noise attenuation elements, specified in the endorsed acoustic report
 - b) Review/assess the proposed air conditioning and ventilations systems selection and design as outlined in the acoustic report .
 - i. This review/assessment shall include any noise attenuation measures required for the air conditioning and ventilation systems to comply with the Environmental Protection (Noise) Regulations 1997.
 - ii. Written certification shall be provided by the endorsed acoustic engineer to the City of Bunbury's Manager Community Wellbeing confirming that the assessment has been completed and the final selection and design of the air conditioning and ventilation, including any noise attenuation measures, is able to achieve compliance with the Environmental Protection (Noise) Regulations 1997.
15. After construction, prior to occupancy of the development, a qualified acoustic engineer shall:
- a) Provide written certification to the satisfaction of the City of Bunbury's Manager Community Wellbeing that all noise attenuation measures required as part of the outdoor play area, and air conditioning design assessments have been implemented onsite.
 - b) All ongoing operational requirements are to be carried out in accordance with the endorsed acoustic report and any further measures identified in the subsequent acoustic assessments.

Eugene Koltasz
Presiding Member, Regional JDAP



16. After construction and prior to occupancy of the development, the business operator shall:
- a) Provide, to the satisfaction of the City of Bunbury Manager Community Wellbeing, Operational 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.
 - b) The Operational Management Plan is to include, but not limited to:
 - i. operating hours,
 - ii. the rules and use of the outdoor play area, and
 - iii. vehicle movement restrictions within the car parking area, as outlined in the endorsed acoustic report.
 - iv. designated staff parking bays for staff arriving between 6.30am – 7.00am
 - v. Management of complaints
 - vi. Parents be advised not to queue in Mangles Street

Access and Parking

17. Before the development commences, a damage bond to the value of \$3000 must be paid to the City of Bunbury in accordance with the City of Bunbury's Local Planning Policy "Bonds".
18. Before the development is occupied, the access ways, car parking and turning areas shall be constructed in accordance with the development approval to the satisfaction of the City of Bunbury.
19. Before the development is occupied, wheel stops shall be implemented within the parking area to the satisfaction of the City of Bunbury.
20. Before the development is occupied, all disused or redundant vehicular crossovers must be removed, and the area reinstated to the satisfaction of the City of Bunbury.
21. 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.
22. All construction activities must be undertaken so as to avoid dust nuisance to occupiers of land in the vicinity to the satisfaction of the City of Bunbury.

Management Plans

23. At all times, the site shall operate in accordance with the approved Operational Management Plan.
24. Before the development commences, a Construction and Site Management Plan detailing access to the site, hours of construction, the delivery and storage of materials and the parking of tradespersons is to be approved by the City of Bunbury prior to the issue of a Building Permit and implemented for the duration of construction.

Eugene Koltasz
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25. Before the development commences, a revised Waste Management Plan shall be provided and approved by the City of Bunbury.
 26. 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:

- a. proposed development;
 - b. storm events to be managed;
 - c. onsite-retention for 1:1 year events;
 - d. onsite-detention for 1:5 year events;
 - e. overland flow path for larger events;
 - f. effect of groundwater;
 - g. use of water sensitive urban design principles;
 - h. water quality;
 - i. protection of adjacent / nearby waterways and wetlands; and
 - j. conclusions / recommendations.
27. 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.
 28. Prior to occupation a Lighting Management Plan is provided to the satisfaction of the City that ensures that there is no overspill of lighting into neighbouring properties

Advice Notes

- a) 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.
- b) 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.
- c) 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

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

A final inspection of the premises will be required to be carried out by Environmental Health Services prior to commencing operation. Further information may be obtained from the City of Bunbury's Environmental Health Services on (08) 9792 7100.

- e) 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.
- f) The City of Bunbury advises that as a food business serving food to vulnerable persons, the proposed childcare centre will be required to also comply with clause 3.3.1 of the Australian Food Safety Standards - Food Safety Programs for Food Service to Vulnerable Persons.
- g) Where a new 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.
- h) The applicant is advised that the crossover is not to go through the concrete path on the verge of Mangles Street. The path is to remain to reinforce pedestrians have right of way.
- i) The applicant is advised that the City of Bunbury's rubbish trucks are longer than the 6.9m small rear lift rubbish trucks required for vehicle manoeuvring on site and as such the applicant will need to engage a private contracting service.

The Alternate Motion (as amended) was put and CARRIED (4/1).

For: Eugene Koltasz
Gabriela Poezyn
Justin Page
Cr Michelle Steck

Against: Cr Betty MCleary

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Presiding Member, Regional JDAP



REASON: The majority of the Panel was satisfied that all relevant planning considerations had been appropriately addressed. The Applicant's amended proposal was seen to be a substantial improvement towards addressing the issues of streetscape and amenity of surrounding residential use. It is noted that the zoning allows discretion for a child care centre, provided potential impacts on residential amenity are adequately managed. The Panel considered these impacts can be adequately managed through the amended development conditions. The proposal will provide a benefit to many parents and families in the community and is acceptably located within the residential catchment that it serves and having access to a local distributor road. The issue of traffic safety, particularly in Mangles Street and the community concerns about the 'peanut roundabout' were noted and discussed. The majority of the Panel agreed with the RAR and Applicant transport assessment that the road network can accommodate the proposed additional traffic, but that issues related to driver behaviour are outside of the planning considerations. Overall, the Panel concluded that on merit the proposal satisfactorily complies with the planning framework.

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/22/02403 DR51/2023	City of Bunbury	No.6 (Lot 10) Mossop Street and No.83 (Lot 40) Mangles Street, South Bunbury	Proposed Child Care Premises	23 March 2023
DAP/22/02256 PA80/2022	Shire of Capel	79 (Lot 100) Bussell Highway, Gelorup	Proposed Service Station and Motor Vehicle Wash	30 May 2023

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 11.28am.

Eugene Koltasz
Presiding Member, Regional JDAP