



Regional Joint Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 25 January 2024; 9:30am
Meeting Number: RJDAP/129
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

Tony Arias (Presiding Member)
Lindsay Baxter (A/Deputy Presiding Member)
Justin Page (Third Specialist Member)

Item 8.1

Cr Marina Quain (Local Government Member, City of Bunbury)
Cr Michelle Steck (Local Government Member, City of Bunbury)

Item 8.2

Cr Terrence Winner (Local Government Member, City of Kalgoorlie-Boulder)
Cr Kirsty Dellar (Local Government Member, City of Kalgoorlie-Boulder)

Officers in attendance

Item 8.1

Alice Pryse (Western Australian Planning Commission)
Tim Reed (Western Australian Planning Commission)
Cameron Scott (City of Bunbury)
Brandon Goodwin (City of Bunbury)
Gareth Webber (City of Bunbury)

Item 8.2

Susie Beamish (City of Kalgoorlie-Boulder)
Paul Lees (City of Kalgoorlie-Boulder)
Michael Fraser (City of Kalgoorlie-Boulder)
Alex Weise (City of Kalgoorlie-Boulder)

Minute Secretary

Ashlee Kelly (DAP Secretariat)
Laura Simmons (DAP Secretariat)

Applicants and Submitters

Item 8.1

Naomi Thomas (GHD)
Aaron Augustson (GHD)
Fionnuala Hannon (GHD)
Allan Bowden (Southern Ports Authority)

Item 8.2

Lidija Langford (Rowe Group)
Lloyd Clark (M Group)
Taylor Conway (Proven Project Management)
Donald Veal (DVC Consulting)
Colin Saunders (DVC Consulting)



Members of the Public / Media

There were 2 members of the public in attendance.

Nadia Budihardjo from Business News was in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.39am on 25 January 2024 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.

2. Apologies

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

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 8.2, received on 24 January 2024.

The Presiding Member noted an addendum to the responsible authority report was published in relation to Item 8.2, received on 24 January 2024.

All members declared that they had duly considered the documents.



6. Disclosure of Interests

DAP Member, Cr Michelle Steck, declared an impartiality interest in item 8.1. Cr Steck was previously a member of the Bunbury Port Community Committee as the City of Bunbury representative.

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 Aaron Augustson (GHD) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

7.2 The Western Australian Planning Commissions addressed the DAP in relation to Item 8.1 and responded to questions from the panel.

The presentations at Item 7.1 -7.2 were heard prior to the application at Item 8.1.

7.3 Lidija Langford (Rowe Group) addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.

7.4 The City of Kalgoorlie-Boulder addressed the DAP in relation to Item 8.2 and responded to questions from the panel.

The presentations at Items 7.2 - 7.3 were heard prior to the application at Item 8.2.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lots 1, 61, 963 Estuary Drive, Vittoria

Development Description:	Single Lane Dual Carriageway Bridge and Road (Vehicle and Pedestrian) at the Port of Bunbury
Applicant:	GHD Pty Ltd
Owner:	Southern Ports Authority & State of Western Australia
Responsible Authority:	Western Australian Planning Commission
DAP File No:	DAP/23/02601



REPORT RECOMMENDATION

Moved by: Lindsay Baxter

Seconded by: Cr Michelle Steck

That the Regional Joint Development Assessment Panel resolves to:

Approve DAP Application reference DAP/23/02601 and accompanying plans date stamped **3 November 2023** by the Department of Planning Lands and Heritage in accordance with provisions of the Greater Bunbury Region Scheme.

Conditions

1. All development must be carried out in accordance with the approved plans date stamped **3 November 2023**, unless amended with the written consent of the Responsible Authority. In the event of an inconsistency between the approved plans and a requirement of the conditions of this development approval, the requirement of the conditions prevail.
2. Prior to construction commencing, updated plans are to be submitted for approval by the Western Australian Planning Commission demonstrating the following:
 - a) Earthworks and drainage swale batters no greater than 1:4 within the land vested with the City of Bunbury; and
 - b) Road Safety Audit (Audit Ref: 240723-RSA-001) items:
 - 2.2 – Estuary Drive pre-deflection geometry for the roundabout; and
 - 2.9 – Roundabout advanced warning signs.

Development shall be in accordance with the updated plans.

3. This decision constitutes planning 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.
4. An acid sulphate soils report and acid sulphate soils management plan shall be submitted to and approved by the Western Australian Planning Commission, on advice of the Department of Water and Environmental Regulation and shall be implemented during construction works.
5. Prior to construction commencing, a detailed Landscaping Management Plan for the subject site is to be prepared to the specifications of the City of Bunbury, inclusive of the following details:
 - a) The location, number and type of proposed trees and shrubs including planter and/or tree pit sizes and planting density;
 - b) Any lawns to be established;
 - c) Any existing vegetation and/or landscaped areas to be retained;
 - d) Any verge treatments;
 - e) Reticulation details, watering regime and weed management; and
 - f) Evidence that the proposed landscaping will not, at maturity, negatively impact the development or adjoining properties.



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6. Arrangements being made for the approved Landscaping Management Plan to be implemented by the landowner/applicant to a minimum standard to the specifications of the City of Bunbury. The landscaping shall be maintained:
 - a) By the developer in perpetuity on land not vested with the City of Bunbury; and
 - b) By the developer for two summers on land vested with the City of Bunbury, and thereafter maintained by the City.

