



Regional Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 5 March 2026; 9.30am
Meeting Number: RDAP/66
Meeting Venue: 140 William Street, Perth

A recording of the meeting is available via the following link:

[RDAP/66 - 5 March 2026 - Shire of Coorow - Shire of Exmouth - Shire of Capel](#)

PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement
2. Apologies
3. Noting of Minutes

PART B – SHIRE OF COOROW

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
4. Form 2 DAP Applications
 - 4.1 Lot 10850 (1433) Garibaldi Willis Road, Warradarge - Modifications to Approval for Hydrogen Processing Plant (Extension of Approval Period, Modification to Approved Layout and Increase in Plant Capacity from 10 Megawatts to 30 Megawatts) – DAP/21/02071
5. Section 31 SAT Reconsiderations

PART C – SHIRE OF EXMOUTH

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 510 Kerry Graham Road Exmouth – Proposed Tourism Development – DAP/25/03024
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

Dale Page
Presiding Member, Regional DAP

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PART D – SHIRE OF CAPEL

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 28 (96) Capel Drive, Lot 12 (38) Forrest Road and Lot 165 (96) Capel Drive Capel – Proposed Short Stay Accommodation, Over 55 Lifestyle Village and Mixed Use Development – DAP/25/03018

PART E – OTHER BUSINESS

1. State Administrative Tribunal Applications and Supreme Court Appeals
2. Meeting Closure

A handwritten signature in black ink, appearing to read 'Dale Page'.



DAP Members

Dale Page (Presiding Member)

Karen Hyde (Deputy Presiding Member)

Andrew Howe

Cr Gary Mounsey (Part C – Shire of Exmouth)

Cr Kristy Devereux (Part C – Shire of Exmouth)

Cr Martin Voyez (Part D – Shire of Capel)

Cr Sebastain Schiano (Part D – Shire of Capel)

DAP Secretariat

Ashlee Kelly

Kristen Parker

Dale Page
Presiding Member, Regional DAP



Part B – Shire of Coorow
Applicant
Hide Shigeyoshi (GHD)
Officers/Technical Advisors in Attendance
Marc Hassell

Part C – Shire of Exmouth
Applicant
Michael Willcock (TBB Planning) Luka Martins (TBB Planning) Monica Palmer (Sebatikel) Phillip Smith (Sebatikel)
Officers/Technical Advisors in Attendance
Anthony Dowling (Dowling Guidi and Associates)

Part D – Shire of Capel
Applicant
Kim Doepel (Doepel Marsh Architects) Janine Marsh (Doepel Marsh Architects) Felicity Coombe (Doepel Marsh Architects) Hayley Kershaw (Ocean Gardens Pty Ltd) Shelley Terrill (Ocean Gardens Pty Ltd)
Officers/Technical Advisors in Attendance
Louise Hughes Matt Young Steele Alexander

Members of the Public / Media

Nil

Observers via livestream

There were 19 persons observing the meeting via the livestream.

Dale Page
Presiding Member, Regional DAP



PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.31am on 5 March 2026 and acknowledged the traditional owners and custodians of the land on which the meeting was held and welcomed members.

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

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.

The meeting was recorded and livestreamed on the DAP website in accordance with regulation 40(2A) of the *Planning and Development (Development Assessment Panels) Regulations 2011*. Members were reminded to announce their name and title prior to speaking.

2. Apologies

Cr Peter McCleery (Local Government Member, Shire of Capel)

3. Noting of Minutes

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



PART B – SHIRE OF COOROW

1. Declaration of Due Consideration

All members declared that they had duly considered the documents contained within Part B of the Agenda and Part B of the Related Information.

2. Disclosure of Interests

Nil

3. Form 1 DAP Applications

Nil

4. Form 2 DAP Applications

4.1 Lot 10850 (1433) Garibaldi Willis Road, Warradarge - Modifications to Approval for Hydrogen Processing Plant (Extension of Approval Period, Modification to Approved Layout and Increase in Plant Capacity from 10 Megawatts to 30 Megawatts) – DAP/21/02071

Deputations

Hide Shigeyoshi (GHD) addressed the DAP in support of the application at Item 4.1 and responded to questions from the panel.

The Shire of Coorow addressed the DAP in relation to the application at Item 4.1 and responded to questions from the panel.

SUBSTANTIVE MOTION

Moved by: Karen Hyde

Seconded by: Andrew Howe

That the Regional DAP resolves to:

1. **Accept** that the DAP Application reference DAP/21/02071 as detailed on the DAP Form 2 dated 4th November 2025 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;

Dale Page
Presiding Member, Regional DAP

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2. **Approve** DAP Application reference DAP/21/02071 as detailed on the DAP Form 2 dated 4th November 2025 and accompanying plans (Entitled Warradarge Green Energy Project Stage 1A P-100305-S07 – R skch 001, 002 003 and 004) 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 Shire of Coorow Local Planning Scheme No. 3, for the proposed minor amendment to the approved Hydrogen Processing Plant at Lot 10850 (1433) Garibaldi Willis Road, Warradarge, subject to the following amended conditions and new advice notes in addition to original unchanged conditions and advice notes:

Amended conditions

1. This decision constitutes development approval only and is valid for a period of four years from the 5th March 2026. 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 and accompanying documentation submitted and prepared by GHD under cover letter dated 19th November 2025, which forms part of this development approval, to the specifications and satisfaction of the Shire of Coorow, subject to any modifications required as a consequence of any condition(s) of this approval. "Location 2" shown on the plan is not permitted under this approval and is excluded as a location where development can be established under this approval.
3. Prior to commencement of the approved use, access and egress to the subject site and any associated road works shall be located and constructed to the satisfaction of the Shire of Coorow and include all necessary drainage, vegetation clearing to improve sight distances and signage. Costs applicable to the construction of the access points onto the site and related issues shall be borne by the proponent. (refer to advice note)
4. Prior to commencement of the approved use, the proponent (having regard for the Traffic Impact Statement attached to this approval), is to enter into a Road Improvement and User agreement with the Shire of Coorow. This shall relate to utilisation of Garibaldi Willis Road by the development's heavy haulage and to establish operational procedures, improvements and contributions by the proponent necessary to achieve the Shire of Coorow's desired infrastructure standard for Garibaldi Willis Road and the use of it for the life of the development. Contributions by the developer and use arrangements under the agreement are to include consideration of the following:
 - a. Additional guide posts
 - b. Intersection improvements at the junction of Garibaldi Willis Road and Coorow Green Head Road
 - c. Regular grading
 - d. Improvement of signage
 - e. Primary route of travel to be south to the Coorow Green Head Road



Prior to use of the premises the agreed road improvements shall be carried out to the satisfaction of the Shire of Coorow. Ongoing use of the site and operations on the road shall also be in accordance with the agreement.

