



## Regional Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Friday, 12 June 2020; 9:30am  
**Meeting Number:** RJDAP/6  
**Meeting Venue:** Via Zoom

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

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## Attendance

Ms Kanella Hope (A/Presiding Member)  
Mr Brian Curtis (A/Deputy Presiding Member)  
Ms Shelley Shephard (A/Third Specialist Member)  
Cr Todd Brown (Local Government Member, City of Bunbury)  
Cr Betty McCleary (Local Government Member, City of Bunbury)

## Officers in attendance

Ms Alice Baldock (City of Bunbury)  
Mr Kyle Daly (City of Bunbury)  
Ms Barbara Macaulay (City of Bunbury)

## Minute Secretary

Ms Megan Ventriss (DAP Secretariat)  
Ms Ashlee Kelly (DAP Secretariat)

## Applicants and Submitters

Mr Aaron Lohman (element)  
Mr Rick Gartner (i2c Architects)  
Mr Darren Levey (Uloth & Associates)  
Mr Mark Leckey (NS Projects)

## Members of the Public / Media

Nil

### 1. Opening of Meeting, Welcome and Acknowledgement

The A/Presiding Member declared the meeting open at 9:31am on 12 June 2020 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

The A/Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2017 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 2017 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.

In response to the COVID-19 situation, this meeting was convened via electronic means. Members were reminded to announce their name and title prior to speaking.



## 2. Apologies

Mr Paul Kotsoglo (Presiding Member)  
Mr Justin Page (Third Specialist 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 A/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 9.1, received on 9 June 2020.

All members declared that they had duly considered the documents.

## 6. Disclosure of Interests

DAP Member, Mr Justin Page, declared a Direct Pecuniary Interest in item 9.1. Mr Page is an employee of element. Element is the applicant for this item.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2017, the A/Presiding Member determined that the member listed above, who had disclosed a Direct Pecuniary Interest, was not permitted to participate in the discussion and voting on the item.

## 7. Deputations and Presentations

7.1 Mr Aaron Lohman (element), addressed the DAP in support of the recommendation for the application at Item 9.1 and responded to questions from the panel.

7.2 Mr Rick Gartner (i2c Architects) addressed the DAP in support of the recommendation for the application at Item 9.1 and responded to questions from the panel.

7.3 Mr Mark Leckey (NS Projects) responded to questions from the panel.

7.4 The City of Bunbury Officers addressed the DAP in relation to the application at Item 9.1 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

### 9.1 Lot 63 Sandridge Road; Lot 68, 69, 70 Pennant Road; and Lot 150 Strickland Street, East Bunbury

Development Description: Expansion to Bunbury Forum Shopping Centre  
Proposed Amendments: Increase to external building height; Modifications to car parking layout; Modifications to north western corner of development; Revised internal layout; Relocation of traveller to deck parking; and  
Replacement of existing pylon sign.  
Applicant: element  
Owner: Challenger Life Nominees Pty Ltd  
Responsible Authority: City of Bunbury  
DAP File No: DAP/18/01496

#### REPORT RECOMMENDATION

*The Presiding Member declared that the Report Recommendation be separated into two (2) parts in accordance with Section 5.5.3 of the DAP Standing Orders 2017.*

#### SEQUENTIAL MOTION 1

**Moved by:** Cr Betty McCleary

**Seconded by:** Cr Todd Brown

That the Regional JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/18/01496 as detailed on the DAP Form 2 dated 6 April 2020 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;

**The Sequential Motion 1 was put and CARRIED UNANIMOUSLY**

#### SEQUENTIAL MOTION 2

**Moved by:** Cr Betty McCleary

**Seconded by:** Cr Todd Brown

2. **Approve** the DAP Application reference DAP/18/01496 as detailed on the DAP Form 2 date 6 April 2020 and accompanying plans DA00, DA01, DA03, DA04, DA05, DA06, DA07, DA08, DA09, DA10, DA14 dated 18 March 2020 and DA02, DA11, DA12, DA13 dated 25 March 2020 and Figure 2 dated 26 May 2020 and Figure 4 dated 26 March 2020 and A816 dated 28 May 2020 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the City of Bunbury Local Planning Scheme No.8 and the Greater Bunbury Region Scheme, for the proposed minor amendment to the approved redevelopment of Bunbury Forum Shopping Centre at Lot 63 Sandridge Road; Lot 68,69,70 Pennant Road; and Lot 150 Strickland Street, East Bunbury subject to the following:

#### Amended Conditions



- 16(b). Modifications to Pennant Road to be undertaken in accordance with attached Figure 2, and the installation of street lighting in the median strip to the extent shaded green on that plan.
- 16(c). The Sandridge Road and Driveway 8 intersection is to be modified to permit a left out movement only in accordance with attached Figure 2.
- 16(d). The pedestrian network for Sandridge Road and Driveway 9 intersection is to be upgraded generally in accordance with Uloth and Associates Figure 4 dated 26 November 2020 to the satisfaction of the City of Bunbury.
- 16(e). Footpaths are to be provided on Pennant Road, Sandridge Road and Strickland Street generally in accordance with the proposed routes detailed in Figure B.11 (Uloth and Associates dated 27 March 2020). The footpaths are to be connected to the existing path network to the satisfaction of the City of Bunbury and be constructed to a minimum width of 2 metres.
- 16(f). Upgrade to the portion of Strickland Street as identified on the attached A816. Detailed Plans are to be submitted to the satisfaction of the City of Bunbury.
21. Before the development is occupied, a minimum of 1,339 car parking bays must be provided on the land the subject of this development approval and to the satisfaction of the City of Bunbury of which, a minimum of 27 car parking bays must be provided for the exclusive use of disabled persons in accordance with AS/NZS 2890.6:2009 and to the satisfaction of the City of Bunbury.