 7. Prior to construction commencing, a Traffic Management Plan prepared in accordance with Main Roads WA's Code of Practice must be submitted for approval by the Western Australian Planning Commission to the specifications of the City of Bunbury. The Traffic Management Plan shall include details regarding mitigation of impacts on pedestrians, cyclists and vehicles, signage, and detour routes. The construction works shall be undertaken in accordance with the approved Traffic Management Plan.

 8. Prior to construction commencing, a Construction Environmental Management Plan (CEMP) shall be submitted for approval to the satisfaction of the Western Australian Planning Commission on advice of the City of Bunbury and Department of Water and Environmental Regulation. The CEMP shall include details regarding mitigation measures to address impacts associated with construction works and must address the following issues:
 - a) public safety and amenity;
 - b) site plan and security;
 - c) contact details of essential site personnel, construction period and operating hours;
 - d) community information, consultation and complaints management plan;
 - e) construction staging plan;
 - f) noise, vibration and dust management;
 - g) pre-work dilapidation reports of surrounding properties and City of Bunbury assets;
 - h) traffic, access and parking management including swept path analysis of construction vehicles;
 - i) waste management and materials re-use and/or recycling;
 - j) earthworks, excavation, land retention / piling and associated matters;
 - k) contamination risks;
 - l) storm water and sediment control; and
 - m) protection of nearby waterways from sediment or pollution during construction phase;

The construction works shall be undertaken in accordance with the approved Construction Environmental Management Plan.

 9. Prior to use commencing, any alterations, relocation, or damage of existing infrastructure within the road reserve must be completed and reinstated at the full cost to the developer to the satisfaction of the Western Australian Planning Commission on advice of the City of Bunbury.



10. Prior to use commencing, as-built survey plans detailing all City of Bunbury assets (road and infrastructure) are to be provided to the City, including but not limited to:
 - a) road pavement;
 - b) drainage infrastructure;
 - c) services;
 - d) sign posts; and
 - e) street lights.

Advice Notes

- i. Ministerial Statement 1192 under the *Environmental Protection Act 1986* applies to this development and all conditions must be complied with.
- ii. A review of the Register of Places and Objects as well as the Department of Planning, Lands and Heritage (DPLH) Aboriginal Heritage Database concludes that the subject area intersects with Aboriginal Registered Sites ID 19795 (Preston River) and ID 16713 (Collie River Waugal).

Based on the current information held by DPLH, approvals under the *Aboriginal Heritage Act 1972* will be required for this proposal. The applicant should refer to [Aboriginal Heritage Approvals](#) for information on approvals available under the *Aboriginal Heritage Act 1972* and how to apply.
- iii. The subject site is within the Bunbury Groundwater Area, proclaimed under the *Rights in Water and Irrigation Act 1914*. Any take of water for dewatering and/or construction purposes may require licensing. The applicant is therefore advised to contact the Department of Water and Environmental Regulation at bunbury.admin@dwer.wa.gov.au or 9726 4111.
- iv. The proposal may require licenses under the *Waterway Conservation Act 1976*. The applicant is therefore advised to contact the Department of Water and Environmental Regulation at bunbury.admin@dwer.wa.gov.au or 9726 4111.
- v. Acid sulphate soil investigations are to be undertaken in accordance with the relevant Department of Water and Environmental Regulation and national guidelines: <https://www.der.wa.gov.au/your-environment/acid-sulfate-soils/69-acidsulfatesoils-guidelines>.
- vi. Traffic Management Plan should, on advice of the City of Bunbury, be prepared in order to allow:
 - the existing shared user path to remain open throughout works and for the contractor to stage and construct temporary deviations with the associated protective measures in place; and
 - proposed lane closures and works along Estuary Drive (subject to the requested road closure duration and extent) to occur during the night to minimise traffic delays.
- vii. The applicant is advised that any infrastructure within the development area that requires relocation shall be relocated at the developer's cost.



AMENDING MOTION 1

Moved by: Justin Page

Seconded by: Lindsay Baxter

That Condition No. 2 be amended to read as follows:

*Prior to construction commencing, updated plans are to be submitted for approval by the Western Australian Planning Commission **on the advice of the City of Bunbury** demonstrating the following:*

- a) *Earthworks and drainage swale batters no greater than 1:4 within the land vested with the City of Bunbury; and*
- b) *Road Safety Audit (Audit Ref: 240723-RSA-001) items:
2.2 – Estuary Drive pre-deflection geometry for the roundabout; and
2.9 – Roundabout advanced warning signs.*

The Amending Motion was put and CARRIED UNANIMOUSLY

REASON: The City raised comments in its referral submission about the design of the roundabout and requested opportunity to be consulted in the detailed design of the roundabout. As the City will be the future custodian of the roundabout it is therefore appropriate the City be involved in the final design.

REPORT RECOMMENDATION (AS AMENDED)

That the Regional Joint Development Assessment Panel resolves to:

Approve DAP Application reference DAP/23/02601 and accompanying plans date stamped **3 November 2023** by the Department of Planning Lands and Heritage in accordance with provisions of the Greater Bunbury Region Scheme.

Conditions

1. All development must be carried out in accordance with the approved plans date stamped **3 November 2023**, unless amended with the written consent of the Responsible Authority. In the event of an inconsistency between the approved plans and a requirement of the conditions of this development approval, the requirement of the conditions prevail.
2. Prior to construction commencing, updated plans are to be submitted for approval by the Western Australian Planning Commission on the advice of the City of Bunbury demonstrating the following:
 - a) Earthworks and drainage swale batters no greater than 1:4 within the land vested with the City of Bunbury; and
 - b) Road Safety Audit (Audit Ref: 240723-RSA-001) items:
 - 2.2 – Estuary Drive pre-deflection geometry for the roundabout; and
 - 2.9 – Roundabout advanced warning signs.