6. Prior to commencement of the approved use, the proponent must submit and have approved by the Shire of Coorow, and thereafter implement to the satisfaction of the Shire of Coorow, an Operational Management Plan addressing the following matters:
 - a. Operating Strategy;
 - b. Emergency Evacuation Plan;
 - c. Training for local personnel in the event of an emergency
 - d. Management Plans for the operational Waste, Wastewater, Dust and Noise associated with the development.
 - e. How the development would operate in the event of closure of the road network due to wet conditions and the storage of hydrogen
 - f. If storage levels exceed anticipated levels due to road closure, how the requirements of the Dangerous Goods Safety Act 2004 and Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007 (if applicable) would be addressed.
7. The applicant shall update the Bushfire Management Plan prepared Linden Wears (Level 3 BPAD 19809) dated 22 December 2020 to accord with the approved plans and operations and submit this for approval by the Shire of Coorow in consultation with the Department of Fire and Emergency Services. Once approved, the updated recommendations of the bushfire management plan shall be implemented to the satisfaction of the Shire of Coorow.
8. The applicant shall update the Bushfire Risk Management Plan (Flammable Hazards) prepared by Linden Wears (Level 3 BPAD 19809) dated 22 December 2020 to accord with the approved plans and operations and submit this for approval of the Shire of Coorow in consultation with the Department of Fire & Emergency Services. The applicant shall implement all of the recommendations of the updated Bushfire Risk Management Plan to the satisfaction of the Shire of Coorow.
9. Prior to commencement of the approved use, the proponent must prepare, submit and have approved by the Shire of Coorow a Qualitative Risk Assessment. The proponent shall implement any recommendations of this assessment for the duration of the development.



New Advice Notes

6. In respect to noise matters required to be addressed under condition of this approval, the applicant is advised to engage a suitably qualified and recognised consultant to determine if noise caused by the proposed development during use will be compliant with the Environmental Protection (Noise) Regulations 1997. It is recommended that the applicant refer to the Australian Acoustical Society or the Association of Australian Acoustical Consultants when engaging a consultant. The report should indicate the anticipated sound level measurements for all types of noise associated with the development including plant equipment noise as well as noise associated with operational activities. The report should clearly indicate what, if any, specific requirements are needed to ensure noise emissions comply with the Environmental Protection (Noise) Regulations 1997”.
7. The proponent is advised that the Dangerous Goods Safety Act 2004 applies and licencing may be required for storage and handling of hydrogen. The proponent should contact DMIRS via ra@dmirs.wa.gov.au and Dept of Local Government Industry Regulation and Safety via DGSB@lgirs.wa.gov.au. If five (5) tonnes of hydrogen are stored onsite, the facility may be determined to be a Major Hazard Facility requiring consideration under the Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007.
8. The proponent is advised to follow the guidance provided in the attached Dangerous Goods Safety Guide (Storage, Handling & Production of Hydrogen) Department of Energy, Mines, Industry Regulation & Safety June 2024.
9. The proponent should provide details of approved / agreed bore water availability to the Shire of Coorow upon lodgement of a building permit application or commencement of development if a permit is not required.
10. It is noted that the proposal will involve clearing (to improve sight distances and widen the entry) about the entrance road to Garibaldi Willis Road and some of this vegetation may be significant. An assessment of this vegetation should be undertaken and a clearing permit obtained if required from the relevant agency. Details of this should be provided to the Shire of Coorow before upgrade to the entry and removal of vegetation for this action and improvement of sight distances.
11. The proponent is advised that the facility may require a building permit and referral to DFES. If a building permit is required, an updated bushfire management plan will be required and approval from utility providers may be applicable.
12. The proponent is advised a Waste System may require approval by the Shire of Coorow or the Dept of Health. An application with suitable details should be submitted for such a system as required.



13. The Qualitative Risk Assessment and Operational Management Plan should take into account operational matters that may include the inability to move trucks to and from the site when roads are wet. The assessment should consider the likely risk of more storage of hydrogen onsite or the need to cease or modify production. In working on the QRA, the proponent is recommended to liaise with relevant agencies in respect of the Dangerous Goods Act 2004 and Dangerous Goods Safety (Storage and Handling of Non Explosives) Regulations 2007 (DGSH Regulations)
14. The proponent is advised that the proposed quantity of hydrogen production will require a Dangerous Goods Licence before operations can commence and contact should be made with the Department of Local Government, Industry Regulation & Safety.

All other conditions and requirements detailed on the previous approval dated 07/12/2021 shall remain unless altered by this application.

AMENDING MOTION 1

Moved by: Karen Hyde

Seconded by: Andrew Howe

That Condition No. 9 be deleted.

The Amending Motion was put and CARRIED.

REASON: advice from DLGIRS indicates that safety matters are carefully controlled through their licensing process which will occur once detailed engineering design has progressed further. Condition 9 is therefore, a duplication of process that is required by and covered off under separate legislation.

AMENDING MOTION 2

Moved by: Dale Page

Seconded by: Andrew Howe

That Advice Note 11 be deleted and the remaining Advice Notes be renumbered accordingly.

The Amending Motion was put and CARRIED.

REASON: this is already covered by Condition 7 which requires an updated BMP.

Dale Page
Presiding Member, Regional DAP



SUBSTANTIVE MOTION (AS AMENDED)

That the Regional DAP resolves to:

1. **Accept** that the DAP Application reference DAP/21/02071 as detailed on the DAP Form 2 dated 4th November 2025 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** DAP Application reference DAP/21/02071 as detailed on the DAP Form 2 dated 4th November 2025 and accompanying plans (Entitled Warradarge Green Energy Project Stage 1A P-100305-S07 – R skch 001, 002 003 and 004) 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 Shire of Coorow Local Planning Scheme No. 3, for the proposed minor amendment to the approved Hydrogen Processing Plant at Lot 10850 (1433) Garibaldi Willis Road, Warradarge, subject to the following amended conditions and new advice notes in addition to original unchanged conditions and advice notes:

Amended conditions

1. This decision constitutes development approval only and is valid for a period of four years from the 5th March 2026. 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 and accompanying documentation submitted and prepared by GHD under cover letter dated 19th November 2025, which forms part of this development approval, to the specifications and satisfaction of the Shire of Coorow, subject to any modifications required as a consequence of any condition(s) of this approval. "Location 2" shown on the plan is not permitted under this approval and is excluded as a location where development can be established under this approval.
3. Prior to commencement of the approved use, access and egress to the subject site and any associated road works shall be located and constructed to the satisfaction of the Shire of Coorow and include all necessary drainage, vegetation clearing to improve sight distances and signage. Costs applicable to the construction of the access points onto the site and related issues shall be borne by the proponent. (refer to advice note)

Dale Page
Presiding Member, Regional DAP



4. Prior to commencement of the approved use, the proponent (having regard for the Traffic Impact Statement attached to this approval), is to enter into a Road Improvement and User agreement with the Shire of Coorow. This shall relate to utilisation of Garibaldi Willis Road by the development's heavy haulage and to establish operational procedures, improvements and contributions by the proponent necessary to achieve the Shire of Coorow's desired infrastructure standard for Garibaldi Willis Road and the use of it for the life of the development. Contributions by the developer and use arrangements under the agreement are to include consideration of the following:
 - a. Additional guide posts
 - b. Intersection improvements at the junction of Garibaldi Willis Road and Coorow Green Head Road
 - c. Regular grading
 - d. Improvement of signage
 - e. Primary route of travel to be south to the Coorow Green Head Road

Prior to use of the premises the agreed road improvements shall be carried out to the satisfaction of the Shire of Coorow. Ongoing use of the site and operations on the road shall also be in accordance with the agreement.