#### **New Conditions**

29. The signage and advertisements for the pylon sign along Sandridge Road are not to exceed the dimensions as indicated on the application without written approval from the City of Bunbury.
30. Any illuminated signage for the pylon sign along Sandridge Road is not to flash or pulsate and shall be of an illumination level that is suitable to off-street ambient lighting that does not cause nuisance to the amenity
31. The signage and advertisements shall be professionally made and kept clean and maintained free of dilapidation at all times.

#### **New Advice Note**

- v. The applicant is hereby advised that in accordance with clause 4.2 of the Notice of Exemption from Planning Requirements During a State of Emergency issued by the Minister for Planning under clause 78H of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 on 8 April 2020, the deadline for the substantial commencement of works associated with this approval is extended by two years from the expiry date stated in the conditions of approval.
- w. All documentation submitted with the building permit application must be in accordance with the Building Act 2011 and the Building Code of Australia – Volume 1 Class 2-9 Buildings.

The application for amended development approval is subject to the planning conditions imposed on the JDAP development approval (reference DAP: 18/01496 and City of



Bunbury DA/2018/211/1) and as amended on 17 June 2019 (reference SAT: DR028/2019, DAP: 18/01496 and City of Bunbury DA/2018/211/1) - contained in Attachment 1, and the modifications set out above.

### **The Sequential Motion 2 was put and CARRIED UNANIMOUSLY**

#### **REPORT RECOMMENDATION**

That the Regional JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/18/01496 as detailed on the DAP Form 2 dated 6 April 2020 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** the DAP Application reference DAP/18/01496 as detailed on the DAP Form 2 date 6 April 2020 and accompanying plans DA00, DA01, DA03, DA04, DA05, DA06, DA07, DA08, DA09, DA10, DA14 dated 18 March 2020 and DA02, DA11, DA12, DA13 dated 25 March 2020 and Figure 2 dated 26 May 2020 and Figure 4 dated 26 March 2020 and A816 dated 28 May 2020 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the City of Bunbury Local Planning Scheme No.8 and the Greater Bunbury Region Scheme, for the proposed minor amendment to the approved redevelopment of Bunbury Forum Shopping Centre at Lot 63 Sandridge Road; Lot 68,69,70 Pennant Road; and Lot 150 Strickland Street, East Bunbury subject to the following:

#### **Amended Conditions**

- 16(b). Modifications to Pennant Road to be undertaken in accordance with attached Figure 2, and the installation of street lighting in the median strip to the extent shaded green on that plan.
- 16(c). The Sandridge Road and Driveway 8 intersection is to be modified to permit a left out movement only in accordance with attached Figure 2.
- 16(d) The pedestrian network for Sandridge Road and Driveway 9 intersection is to be upgraded generally in accordance with Uloth and Associates Figure 4 dated 26 November 2020 to the satisfaction of the City of Bunbury.
- 16(e) Footpaths are to be provided on Pennant Road, Sandridge Road and Strickland Street generally in accordance with the proposed routes detailed in Figure B.11 (Uloth and Associates dated 27 March 2020). The footpaths are to be connected to the existing path network to the satisfaction of the City of Bunbury and be constructed to a minimum width of 2 metres.
- 16(f) Upgrade to the portion of Strickland Street as identified on the attached A816. Detailed Plans are to be submitted to the satisfaction of the City of Bunbury.
21. Before the development is occupied, a minimum of 1,339 car parking bays must be provided on the land the subject of this development approval and to the satisfaction of the City of Bunbury of which, a minimum of 27 car parking bays must be provided for the exclusive use of disabled persons in accordance with AS/NZS 2890.6:2009 and to the satisfaction of the City of Bunbury.



## **New Conditions**

29. The signage and advertisements for the pylon sign along Sandridge Road are not to exceed the dimensions as indicated on the application without written approval from the City of Bunbury.
30. Any illuminated signage for the pylon sign along Sandridge Road is not to flash or pulsate and shall be of an illumination level that is suitable to off-street ambient lighting that does not cause nuisance to the amenity
31. The signage and advertisements shall be professionally made and kept clean and maintained free of dilapidation at all times.

## **New Advice Note**

- v. The applicant is hereby advised that in accordance with clause 4.2 of the Notice of Exemption from Planning Requirements During a State of Emergency issued by the Minister for Planning under clause 78H of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 on 8 April 2020, the deadline for the substantial commencement of works associated with this approval is extended by two years from the expiry date stated in the conditions of approval.
- w. All documentation submitted with the building permit application must be in accordance with the Building Act 2011 and the Building Code of Australia – Volume 1 Class 2-9 Buildings.

The application for amended development approval is subject to the planning conditions imposed on the JDAP development approval (reference DAP: 18/01496 and City of Bunbury DA/2018/211/1) and as amended on 17 June 2019 (reference SAT: DR028/2019, DAP: 18/01496 and City of Bunbury DA/2018/211/1) - contained in Attachment 1, and the modifications set out above.

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

**REASON:** In accordance with details contained in the Responsible Authority Report.

### **10. State Administrative Tribunal Applications and Supreme Court Appeals**

Nil.

### **11. General Business**

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2017 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 9:58am.