Development shall be in accordance with the updated plans.



3. This decision constitutes planning 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.
4. An acid sulphate soils report and acid sulphate soils management plan shall be submitted to and approved by the Western Australian Planning Commission, on advice of the Department of Water and Environmental Regulation and shall be implemented during construction works.
5. Prior to construction commencing, a detailed Landscaping Management Plan for the subject site is to be prepared to the specifications of the City of Bunbury, inclusive of the following details:
 - a) The location, number and type of proposed trees and shrubs including planter and/or tree pit sizes and planting density;
 - b) Any lawns to be established;
 - c) Any existing vegetation and/or landscaped areas to be retained;
 - d) Any verge treatments;
 - e) Reticulation details, watering regime and weed management; and
 - f) Evidence that the proposed landscaping will not, at maturity, negatively impact the development or adjoining properties.
6. Arrangements being made for the approved Landscaping Management Plan to be implemented by the landowner/applicant to a minimum standard to the specifications of the City of Bunbury. The landscaping shall be maintained:
 - a) By the developer in perpetuity on land not vested with the City of Bunbury; and
 - b) By the developer for two summers on land vested with the City of Bunbury, and thereafter maintained by the City.
7. Prior to construction commencing, a Traffic Management Plan prepared in accordance with Main Roads WA's Code of Practice must be submitted for approval by the Western Australian Planning Commission to the specifications of the City of Bunbury. The Traffic Management Plan shall include details regarding mitigation of impacts on pedestrians, cyclists and vehicles, signage, and detour routes. The construction works shall be undertaken in accordance with the approved Traffic Management Plan.
8. Prior to construction commencing, a Construction Environmental Management Plan (CEMP) shall be submitted for approval to the satisfaction of the Western Australian Planning Commission on advice of the City of Bunbury and Department of Water and Environmental Regulation. The CEMP shall include details regarding mitigation measures to address impacts associated with construction works and must address the following issues:
 - a) public safety and amenity;
 - b) site plan and security;
 - c) contact details of essential site personnel, construction period and operating hours;
 - d) community information, consultation and complaints management plan;
 - e) construction staging plan;



- f) noise, vibration and dust management;
- g) pre-work dilapidation reports of surrounding properties and City of Bunbury assets;
- h) traffic, access and parking management including swept path analysis of construction vehicles;
- i) waste management and materials re-use and/or recycling;
- j) earthworks, excavation, land retention / piling and associated matters;
- k) contamination risks;
- l) storm water and sediment control; and
- m) protection of nearby waterways from sediment or pollution during construction phase;

The construction works shall be undertaken in accordance with the approved Construction Environmental Management Plan.

- 9. Prior to use commencing, any alterations, relocation, or damage of existing infrastructure within the road reserve must be completed and reinstated at the full cost to the developer to the satisfaction of the Western Australian Planning Commission on advice of the City of Bunbury.
- 10. Prior to use commencing, as-built survey plans detailing all City of Bunbury assets (road and infrastructure) are to be provided to the City, including but not limited to:
 - a) road pavement;
 - b) drainage infrastructure;
 - c) services;
 - d) sign posts; and
 - e) street lights.

Advice Notes

- i. Ministerial Statement 1192 under the *Environmental Protection Act 1986* applies to this development and all conditions must be complied with.
- ii. A review of the Register of Places and Objects as well as the Department of Planning, Lands and Heritage (DPLH) Aboriginal Heritage Database concludes that the subject area intersects with Aboriginal Registered Sites ID 19795 (Preston River) and ID 16713 (Collie River Waugal).

Based on the current information held by DPLH, approvals under the *Aboriginal Heritage Act 1972* will be required for this proposal. The applicant should refer to [Aboriginal Heritage Approvals](#) for information on approvals available under the *Aboriginal Heritage Act 1972* and how to apply.
- iii. The subject site is within the Bunbury Groundwater Area, proclaimed under the *Rights in Water and Irrigation Act 1914*. Any take of water for dewatering and/or construction purposes may require licensing. The applicant is therefore advised to contact the Department of Water and Environmental Regulation at bunbury.admin@dwer.wa.gov.au or 9726 4111.
- iv. The proposal may require licenses under the *Waterway Conservation Act 1976*. The applicant is therefore advised to contact the Department of Water and Environmental Regulation at bunbury.admin@dwer.wa.gov.au or 9726 4111.



- v. Acid sulphate soil investigations are to be undertaken in accordance with the relevant Department of Water and Environmental Regulation and national guidelines: <https://www.der.wa.gov.au/your-environment/acid-sulfate-soils/69-acidsulfatesoils-guidelines>.
- vi. Traffic Management Plan should, on advice of the City of Bunbury, be prepared in order to allow:
- the existing shared user path to remain open throughout works and for the contractor to stage and construct temporary deviations with the associated protective measures in place; and
 - proposed lane closures and works along Estuary Drive (subject to the requested road closure duration and extent) to occur during the night to minimise traffic delays.
- vii. The applicant is advised that any infrastructure within the development area that requires relocation shall be relocated at the developer's cost.

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

REASON: The Panel having considered the Responsible Authority Report (RAR) and all materials and information presented, was satisfied with the RAR recommendation.