6. Prior to commencement of the approved use, the proponent must submit and have approved by the Shire of Coorow, and thereafter implement to the satisfaction of the Shire of Coorow, an Operational Management Plan addressing the following matters:
 - a. Operating Strategy;
 - b. Emergency Evacuation Plan;
 - c. Training for local personnel in the event of an emergency
 - d. Management Plans for the operational Waste, Wastewater, Dust and Noise associated with the development.
 - e. How the development would operate in the event of closure of the road network due to wet conditions and the storage of hydrogen
 - f. If storage levels exceed anticipated levels due to road closure, how the requirements of the Dangerous Goods Safety Act 2004 and Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007 (if applicable) would be addressed.
7. The applicant shall update the Bushfire Management Plan prepared Linden Wears (Level 3 BPAD 19809) dated 22 December 2020 to accord with the approved plans and operations and submit this for approval by the Shire of Coorow in consultation with the Department of Fire and Emergency Services. Once approved, the updated recommendations of the bushfire management plan shall be implemented to the satisfaction of the Shire of Coorow.



8. The applicant shall update the Bushfire Risk Management Plan (Flammable Hazards) prepared by Linden Wears (Level 3 BPAD 19809) dated 22 December 2020 to accord with the approved plans and operations and submit this for approval of the Shire of Coorow in consultation with the Department of Fire & Emergency Services. The applicant shall implement all of the recommendations of the updated Bushfire Risk Management Plan to the satisfaction of the Shire of Coorow.

New Advice Notes

6. In respect to noise matters required to be addressed under condition of this approval, the applicant is advised to engage a suitably qualified and recognised consultant to determine if noise caused by the proposed development during use will be compliant with the Environmental Protection (Noise) Regulations 1997. It is recommended that the applicant refer to the Australian Acoustical Society or the Association of Australian Acoustical Consultants when engaging a consultant. The report should indicate the anticipated sound level measurements for all types of noise associated with the development including plant equipment noise as well as noise associated with operational activities. The report should clearly indicate what, if any, specific requirements are needed to ensure noise emissions comply with the Environmental Protection (Noise) Regulations 1997".
7. The proponent is advised that the Dangerous Goods Safety Act 2004 applies and licencing may be required for storage and handling of hydrogen. The proponent should contact DMIRS via ra@dmirs.wa.gov.au and Dept of Local Government Industry Regulation and Safety via DGSB@lgirs.wa.gov.au. If five (5) tonnes of hydrogen are stored onsite, the facility may be determined to be a Major Hazard Facility requiring consideration under the Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007.
8. The proponent is advised to follow the guidance provided in the attached Dangerous Goods Safety Guide (Storage, Handling & Production of Hydrogen) Department of Energy, Mines, Industry Regulation & Safety June 2024.
9. The proponent should provide details of approved / agreed bore water availability to the Shire of Coorow upon lodgement of a building permit application or commencement of development if a permit is not required.
10. It is noted that the proposal will involve clearing (to improve sight distances and widen the entry) about the entrance road to Garibaldi Willis Road and some of this vegetation may be significant. An assessment of this vegetation should be undertaken and a clearing permit obtained if required from the relevant agency. Details of this should be provided to the Shire of Coorow before upgrade to the entry and removal of vegetation for this action and improvement of sight distances.
11. The proponent is advised a Waste System may require approval by the Shire of Coorow or the Dept of Health. An application with suitable details should be submitted for such a system as required.

Dale Page
Presiding Member, Regional DAP



12. The Qualitative Risk Assessment and Operational Management Plan should take into account operational matters that may include the inability to move trucks to and from the site when roads are wet. The assessment should consider the likely risk of more storage of hydrogen onsite or the need to cease or modify production. In working on the QRA, the proponent is recommended to liaise with relevant agencies in respect of the Dangerous Goods Act 2004 and Dangerous Goods Safety (Storage and Handling of Non Explosives) Regulations 2007 (DGSH Regulations)
13. The proponent is advised that the proposed quantity of hydrogen production will require a Dangerous Goods Licence before operations can commence and contact should be made with the Department of Local Government, Industry Regulation & Safety.

All other conditions and requirements detailed on the previous approval dated 07/12/2021 shall remain unless altered by this application.

The Substantive Motion (as amended) was put and CARRIED.

REASON: The panel agreed that the changes proposed fall within the scope of a Form 2 application, subject to removal of Location 2 from the proposal as per Condition 2. The panel agreed that the inclusion of Location 2 would constitute quite a significant change to the proposal – specifically given the lack of technical information to demonstrate there would be no undue impacts of locating the facility at Location 2. The panel supported the other changes proposed. Changes to the layout represent a similar format of development to the one previously approved and the loading and unloading arrangements are also similar, though the size of the trucks will change. The panel noted that Main Roads have no objection to the proposal and that the Traffic Impact Statement provided with the application makes some recommendations relating to the access point, clearing needed to improve sight distances, installation of signage and guide posts, and Shire approval for use of the road in wet weather conditions; and these requirements have been reinforced through conditions of approval that appear to be acceptable to the applicant. The panel also supported the inclusion of changes to the Operational Management Plan condition to address the issue of hydrogen levels stored onsite given the proposed increase in production and potential periods where movement of the hydrogen is restricted through wet weather road conditions. It was noted that two submissions of concern were received when the Form 2 was advertised for public comment, but the panel was satisfied that the issues that were raised relate primarily to the merits of the proposal generally, which were considered and covered off in the original application and associated DAP approval.

5. Section 31 SAT Reconsiderations

Nil

Dale Page
Presiding Member, Regional DAP

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PART C – SHIRE OF EXMOUTH

Cr Gary Mounsey and Cr Kristy Devereux (Local Government DAP Members, Shire of Exmouth) joined the panel at 9.52am.

1. Declaration of Due Consideration

All members declared that they had duly considered the documents contained within Part C of the Agenda and Part C of the Related Information.