In considering the proposed development the Panel gave due regard to the purpose of zones and reserves and was of the view that the proposed development is generally consistent with the reserve purpose under the GBRS. It did not completely meet all the purposes of the zones/reserves as this strategic infrastructure was not specifically contemplated through the GBRS, however, this was not considered to be contrary to proper and orderly planning principles.

The proposal had been assessed by the EPA and Ministerial Statement 1192 (MS 1192) was issued on 7 July 2022 under Section 45 of the Environmental Protection Act 1986. The determination confirmed that the proposal can be implemented subject to conditions including vegetation retention and rehabilitation, waterway protection measures, lighting requirements and environmental offset measures which address environmental considerations.

The Panel also considered that the proposed development would improve the functionality, protection and security of the Port as well as providing improved general access to Turkey Point.

Cr Marina Quain and Cr Michelle Steck (Local Government Member, City of Bunbury) left the panel at 9:58am.

Cr Terrence Winner and Cr Kirsty Dellar (Local Government Member, City of Kalgoorlie-Boulder) joined the panel at 9:58am.



8.2 Lot 9003, 9004 and 9005 Hart Kerspien Drive, Broadwood

Development Description:	Key workers lifestyle village – 394 grouped dwellings, communal open space, caretaker, office & communal facilities
Applicant:	Rowe Group
Owner:	City of Kalgoorlie-Boulder
Responsible Authority:	City of Kalgoorlie-Boulder
DAP File No:	DAP/23/02591

REPORT RECOMMENDATION

Moved by: Cr Kirsty Dellar

Seconded by: Lindsay Baxter

That JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/23/02591 is appropriate for consideration as a “Grouped Dwelling” land use and compatible with the objectives of the zoning table in accordance with Clause no. 17 of the City of Kalgoorlie-Boulder Planning Scheme No. 2;

2. **Approve** DAP Application reference DAP/23/02591 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 Clause no. 25 of the City of Kalgoorlie-Boulder Local Planning Scheme No. 2, subject to the conditions.

Conditions

1. This development must substantially commence within four (4) years from the date of this decision letter, unless an extension of the approval is received from the City prior to this approval expiring.
2. This development taking place in accordance with the approved plans, and any plans amended and approved as a result of conditions relating to this approval.
3. Prior to the commencement of any site works, the applicant/owner shall undertake Preliminary Site Investigations (PSI) to determine any potential contaminants that could be of danger to human health as related to the proposed residential development. If required, a Detailed Site Investigation (DSI) shall be undertaken in accordance with the Assessment and Management of Contaminated Sites Guideline (DWER 2021). If site remediation is required, remediation works shall be undertaken in accordance with an approved validation of remediation report (consistent with the Assessment and Management of Contaminated Sites Guideline (DWER 2021)).



4. Prior to the commencement of site works (excluding works relating to Detailed Site Investigations, a Construction Management Plan must be submitted and approved by the City, addressing the following:
 - a. Public safety and amenity.
 - b. A site construction plan and security.
 - c. Contact details of essential site personal, the construction period and operating hours.
 - d. Community information, consultation, and complaints management plan.
 - e. Noise, vibration, air, and dust management.
 - f. Traffic, access, and parking management.
 - g. Waste management, and materials re-use.
 - h. Earthworks, excavation, land retention /piling and associated matters.
 - i. Stormwater and sediment control.
 - j. Street tree protection along the Hart Kerspian frontage noting that the native vegetation on the verge must be retained unless it is demonstrated that some trees/shrubs must be removed for the new site access locations and associated sight lines.
 - k. The trees/shrubs to be retained must be fenced to ensure protection and the fencing shall be retained until completion of all construction.
 - l. An asbestos removal management plan (if applicable).

5. The applicant/owner is to engage a Professional Drainage Engineer to prepare a Stormwater Management Assessment Report for the site, to be approved by the City, prior to the commencement of any site works. The report is to include the following:
 - a. A Stormwater Management Plan (Turflow Model) to meet the requirements of the City and demonstrate that low-lying infrastructure and property is not negatively impacted. The model is to address:
 - i. 1% AEP Extreme Flooding Scenario to retain all development peak flows on site and model safe water depths and flood velocities, and the flood impacts of the major stormwater infrastructure upstream and boundary channels for both scenarios.
 - ii. 20% AEP High-Frequency Flooding Scenario that shows depth flood mapping in general and possible erosion impact scenarios on site.
 - b. The Stormwater Management Plan must show the depth and risk of flows for high frequency and extreme events, and that erosion protection measures are in place for the development.
 - c. Demonstrate how to connect stormwater infrastructure to the City's stormwater network and provide detailed designs for erosion protection works as per the City's standards and address the City's Stormwater Information Sheet requirements.
 - d. A Professional Engineering Certificate including a Risk Assessment for the design of any proposed detention basins must be submitted to and approved by the City, prior to the commencement of works.



6. Prior to the commencement of on-site civil works development detailed engineering drawings shall be submitted to the City for approval addressing the following:
 - a. Road detailed designs addressing the proposed roundabouts on Hart Kerspien Drive to Main Roads WA standards and/or Austroads guidelines, and the design details of the internal cul-de-sac(s) and road profiles/cross sections.
 - b. Internal road designs demonstrating that a Waste Truck (City's Waste Contractor) can safely operate within the site in a forward direction (including demonstrated swept paths).
 - c. The minimum external road width shall be 7.0m, and The minimum internal road width shall be 6.0m.
 - d. The location and specification of all vehicle carparking within the site demonstrating vehicle movements to parking sites plus ACROD parking to the community centre.
 - e. The location of mobile wheelie bin collection pads for all dwellings and associated buildings with the locations ensuring efficient and safe bin collection.
 - f. The location of the boom gates installed at the intersection of internal roads and Hart Kerspien Drive intersection demonstrating that sufficient queuing is available on-site to ensure that Hart Kerspien Drive traffic is not unduly disrupted.
 - g. A Road Safety Audit must be submitted as part of the design process for all public road upgrades, and if required by the audit the existing crossing shall be upgraded to the satisfaction of the City.
 - h. Implement safe pedestrian crossings and connections that link the City's footpath network to the required standards of the City.
 - i. Fencing details within the proximity of the Hart Kerspien Drive access roads demonstrating that appropriate vehicle sight lines are achieved.
 - j. Stormwater design details of all internal proposed roads and their interface with the City's connecting road infrastructure.
 - k. The location and form of street lighting relating to the development including connections with Hart Kerspien Drive.

7. Prior to the commencement of development, the applicant/owner is to prepare a Staging Plan, outlining the manner in which the proposed development is to be implemented, to the satisfaction of the City. The Staging Plan must demonstrate how each stage of development is to be adequately serviced and drained within the capacity of the existing servicing network, with upgrades as required, in accordance with any legislative requirements.



8. Prior to the commencement of development, a detailed landscaping plan must be submitted and approved by the City. The landscaping plan shall be generally consistent with the Landscape Concept Plan lodged with the application and shall include, but not be limited to, the following details:
 - a. The location, number, size, density and species of proposed grasses, groundcovers, trees and shrubs.
 - b. Those areas to be reticulated/irrigated and mulched.
 - c. The location, size, edge gradient/ treatment and associated planting of any permanent water bodies (non-ephemeral detention ponds) associated with the stormwater management of the development.
 - d. Landscaping of adjacent road verges, where appropriate.
 - e. Landscaping maintenance schedule for establishment and ongoing plant maintenance.
 - f. Design details of the proposed fencing to the Gatacre Drive and Hart Kerspien Drive frontages (if applicable), and the proposed fencing to the airport boundary.
9. Satisfactory arrangements are to be made with the City for the construction of the proposed Hart Kerspien Drive roundabouts, prior to the occupancy of any adjacent development on the site and any direct access to Hart Kerspien Drive from the development site.
10. Satisfactory arrangements are to be made with the City for the provision of vehicular access to Gatacre Drive, either directly from the subject site or via adjacent Lot 9000 on Plan 32844, prior to the development of more than 350 dwellings on the site. Alternatively, should the intersection of Hart Kerspien Drive and Gatacre Drive be upgraded to accommodate additional traffic flows, more than 350 dwellings can be constructed on the site without the provision of vehicular access to Gatacre Drive.
11. Satisfactory arrangements are to be made with the City for the upgrading of the City's downstream sewer system, including any associated cost of undertaking upgrade works.
12. Any liquid waste from air conditioning, swimming pools, or other liquid generating plant or activities, shall be retained on site or connected to the City's sewer system and comply with AS/NZ3500, subject to any pretreatment requirements prior to discharge.
13. All plant and machinery (including air conditioner unit(s) and pool pump(s)) shall be suitably located to minimise the transmission of noise/vibration to adjoining dwellings/properties and installed so as not to cause a nuisance. All equipment noise must comply with the Environmental Protection (Noise) Regulations 1997.
14. Prior to the occupancy of the development, a Mosquito Management Plan is to be prepared and implemented on an ongoing basis, to the satisfaction of the City.
15. Satisfactory arrangements are to be made with the City for the connection of the development to the reticulated sewer network.



Advice Notes

1. All aquatic facilities must comply with the *Aquatic Facilities Regulations 2007* and the Code of Practice for the Design, Construction, Operation, Management & Maintenance of Aquatic Facilities. The City will conduct monthly water testing (fees apply). The applicant must complete and apply to construct, alter, or extend an aquatic facility to the State Department of Health. For more information contact the State Department of Health's Water Unit via email at swimmingpools@health.wa.gov.au.
2. The owner/applicant must apply to the City's Health Services via an Application to Construct, Alter or Extend a Public Building for the proposed gym as required in accordance with the *Health (Public Buildings) Regulations 1992*. An Application for a Certificate of Approval (form 2) and a Certificate of Electrical Compliance (Form 5) must also be submitted to the City's Health Services. The City's Health Services will provide a Maximum Accommodation Certificate dictating the number of persons permitted inside the venue at one time, the floor space, the number of toilets and emergency exit routes will be used to calculate the approved capacity.
3. In relation to Condition 6, detailed design plans should include the normal suite of details including, but not limited to, line and level, geometric details, coordinates of control points, materials proposed, material specifications, full suite of dimensions, standard specifications and drawings where applicable, standard referencing, existing underground service locations, and the interface with existing services and stormwater infrastructure.
4. In relation to Condition 8, plant species should be drought tolerant species suitable to the region. Refer to the City's Local Planning Policy – Landscaping.
5. In relation to Condition 15:
 - i. Hydraulic drawings detailing how the proposed development will be connected to the City's sewer main must be submitted to the City for approval.
 - ii. If temporary wastewater treatment is required until the sewer is available to this site, the development must comply with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*. The applicant is to liaise directly with the Environmental Health Directorate of the WA State Government Health Department to determine if a temporary system can be installed. All enquiries can be directed to WWApps@health.wa.gov.au An application to Install an Effluent Disposal System will be required.
 - iii. Any upsized or additional sewer junction(s) that is required to connect the proposed development to the City's infrastructure will be at no cost to the City. Please contact Water Services on water@ckb.wa.gov.au to request the works and arrange payment.
 - iv. Installation of Reflux Valves are required where connecting to the sewer network. The installation of the reflux valve must meet AS/NZS 3500.
6. The Building Permit shall be accompanied by drawings for any piled foundations designed by a qualified structural engineer are to be submitted to and approved by the City for any construction adjacent to the City's underground infrastructure. The approved foundations are to be constructed and certified prior to any construction.