2. Disclosure of Interests

In accordance with section 2.4.5 of the DAP Code of Conduct 2025, DAP Member, Cr Kristy Devereux, declared that they had participated in a prior Council briefing in relation to the application at item 3.1. However, under section 2.1.2 of the DAP Code of Conduct 2025, Cr Devereux acknowledged that they are not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

In accordance with section 3.3 of the DAP Code of Conduct 2025, 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.

3. Form 1 DAP Applications

3.1 Lot 510 Kerry Graham Road Exmouth – Proposed Tourism Development – DAP/25/03024

Deputations

Michael Willcock addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

The Shire of Exmouth addressed the DAP in relation to the application at Item 3.1 and responded to questions from the panel.



SUBSTANTIVE MOTION

Moved by: Karen Hyde

Seconded by: Andrew Howe

That the Regional Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/25/03024 is appropriate for consideration as a "Tourist Development" land use and compatible with the objectives of the zoning table in accordance with Clause 3.10.4.1 of the *Shire of Exmouth Local Planning Scheme No. 4*;
2. **Approve** DAP Application reference DAP/25/03024 and accompanying plans/drawings provided at Attachment 2 (Mon Palmer drawing numbers 25105A DA05 – DA20 inclusive), in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the R4 provisions listed in Schedule 3 of clause 3.5 of the *Shire of Exmouth Local Planning Scheme No. 4*, subject to the following conditions:

Conditions

1. This decision constitutes development approval only and is valid for a period of 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. Execution of the Landscape Plan provided at Attachment 3 to the satisfaction of the Shire of Exmouth prior to the use commencing.
3. Execution of the Landscape Management Plan (LMP) provided at Attachment 4 to the satisfaction of the Shire of Exmouth prior to the use commencing.

A copy of the proposed annual audit, and a copy of the proposed 2-yearly review of the plan, being forwarded to the Shire of Exmouth for the life of the approved development;

4. Execution of the Environmental Management Plan (EMP) provided at Attachment 6 to the satisfaction of the Shire of Exmouth prior to any works commencing;
5. The EMP referred to in preceding condition 4 is to be reviewed every 5 years in consultation with the Shire of Exmouth and other relevant authorities having jurisdiction in respect to the environmental management of the location;
6. An audit of the environmental impacts and updates to any actions (if required) prescribed in the EMP is to be undertaken annually, with a copy to be provided to the Shire of Exmouth and other relevant authorities having jurisdiction in respect to the environmental management of the location;

Dale Page
Presiding Member, Regional DAP

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7. Prior to the use commencing, all external lighting must be designed and installed in accordance with the *National Light Pollution Guidelines for Wildlife (2023)* and *AS4282—Control of Obtrusive Effects of Outdoor Lighting*, including full shielding, low-wavelength (amber/red) luminaires, light spill limitations, and no upward light emission;
8. Prior to any works commencing, a Lighting Management Plan must be submitted to and be approved by the Shire of Exmouth, and be maintained thereafter for the life of the development.

Except for safety lighting, all external lighting must be motion-activated or subject to curfew by 10pm each evening;

9. Prior to any works commencing, a signage plan must be submitted to and be approved by the Shire of Exmouth.
10. The signage plan referred to in preceding condition 9 is to be executed to the satisfaction of the Shire of Exmouth prior to the use commencing;
11. All proposed fencing, and any proposed entry statement to lot 510, is to be designed and installed to the specifications and satisfaction of the Shire of Exmouth prior to the use commencing.

No fencing is permitted to be installed eastwards of the 2123 (100 year) CHRMAP setback datum line;

12. Execution of the Bushfire Management Plan (BMP) and the Bushfire Emergency Plan (BEP) provided at Attachments 7 and 8 respectively, to the satisfaction of the Shire of Exmouth prior to any works commencing;
13. Execution of the Waste Management Plan (WMP) provided at Attachment 9 to the satisfaction of the Shire of Exmouth prior to the use commencing;
14. Prior to any works commencing, submission to and approval by the Shire of Exmouth of a potable water management (PWMP) plan.

This plan is to include provision for monthly water sampling of the water supply by the Shire of Exmouth, with the expense of this being incurred by the proprietor of the approved tourist development;

15. The PWMP referred to in preceding condition 14 is to be executed to the satisfaction of the Shire of Exmouth prior to the use commencing;
16. Prior to any works commencing, submission to and approval by the Shire of Exmouth of a wastewater management (WWMP) plan.
17. The WWMP referred to in preceding condition 16 is to be executed to the satisfaction of the Shire of Exmouth prior to the use commencing;



18. Execution of the Flood Management Plan (FMP) provided at Attachment 20 to the satisfaction of the Shire of Exmouth prior to any works commencing;
19. The FMP is to be reviewed every 5 years in consultation with the Shire of Exmouth;
20. Kerry Graham Road being upgraded between its sealed road end and the proposed entrance to the tourist development (a length of approximately 100 metres), to the specifications and satisfaction of the Shire of Exmouth;
21. The proposed access driveway, internal vehicle manoeuvring areas, and car parks (including bus bays) are to be designed and constructed to the specifications and satisfaction of the Shire of Exmouth prior to the use commencing, and thereafter, are to be maintained for the life of the development;
22. A Construction Management Plan (CMP) shall be submitted to and be approved by the Shire of Exmouth before construction commences. The CMP shall detail how it is proposed to manage:
 - noise from carrying out work and from plant and trucks;
 - hours of operation;
 - light;
 - dust issues;
 - the delivery of materials and equipment to the site;
 - protection of existing roads, footpaths and services;
 - site security and the storage of materials and equipment on the site; and
 - the parking arrangements for contractors and subcontractors; and
23. Prior to the use commencing, public art being installed to the satisfaction of the Shire of Exmouth within lot 510, with the value of the public art being equivalent to at least 1% of the total development cost.

Advice Notes

1. The granting of development approval does not constitute a building permit and that an application for relevant building permits must be submitted to the Shire of Exmouth and be granted before any work requiring a building permit can commence onsite;
2. The granting of development approval also does not negate the requirement for any other approvals, permits, licences etc to be obtained, which may be required under separate legislation.

It is the proponent's responsibility to identify and obtain any other approvals, permits, licences etc and undertaking of due diligence required before the development lawfully commences;



3. In determining whether condition numbers 2, 3, 4, 7, 8, 11, 13, 14, 15, 16, 17, 18 and 19 have been fulfilled to the satisfaction of the Shire of Exmouth, the Shire may consult with relevant authorities (e.g. Department of Water and Environmental Regulation; Department of Biodiversity, Conservation and Attractions; Department of Health etc) having related jurisdiction pertaining to the requirements of the conditions;
4. In regard to condition number 9, the Shire may seek the endorsement of the DBCA in respect to the content of any proposed educational and interpretative signage to be installed within lot 510 pertaining to its environmental management;
5. In regard to condition number 23, a cash payment of at least 1% of the total project cost in lieu of installing public art within lot 510 can be accepted by the Shire of Exmouth, with payment to be made prior to the use commencing.

AMENDING MOTION 1

Moved by: Karen Hyde

Seconded by: Cr Gary Mounsey

The following amendments were made en bloc:

- (i) That Condition Nos. 2 & 3 be deleted and the remaining Conditions be renumbered accordingly.
- (ii) That a new Condition No. 2 be added to read as follows:

Within 12 months of the date of approval or prior to commencement of operations, whichever comes first, a detailed Landscaping Plan must be submitted to the Shire of Exmouth that demonstrates implementation of the Landscape Plan and Landscape Management Plan. The landscaping plan must provide details and address the following:

- a) ***A site plan of the details of the species, size at maturity, planting locations and landscaping areas;***
- b) ***A key or legend detailing proposed species type grouped under the subheading of tree, shrubs and groundcover; and***
- c) ***Fence materials, heights and treatments..***
- d) ***irrigation details***

The Landscaped Area(s) must be planted and established prior to occupation and operation in accordance with the approved Landscaping Plan. These areas must be maintained by the applicant for the entire period of operation in accordance with the Landscaping Plan and to the satisfaction of the Shire of Exmouth

The Amending Motion was put and CARRIED UNANIMOUSLY.

Dale Page
Presiding Member, Regional DAP

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REASON: The current landscape plan is indicative and requires further detail to be added regarding the location of and corresponding pot size of the various species identified in the concept. The landscape should be implemented prior to occupation and operation so as to reduce the potential for conflict between construction and occupants and to ensure a high level of amenity is in place at the prior to commencement of operation and occupation. The wording of the replacement condition provides clarity and certainty and does not place an unreasonable burden on the applicant.

AMENDING MOTION 2

Moved by: Karen Hyde

Seconded by: Andrew Howe

The following amendments were made en bloc:

That Condition Nos. 5 & 6 (now Condition Nos. 4 & 5) be deleted and the remaining Conditions be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Condition 4 requires execution and implementation of the EMP. The EMP contains periodical review provisions with DBCA. The Shire cannot undertake compliance of conditions that requires other government authority decisions; and the Condition 5 of the Restricted Use also requires the five-year periodical review. The panel were of the opinion that conditions 5 and 6 were therefore unnecessary.

AMENDING MOTION 3

Moved by: Karen Hyde

Seconded by: Andrew Howe

That Condition No. 8 (now Condition No. 5) be amended to read as follows:

Prior to any works commencing, a Lighting Management Plan must be submitted to and be approved by the Shire of Exmouth, and be maintained thereafter for the life of the development.

~~Except for safety lighting, all external lighting must be motion activated or subject to curfew by 10pm each evening;~~

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The requirement to control lighting is to be addressed through Condition 7 (design and install to National Light Pollution Guidelines for Wildlife and AS4282 – Control of Obtrusive Effects of Outdoor Lighting. The panel were also of the opinion that a lighting curfew, if required, could be addressed through on site operational management and was not necessary as a condition which required the Local Government to regulate.



AMENDING MOTION 4

Moved by: Karen Hyde

Seconded by: Andrew Howe

That Condition No. 11 (now Condition No. 8) be amended to read as follows:

All proposed fencing, and any proposed entry statement to lot 510, is to be designed and installed to the specifications and satisfaction of the Shire of Exmouth prior to the use commencing.

~~No fencing is permitted to be installed eastwards of the 2123 (100 year) CHRMAP setback datum line;~~

The Amending Motion was put and CARRIED (3/2).

For: Dale Page
Karen Hyde
Andrew Howe

Against: Cr Gary Mounsey
Cr Kristy Devereux

REASON: To be consistent with lease and fire management agreements which require the lot to be adequately secured with fencing.

AMENDING MOTION 5

Moved by: Karen Hyde

Seconded by: Andrew Howe

That Condition Nos. 14 & 15 (now Condition Nos. 11 & 12) be deleted and the remaining Conditions be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Water extraction, water quality and potable water management is administered through DWER and not the Shire. The conditions were therefore unnecessary

Dale Page
Presiding Member, Regional DAP



AMENDING MOTION 6

Moved by: Karen Hyde

Seconded by: Andrew Howe

That Condition Nos. 18 & 19 (now Condition Nos. 13 & 14) be deleted and the remaining Conditions be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The information contained within the RAR and in the applicant's documentation demonstrates that the proposal is not in a flood plain or in the 100m setback identified in the CHRMAP. These conditions were therefore unnecessary.

AMENDING MOTION 7

Moved by: Karen Hyde

Seconded by: Andrew Howe

That a new Advice Note No. 6 be added to read as follows:

In regard to Condition 14, the driveway, internal vehicle manoeuvring areas, and car parks shall be trafficable (crushed limestone) to the Shire's satisfaction. This reflects the RAR comments in the Planning Assessment where it is reported that the trafficable areas will be crushed limestone.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To provide clarity regarding the construction material for the various vehicular surfaces internal to the site consistent with the information shown on the application plans.

AMENDING MOTION 8

Moved by: Karen Hyde

Seconded by: Andrew Howe

That Condition No. 20 (now Condition No. 13) be deleted and the remaining Conditions be renumbered accordingly.

The Amending Motion was put and CARRIED (3/2).

For: Dale Page
Karen Hyde
Andrew Howe

Against: Cr Gary Mounsey
Cr Kristy Devereux



REASON: The identified track serves the public beach and golf course and not just this development proposal. The responsibility for any upgrades of the track should fall to a number of user groups therefore. This being so the principal of need and nexus could not be demonstrated to apply to this development application alone. Whilst the shire indicated that upgrade of this track was not their responsibility the majority of the panel were of the view that it was not the sole responsibility of this development either. The applicant was aware of the condition of the track and the potential for additional 'wear and tear' during the rainy periods and the panel accepted that this was a calculated risk the applicant was prepared to accept and the condition should be deleted.

AMENDING MOTION 9

Moved by: Dale Page

Seconded by: Karen Hyde

That Condition No. 4 (now Condition No. 3) be amended to read as follows:

*Implementation of the ~~Execution of the Environmental Management Plan (EMP)~~ provided at Attachment 6 **prior to commencement of works and thereafter for the life of the project** to the satisfaction of the Shire of Exmouth. ~~prior to any works commencing.~~*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: there are actions in the EMP which require ongoing implementation.