AMENDING MOTION 1

Moved by: Justin Page

Seconded by: Cr Terrence Winner

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

This approval excludes the Office/Communal Facility and the Caretakers Dwelling.

The Amending Motion was put and CARRIED UNANIMOUSLY

REASON: There is inadequate design information provided in the current set of development plans for the Panel to make a determination to include these components in the development.

AMENDING MOTION 2

Moved by: Justin Page

Seconded by: Lindsay Baxter

That Condition No. 10 be amended to read as follows:

Satisfactory arrangements are to be made with the City for the provision of vehicular access to upgrading of the intersection of Hart Kerspien Drive and Gatacre Drive, either directly from the subject site or via adjacent Lot 9000 on Plan 32844, prior to the development of more than 350 dwellings on the site. Alternatively, should the intersection of Hart Kerspien Drive and Gatacre Drive be upgraded to accommodate additional traffic flows, to accommodate the additional traffic generated for development of more than 350 dwellings can be constructed on the site without the provision of vehicular access to Gatacre Drive.

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

For: Tony Arias
Lindsay Baxter
Justin Page
Cr Kirsty Dellar

Against: Cr Terrence Winner

REASON: No information or assessment is provided in the RAR and Traffic Report for the alternative access arrangements set out in Condition 10 and therefore the Panel cannot accept its inclusion in the condition.



AMENDING MOTION 3

Moved by: Tony Arias

Seconded by: Justin Page

That a new Condition No. 17 be added to read as follows:

Prior to submission of a building permit, an Acoustic Assessment of the impacts of airport and traffic noise on residential dwellings is required to be undertaken to the satisfaction of the City of Kalgoorlie – Boulder. The Acoustic Assessment shall include noise mitigation measures and recommendations to demonstrate compliance with the Environmental Protection (Noise) Regulations 1997 and incorporate the “Quiet House Design and Use” as a guidance Australian Standard AS 2021-2015 Acoustics – Aircraft Noise Intrusion - Building Siting and Construction.

The Acoustic Assessment report noise mitigation measures and recommendations must be fully implemented where applicable, and maintained thereafter, to the satisfaction of the City of Kalgoorlie – Boulder.

The Amending Motion was put and CARRIED UNANIMOUSLY

REASON: The proposed development is adjacent to the airport and Gatacre Drive. The potential impacts of airport and traffic noise on the proposed residential dwellings was raised in the RAR as a matter concern and requiring assessment to be undertaken to residents are provided with an acceptable level of amenity, including potential mitigation measures.

AMENDING MOTION Number 4

Moved by: Tony Arias

Seconded by: Cr Terrence Winner

That a new Advice Note No. 7 be added to read as follows:

The applicant is advised that this application was determined as “grouped dwelling” development only and no consideration was given to the Strata Subdivision proposed for the site by the applicant. Any potential Strata Subdivision of the site is solely a matter for the Western Australian Planning Commission.

The Amending Motion was put and CARRIED UNANIMOUSLY

REASON: To clarify that the application was determined as “grouped dwelling” development only and no consideration was given to the Strata Subdivision.



REPORT RECOMMENDATION (AS AMENDED)

That JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/23/02591 is appropriate for consideration as a “Grouped Dwelling” land use and compatible with the objectives of the zoning table in accordance with Clause no. 17 of the City of Kalgoorlie-Boulder Planning Scheme No. 2;
2. **Approve** DAP Application reference DAP/23/02591 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 Clause no. 25 of the City of Kalgoorlie-Boulder Local Planning Scheme No. 2, subject to the conditions.

Conditions

1. This development must substantially commence within four (4) years from the date of this decision letter, unless an extension of the approval is received from the City prior to this approval expiring.
2. This development taking place in accordance with the approved plans, and any plans amended and approved as a result of conditions relating to this approval.
3. Prior to the commencement of any site works, the applicant/owner shall undertake Preliminary Site Investigations (PSI) to determine any potential contaminants that could be of danger to human health as related to the proposed residential development. If required, a Detailed Site Investigation (DSI) shall be undertaken in accordance with the Assessment and Management of Contaminated Sites Guideline (DWER 2021). If site remediation is required, remediation works shall be undertaken in accordance with an approved validation of remediation report (consistent with the Assessment and Management of Contaminated Sites Guideline (DWER 2021).
4. Prior to the commencement of site works (excluding works relating to Detailed Site Investigations, a Construction Management Plan must be submitted and approved by the City, addressing the following:
 - a. Public safety and amenity.
 - b. A site construction plan and security.
 - c. Contact details of essential site personal, the construction period and operating hours.
 - d. Community information, consultation, and complaints management plan.
 - e. Noise, vibration, air, and dust management.
 - f. Traffic, access, and parking management.
 - g. Waste management, and materials re-use.
 - h. Earthworks, excavation, land retention /piling and associated matters.
 - i. Stormwater and sediment control.
 - j. Street tree protection along the Hart Kerspien frontage noting that the native vegetation on the verge must be retained unless it is demonstrated that some trees/shrubs must be removed for the new site access locations and associated sight lines.



- k. The trees/shrubs to be retained must be fenced to ensure protection and the fencing shall be retained until completion of all construction.
 - l. An asbestos removal management plan (if applicable).
5. The applicant/owner is to engage a Professional Drainage Engineer to prepare a Stormwater Management Assessment Report for the site, to be approved by the City, prior to the commencement of any site works. The report is to include the following:
 - a. A Stormwater Management Plan (Turflow Model) to meet the requirements of the City and demonstrate that low-lying infrastructure and property is not negatively impacted. The model is to address:
 - i. 1% AEP Extreme Flooding Scenario to retain all development peak flows on site and model safe water depths and flood velocities, and the flood impacts of the major stormwater infrastructure upstream and boundary channels for both scenarios.
 - ii. 20% AEP High-Frequency Flooding Scenario that shows depth flood mapping in general and possible erosion impact scenarios on site.
 - b. The Stormwater Management Plan must show the depth and risk of flows for high frequency and extreme events, and that erosion protection measures are in place for the development.
 - c. Demonstrate how to connect stormwater infrastructure to the City's stormwater network and provide detailed designs for erosion protection works as per the City's standards and address the City's Stormwater Information Sheet requirements.
 - d. A Professional Engineering Certificate including a Risk Assessment for the design of any proposed detention basins must be submitted to and approved by the City, prior to the commencement of works.
6. Prior to the commencement of on-site civil works development detailed engineering drawings shall be submitted to the City for approval addressing the following:
 - a. Road detailed designs addressing the proposed roundabouts on Hart Kerspien Drive to Main Roads WA standards and/or Austroads guidelines, and the design details of the internal cul-de-sac(s) and road profiles/cross sections.
 - b. Internal road designs demonstrating that a Waste Truck (City's Waste Contractor) can safely operate within the site in a forward direction (including demonstrated swept paths).
 - c. The minimum external road width shall be 7.0m, and The minimum internal road width shall be 6.0m.
 - d. The location and specification of all vehicle carparking within the site demonstrating vehicle movements to parking sites plus ACROD parking to the community centre.
 - e. The location of mobile wheelie bin collection pads for all dwellings and associated buildings with the locations ensuring efficient and safe bin collection.
 - f. The location of the boom gates installed at the intersection of internal roads and Hart Kerspien Drive intersection demonstrating that sufficient queuing is available on-site to ensure that Hart Kerspien Drive traffic is not unduly disrupted.
 - g. A Road Safety Audit must be submitted as part of the design process for all public road upgrades, and if required by the audit the existing crossing shall be upgraded to the satisfaction of the City.



- h. Implement safe pedestrian crossings and connections that link the City's footpath network to the required standards of the City.
 - i. Fencing details within the proximity of the Hart Kerspian Drive access roads demonstrating that appropriate vehicle sight lines are achieved.
 - j. Stormwater design details of all internal proposed roads and their interface with the City's connecting road infrastructure.
 - k. The location and form of street lighting relating to the development including connections with Hart Kerspian Drive.
7. Prior to the commencement of development, the applicant/owner is to prepare a Staging Plan, outlining the manner in which the proposed development is to be implemented, to the satisfaction of the City. The Staging Plan must demonstrate how each stage of development is to be adequately serviced and drained within the capacity of the existing servicing network, with upgrades as required, in accordance with any legislative requirements.
8. Prior to the commencement of development, a detailed landscaping plan must be submitted and approved by the City. The landscaping plan shall be generally consistent with the Landscape Concept Plan lodged with the application and shall include, but not be limited to, the following details:
 - a. The location, number, size, density and species of proposed grasses, groundcovers, trees and shrubs.
 - b. Those areas to be reticulated/irrigated and mulched.
 - c. The location, size, edge gradient/ treatment and associated planting of any permanent water bodies (non-ephemeral detention ponds) associated with the stormwater management of the development.
 - d. Landscaping of adjacent road verges, where appropriate.
 - e. Landscaping maintenance schedule for establishment and ongoing plant maintenance.
 - f. Design details of the proposed fencing to the Gatacre Drive and Hart Kerspian Drive frontages (if applicable), and the proposed fencing to the airport boundary.
9. Satisfactory arrangements are to be made with the City for the construction of the proposed Hart Kerspian Drive roundabouts, prior to the occupancy of any adjacent development on the site and any direct access to Hart Kerspian Drive from the development site.
10. Satisfactory arrangements are to be made with the City for the upgrading of the intersection of Hart Kerspian Drive and Gatacre Drive to accommodate the additional traffic generated for development of more than 350 dwellings constructed on the site.
11. Satisfactory arrangements are to be made with the City for the upgrading of the City's downstream sewer system, including any associated cost of undertaking upgrade works.
12. Any liquid waste from air conditioning, swimming pools, or other liquid generating plant or activities, shall be retained on site or connected to the City's sewer system and comply with AS/NZ3500, subject to any pretreatment requirements prior to discharge.