AMENDING MOTION 10

Moved by: Dale Page

Seconded by: Cr Gary Mounsey

The following amendments were made en bloc:

- (i) That Condition No. 12 (now Condition No. 9) be amended to read as follows:

*Execution of the Bushfire Management Plan (BMP) and the Bushfire Emergency Plan (BEP) provided at Attachments 7 and 8 respectively, to the satisfaction of the Shire of Exmouth prior to any works commencing **and thereafter for the life of the project.***

- (ii) That Condition No. 13 (now Condition No. 10) be amended to read as follows:

*Execution of the Waste Management Plan (WMP) provided at Attachment 9 to the satisfaction of the Shire of Exmouth prior to the use commencing **and thereafter for the life of the project.***

Dale Page
Presiding Member, Regional DAP



- (iii) That Condition No. 16 (now Condition No. 11) be amended to read as follows:

Prior to any works commencing, submission to and approval by the Shire of Exmouth of a wastewater management (WWMP) plan **and thereafter for the life of the project.**

- (iv) That Condition No. 17 (now Condition No. 12) be amended to read as follows:

The WWMP referred to in preceding condition ~~11~~ 16 is to be executed to the satisfaction of the Shire of Exmouth prior to the use commencing **and thereafter for the life of the project.**

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: These conditions currently specify implementation of various plans prior to the use commencing but do not make it clear that some actions will require implementation on an ongoing basis.

SUBSTANTIVE MOTION (AS AMENDED)

That the Regional Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/25/03024 is appropriate for consideration as a "Tourist Development" land use and compatible with the objectives of the zoning table in accordance with Clause 3.10.4.1 of the *Shire of Exmouth Local Planning Scheme No. 4*;
2. **Approve** DAP Application reference DAP/25/03024 and accompanying plans/drawings provided at Attachment 2 (Mon Palmer drawing numbers 25105A DA05 – DA20 inclusive), in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the R4 provisions listed in Schedule 3 of clause 3.5 of the *Shire of Exmouth Local Planning Scheme No. 4*, subject to the following conditions:

Conditions

1. This decision constitutes development approval only and is valid for a period of 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. Within 12 months of the date of approval or prior to commencement of operations, whichever comes first, a detailed Landscaping Plan must be submitted to the Shire of Exmouth that demonstrates implementation of the Landscape Plan and Landscape Management Plan. The landscaping plan must provide details and address the following:
 - a) A site plan of the details of the species, size at maturity, planting locations and landscaping areas;
 - b) A key or legend detailing proposed species type grouped under the subheading of tree, shrubs and groundcover; and
 - c) Fence materials, heights and treatments. The Landscaped Area(s) must be planted and established in accordance with the approved Landscaping Plan. These areas must be maintained by the applicant for the entire period of operation in accordance with the Landscaping Plan and to the satisfaction of the Shire of Exmouth.
 - d) irrigation details
3. Implementation of the Environmental Management Plan (EMP) provided at Attachment 6 prior to commencement of works and thereafter for the life of the project to the satisfaction of the Shire of Exmouth.
4. Prior to the use commencing, all external lighting must be designed and installed in accordance with the *National Light Pollution Guidelines for Wildlife (2023)* and *AS4282—Control of Obtrusive Effects of Outdoor Lighting*, including full shielding, low-wavelength (amber/red) luminaires, light spill limitations, and no upward light emission;
5. Prior to any works commencing, a Lighting Management Plan must be submitted to and be approved by the Shire of Exmouth, and be maintained thereafter for the life of the development.
6. Prior to any works commencing, a signage plan must be submitted to and be approved by the Shire of Exmouth.
7. The signage plan referred to in preceding condition 9 is to be executed to the satisfaction of the Shire of Exmouth prior to the use commencing;
8. All proposed fencing, and any proposed entry statement to lot 510, is to be designed and installed to the specifications and satisfaction of the Shire of Exmouth prior to the use commencing.
9. Execution of the Bushfire Management Plan (BMP) and the Bushfire Emergency Plan (BEP) provided at Attachments 7 and 8 respectively, to the satisfaction of the Shire of Exmouth prior to any works commencing and thereafter for the life of the project.
10. Execution of the Waste Management Plan (WMP) provided at Attachment 9 to the satisfaction of the Shire of Exmouth prior to the use commencing and thereafter for the life of the project.



11. Prior to any works commencing, submission to and approval by the Shire of Exmouth of a wastewater management (WWMP) plan and thereafter for the life of the project.
12. The WWMP referred to in preceding condition 16 is to be executed to the satisfaction of the Shire of Exmouth prior to the use commencing and thereafter for the life of the project.
13. The proposed access driveway, internal vehicle manoeuvring areas, and car parks (including bus bays) are to be designed and constructed to the specifications and satisfaction of the Shire of Exmouth prior to the use commencing, and thereafter, are to be maintained for the life of the development;
14. A Construction Management Plan (CMP) shall be submitted to and be approved by the Shire of Exmouth before construction commences. The CMP shall detail how it is proposed to manage:
 - noise from carrying out work and from plant and trucks;
 - hours of operation;
 - light;
 - dust issues;
 - the delivery of materials and equipment to the site;
 - protection of existing roads, footpaths and services;
 - site security and the storage of materials and equipment on the site; and
 - the parking arrangements for contractors and subcontractors; and
15. Prior to the use commencing, public art being installed to the satisfaction of the Shire of Exmouth within lot 510, with the value of the public art being equivalent to at least 1% of the total development cost.

Advice Notes

1. The granting of development approval does not constitute a building permit and that an application for relevant building permits must be submitted to the Shire of Exmouth and be granted before any work requiring a building permit can commence onsite;
2. The granting of development approval also does not negate the requirement for any other approvals, permits, licences etc to be obtained, which may be required under separate legislation.

It is the proponent's responsibility to identify and obtain any other approvals, permits, licences etc and undertaking of due diligence required before the development lawfully commences;



3. In determining whether condition numbers 2, 3, 4, 7, 8, 11, 13, 14, 15, 16, 17, 18 and 19 have been fulfilled to the satisfaction of the Shire of Exmouth, the Shire may consult with relevant authorities (e.g. Department of Water and Environmental Regulation; Department of Biodiversity, Conservation and Attractions; Department of Health etc) having related jurisdiction pertaining to the requirements of the conditions;
4. In regard to condition number 9, the Shire may seek the endorsement of the DBCA in respect to the content of any proposed educational and interpretative signage to be installed within lot 510 pertaining to its environmental management;
5. In regard to condition number 23, a cash payment of at least 1% of the total project cost in lieu of installing public art within lot 510 can be accepted by the Shire of Exmouth, with payment to be made prior to the use commencing.
6. In regard to Condition 14, the driveway, internal vehicle manoeuvring areas, and car parks shall be trafficable (crushed limestone) to the Shire's satisfaction. This reflects the RAR comments in the Planning Assessment where it is reported that the trafficable areas will be crushed limestone.

The Substantive Motion (as amended) was put and CARRIED.