13. All plant and machinery (including air conditioner unit(s) and pool pump(s)) shall be suitably located to minimise the transmission of noise/vibration to adjoining dwellings/properties and installed so as not to cause a nuisance. All equipment noise must comply with the Environmental Protection (Noise) Regulations 1997.
14. Prior to the occupancy of the development, a Mosquito Management Plan is to be prepared and implemented on an ongoing basis, to the satisfaction of the City.
15. Satisfactory arrangements are to be made with the City for the connection of the development to the reticulated sewer network.
16. This approval excludes the Office/Communal Facility and the Caretakers Dwelling.
17. Prior to submission of a building permit, an Acoustic Assessment of the impacts of airport and traffic noise on residential dwellings is required to be undertaken to the satisfaction of the City of Kalgoorlie – Boulder. The Acoustic Assessment shall include noise mitigation measures and recommendations to demonstrate compliance with the Environmental Protection (Noise) Regulations 1997 and incorporate the “Quiet House Design and Use” as a guidance Australian Standard AS 2021-2015 Acoustics – Aircraft Noise Intrusion - Building Siting and Construction.

The Acoustic Assessment report noise mitigation measures and recommendations must be fully implemented where applicable, and maintained thereafter, to the satisfaction of the City of Kalgoorlie – Boulder.

Advice Notes

1. All aquatic facilities must comply with the *Aquatic Facilities Regulations 2007* and the Code of Practice for the Design, Construction, Operation, Management & Maintenance of Aquatic Facilities. The City will conduct monthly water testing (fees apply). The applicant must complete and apply to construct, alter, or extend an aquatic facility to the State Department of Health. For more information contact the State Department of Health’s Water Unit via email at swimmingpools@health.wa.gov.au.
2. The owner/applicant must apply to the City's Health Services via an Application to Construct, Alter or Extend a Public Building for the proposed gym as required in accordance with the *Health (Public Buildings) Regulations 1992*. An Application for a Certificate of Approval (form 2) and a Certificate of Electrical Compliance (Form 5) must also be submitted to the City’s Health Services. The City’s Health Services will provide a Maximum Accommodation Certificate dictating the number of persons permitted inside the venue at one time, the floor space, the number of toilets and emergency exit routes will be used to calculate the approved capacity.
3. In relation to Condition 6, detailed design plans should include the normal suite of details including, but not limited to, line and level, geometric details, coordinates of control points, materials proposed, material specifications, full suite of dimensions, standard specifications and drawings where applicable, standard referencing, existing underground service locations, and the interface with existing services and stormwater infrastructure.



4. In relation to Condition 8, plant species should be drought tolerant species suitable to the region. Refer to the City's Local Planning Policy – Landscaping.
5. In relation to Condition 15:
 - i. Hydraulic drawings detailing how the proposed development will be connected to the City's sewer main must be submitted to the City for approval.
 - ii. If temporary wastewater treatment is required until the sewer is available to this site, the development must comply with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*. The applicant is to liaise directly with the Environmental Health Directorate of the WA State Government Health Department to determine if a temporary system can be installed. All enquiries can be directed to WWApps@health.wa.gov.au An application to Install an Effluent Disposal System will be required.
 - iii. Any upsized or additional sewer junction(s) that is required to connect the proposed development to the City's infrastructure will be at no cost to the City. Please contact Water Services on water@ckb.wa.gov.au to request the works and arrange payment.
 - iv. Installation of Reflux Valves are required where connecting to the sewer network. The installation of the reflux valve must meet AS/NZS 3500.
6. The Building Permit shall be accompanied by drawings for any piled foundations designed by a qualified structural engineer are to be submitted to and approved by the City for any construction adjacent to the City's underground infrastructure. The approved foundations are to be constructed and certified prior to any construction.
7. The applicant is advised that this application was determined as "grouped dwelling" development only and no consideration was given to the Strata Subdivision proposed for the site by the applicant. Any potential Strata Subdivision of the site is solely a matter for the Western Australian Planning Commission.

The Report Recommendation (as amended) was put and CARRIED

REASON: The Panel having considered the Responsible Authority Report (RAR) and all materials and information presented, was satisfied with the RAR recommendation but with the amended conditions and advice notes.

The Panel was satisfied that the proposed 'Grouped Dwelling' is a discretionary use within the Residential' zoning of the property under the City's Local Planning Scheme No. 2 and capable of being approved. The proposed 'Grouped Dwelling' development is also generally consistent with the site's 'R40' coding under the Local Planning Scheme. There was discussion on the proximity of the proposed development to the Kalgoorlie Airport and Gatacre Drive and the potential impacts of airport and traffic noise on the proposed residential dwellings. The Panel considered that this matter could be appropriately addressed by a new condition requiring an Acoustic Assessment of the impacts of airport and traffic noise on residential dwellings and the incorporation of any mitigation measures and recommendations of the Acoustic Assessment being implemented.



There was also discussion regarding traffic movement in the locality as a result of the approval of the proposed development. The Panel considered that this matter could be appropriately addressed by the imposition of Conditions 9 and 10 which provide for upgrading of Gatacre Drive and Hart Kerspian Drive.

The “grouped dwellings” - key workers lifestyle village proposal provides an opportunity to provide significant additional accommodation in the Kalgoorlie- Boulder region.

The Panel was satisfied that the proposal adequately addresses all planning considerations of the relevant planning framework.

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/23/02479 DR146/2023	Shire of Capel	Lot 148 (No.168) Skippings Road, Boyanup	Extractive Industry Development Proposal	30 August 2023
DAP/23/02506 DR199/2023	Shire of Augusta-Margaret River	Lot 11 & 12 Fearn Avenue, Margaret River	Proposed Hotel and Restaurant	22 December 2023
DAP/23/02549 DR197/2023	City of Greater Geraldton	Lots 150 - 151 (205 and 181-195) Marine Terrace, Lot 152 (15) Fitzgerald Street and Lot 153 (222-228) Lester Avenue, Geraldton	Proposed Mixed Use Development	3 January 2024



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 11:23am.