REASON: The proposal is for a very high-quality design and great land use for the location, and it will be delivered sensitively and as a bit of a benchmark for sustainable tourist development. The panel agreed that the unit to be set aside for employees is not typical workforce accommodation and more of a service worker type function. It was the panel's view that this is an incidental and integral part of the development.

4. Form 2 DAP Applications

Nil

5. Section 31 SAT Reconsiderations

Nil

Cr Gary Mounsey and Cr Kristy Devereux (Local Government DAP Members, Shire of Exmouth) left the panel at 10.49am.

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PART D – SHIRE OF CAPEL

Cr Martin Voyez and Cr Sebastain Schiano (Local Government DAP Members, Shire of Capel) joined the panel at 10.53am.

1. Declaration of Due Consideration

All members declared that they had duly considered the documents contained within Part D of the Agenda and Part D of the Related Information.

2. Disclosure of Interests

Nil

3. Form 1 DAP Applications

3.1 Lot 28 (96) Capel Drive, Lot 12 (38) Forrest Road and Lot 165 (96) Capel Drive Capel – Proposed Short Stay Accommodation, Over 55 Lifestyle Village and Mixed Use Development – DAP/25/03018

Deputations

Kim Doepel (Doepel Marsh Architects) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

Janine Marsh (Doepel Marsh Architects) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

The Shire of Capel addressed the DAP in relation to the application at Item 3.1 and responded to questions from the panel.

SUBSTANTIVE MOTION

Moved by: Cr Sebastian Schiano

Seconded by: Cr Martin Voyez

That the Regional Development Assessment Panel (DAP) resolves to:

1. **Approve** DAP Application reference DAP/25/03018 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the Shire of Capel Local Planning Scheme No 8, in accordance with the development plans and accompanying reports subject to the following conditions:
 1. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

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Prior to lodgement of a Building Permit

2. Prior to the issue of a Building Permit, engineering drawings and specifications for the proposed site works, retaining and finished ground levels are to be submitted and approved to the satisfaction of the Shire of Capel. All works are to be undertaken in accordance with the approved engineering drawings and specifications.
3. Prior to the lodgement of a Building Permit Application, a landscaping plan must be submitted for approval by the Shire of Capel. The landscape plan must address the following:
 - a) A site plan of existing and proposed development with natural and finished ground levels.
 - b) Exact species, location and number of proposed plants to be planted.
 - c) A key or legend detailing proposed species type grouped under the subheadings of tree, shrub and ground cover.
 - d) Mulching or similar treatments of garden beds including edges.
 - e) Details of reticulation of landscaped areas including the source of the water supply and proposed responsibility for maintenance.
 - f) Treatment of paved areas (parking and pedestrian areas).
4. Prior to the lodgement of a Building Permit, a Water Management Plan, prepared in accordance with State Planning Policy 2.9 Water, shall be submitted for approval of the Shire of Capel, and thereafter implemented in accordance with the approved plan to the satisfaction of the Shire of Capel.
5. Prior to the lodgement of a Building Permit, details are to be submitted regarding the provision for onsite storage and collection of garbage and other solid waste. A waste storage and collection area must be graded, drained and screened from public view, and the garbage collected regularly, to the satisfaction of the Shire of Capel.
6. Prior to the lodgement of a Building Permit, a waste management plan shall be submitted to the Shire of Capel for approval. The plan shall include:
 - a) Details of collection times and methods;
 - b) A noise management plan detailing measures that will be undertaken to ensure noise levels are kept within levels prescribed in the Environmental Protection (Noise) Regulations 1997 for any waste proposed to be collected between the hours of 7pm to 7am; and
 - c) Appropriate traffic management measures to mitigate conflicts between private vehicles and waste collection vehicles;
 - d) Comply with the approved Operational and Waste Management Plans and any amendments to the satisfaction of the Shire of Capel;

The plan shall be implemented and adhered to throughout the life of the development to the satisfaction of the Shire of Capel and any modifications are to be agreed in writing with the Shire of Capel.



7. Prior to the lodgement of a building permit, a Construction Management Plan shall be submitted to the satisfaction of the Shire of Capel. This plan is to address the following matters:
- a) Noise – construction work and deliveries;
 - b) hours of construction;
 - c) traffic management;
 - d) parking management;
 - e) access management;
 - f) management of loading and unloading of vehicles;
 - g) heavy vehicle access;
 - h) dust management;
 - i) waste management
 - j) protection of infrastructure and street trees within the road reserve;
 - k) the need for a dilapidation report of adjoining properties;
 - l) and any other relevant matters.

The approved Construction Management Plan shall be implemented at all times throughout the construction process to the satisfaction of the Shire of Capel.

8. Prior to the lodgement of a building permit, a report must be prepared by a qualified acoustic engineer, who is a member of the Australian Acoustical Society, detailing the possible noise emissions from and onto the subject development and comparing them to relevant noise criteria.

Mitigation measures arising from that assessment are to be incorporated into the detailed design and building permit to the satisfaction of the Shire of Capel.

9. Prior to the lodgement of a building permit, a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development; and In the event that remediation works are required, the landowner/ applicant is to provide a post geotechnical report certifying that all works have been carried out in accordance with the pre-works geotechnical report.
10. Prior to the lodgement of a building permit, the Bushfire Management Plan is to be amended to be consistent with the amended design of the development and approved, in consultation with the Department of Fire and Emergency Services and to the satisfaction of the Shire of Capel.
11. Prior to the lodgement of a building permit, a mosquito management plan is to be prepared, approved to the satisfaction of the Shire of Capel. The mosquito management plan is to be implemented from occupation and for the duration of the development.
12. Prior to the lodgement of a building permit, an environmental management plan (EMP) addressing flora, fauna and the waterway is to be prepared and approved to the satisfaction of the Shire of Capel. The approved EMP is to be implemented from commencement and for the duration of the development.



13. Prior to the lodgement of a building permit, an Operational Management Plan is to be prepared and approved to the satisfaction of the Shire of Capel. The plan is required to address:
- a) Duration of stay, number of guests and check in and departure procedures;
 - b) Control of noise and other disturbances, including but not limited to amplified music, smoke, odours, light and barking dogs;
 - c) Complaints management procedure;
 - d) Security of guests, residents and visitors;
 - e) Control of anti-social behaviour and potential conflict between the short-term and long-term residents;
 - f) Notification process for residents of obligations in the approved Bushfire Management Plan and emergency procedures
 - g) Storage and removal of rubbish;
 - h) Signage standards for contact information; and
 - i) Vehicle parking management.

Prior to Commencement of Development

14. Prior to commencement of development, detailed design plans shall be prepared in accordance with relevant Australian Standards, Ausroad Guidelines, and Shire of Capel requirements, for all crossovers, access, carparking and pedestrian movement requirements for within the approved development and Roe Road, to the satisfaction of the Shire of Capel. Once plans are approved construction is to be in accordance with the approved plans and be completed before the development is occupied.
15. Prior to commencement of development, a crossover permit must be obtained from the Shire of Capel for access to Roe Road. Construction and maintenance of the crossover shall be in accordance with the crossover permit.
16. Prior to commencement of development, detailed design for the intersection and access/driveway crossover upgrade to Capel Drive and Forrest Road is to be prepared to the specification of Main Roads WA, to the satisfaction of the Shire of Capel. The access/driveway crossover upgrade design is to be implemented during construction.
17. Prior to commencement of development, the proponent is to prepare and implement a traffic management plan, to be implemented during the construction period, to the specifications and satisfaction of the Shire of Capel, in consultation with Main Roads WA.
18. Prior to the commencement of development, a detailed lighting plan of the access way(s), parking area(s), and turning area(s) must be submitted and approved by the Shire of Capel. The lighting is to be designed in accordance with AS 428-1997 Control of the Obtrusive Effects of Outdoor Lighting.



19. Prior to the commencement of development, a detailed engineering design for the car parking, manoeuvring areas and drainage thereof being submitted for approval of the Shire of Capel, and thereafter implemented in accordance with the approved design to the satisfaction of the Shire of Capel

Prior to Occupation

20. Prior to occupation, the landscaped area(s) shown on the approved development plan(s) and must be planted, reticulated and thereafter maintained to the satisfaction of the Shire of Capel.
21. Prior to occupation, the recommendations of the approved Stormwater and Drainage Management Plan must be constructed and implemented to the satisfaction of the Shire of Capel.
22. Prior to occupation, bin storage areas are to be provided for each dwelling and screened from view.
23. Prior to the use or occupation of the development, the Asset Protection Zone (APZ) must be established and the property thereafter maintained in accordance with the Bushfire Management Plan as approved by the Shire of Capel.
24. Prior to occupation, a Section 70A Notification pursuant to the Transfer of Land Act 1893 must be placed on the Certificate(s) of Title(s) of the subject lot(s), at the full cost of the applicant, alerting landowners to the existence of the approved Bushfire Management Plan and advising landowners of their obligations in respect to the use and ongoing management of the land.
25. Prior to occupation, arrangements are to be made with the Water Corporation so that provision of a sewerage service will be available to the development.
26. Prior to occupation, arrangements are to be made with the Water Corporation so that provision of a suitable water supply service will be available to the development.
27. Prior to occupation, arrangements are to be made with Western Power so that provision of an electricity service will be available to the development.
28. Prior to occupation, a minimum of 140 car parking bays, must be provided on the subject site, in accordance with the approved plans, to the satisfaction of the Shire of Capel.
29. Prior to occupation, a foreshore reserve shall be created, being the portion of land zoned Regional Open Space pursuant to the Greater Bunbury Region Scheme, as a reserve for recreation and vested in the Crown with management order to the Shire of Capel. Such land is to be ceded free of cost and without any payment of compensation by the Crown.



30. Prior to occupation, the landowner/applicant contributing towards development infrastructure provisions pursuant to the Shire of Capel Local Planning Scheme No. 8.
31. Prior to occupation a Notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the Certificate(s) of Title of the subject lot(s). Notice of this Notification is to be included on the diagram or plan of survey (Deposited Plan). The Notification is to state as follows:

'This lot is in the vicinity of a transport corridor and is affected, or may in the future be affected, by road and rail transport noise. Road and rail transport noise levels may rise or fall over time depending on the type and volume of traffic.'

Ongoing

32. The applicant must implement all of the recommendations contained in the Bushfire Management Plan (as amended) and Bushfire Evacuation Plan prepared by Bushfire Prone Planning dated 21 and 22 October 2025 and approved by the Shire of Capel for the duration of the development.

Advice Notes

- a) Acid sulfate soils (ASS) risk mapping indicates the site is located within an area identified as representing a moderate to low risk of ASS occurring within 3 metres of the natural soil surface. Please refer to Department of Water and Environmental Regulation's acid sulfate soil guidelines for information to assist with the management of ground and/or groundwater disturbing works.
- b) The proposal is in the Capel River Surface Water Area proclaimed under the Rights in Water and Irrigation Act 1914, therefore a bed and bank permit may be required for any interference with the bed and bank of any watercourse, and the taking of surface water may require licencing.
- c) The Applicant is advised that the clearing of native vegetation in Western Australia requires a Clearing Permit under the Environmental Protection Act 1986 unless the clearing is for an exempt purpose. Proponents are advised to contact the Department of Environment Regulation on (08) 9725 4300 for further advice in this regard. It should also be noted that the clearing of native vegetation within the Shire of Capel may result in impacts upon the Country Areas Water Supply Act 1947 and an additional permit from the Department of Water may be required.
- d) This development approval does not remove or affect any statutory responsibility the owner may have in notifying the relevant Federal Government public authority(s) of the proposal under the Commonwealth of Australia Environment Protection and Biodiversity Conservation Act 1999.



- e) It is the applicant's responsibility to ensure all required approvals are obtained prior to the works commencing. Works such as de-watering, native vegetation clearing or working near existing infrastructure may require separate approvals from relevant private or government agencies, as well as approvals required for the service of alcohol and the swimming pool.
- f) The development must comply with the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997 in relation to noise emissions.
- g) 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 Shire of Capel's Environmental Health Services. A final inspection of the premises will be required to be carried out by Environmental Health Services prior to commencing operation.
- h) The development must comply with the requirements of the Health (Public Buildings) Regulations 1992. Regardless of whether a building permit is required, application shall be made to the Shire of Capel's Environmental Health Officer for assessment and approval prior to the commencement of development.
- i) In relation to condition 30 a contribution for each dwelling is to be made in accordance with schedule 8 DCA 1 – Capel Development Contribution Area of Local Planning Scheme No.8.

AMENDING MOTION 1

Moved by: Andrew Howe

Seconded by: Karen Hyde

That Condition No. 29 be deleted and the remaining Conditions be renumbered accordingly.

The Amending Motion was put and CARRIED (3/2).

For: Dale Page
Karen Hyde
Andrew Howe

Against: Cr Sebastian Schiano
Cr Martin Voyez

REASON: The ceding of land to the crown is usually a matter for subdivision. The panel noted the DPLH had not requested the ceding of land during the referral period. An easement currently exists which prevents development on this portion of the lot and the development doesn't encroach on this. The majority of the panel were satisfied that the level of separation and protection of the regional asset was adequate and the condition could be deleted, noting that this matter would normally be resolved directly with the WAPC at the time of subdivision amalgamation and title creation.

Dale Page
Presiding Member, Regional DAP



AMENDING MOTION 2

Moved by: Andrew Howe

Seconded by: Karen Hyde

That a new Condition No. 32 be added to read as follows:

The existing lots 28, 12 and 165 are to be amalgamated prior to occupation into a single lot to the ~~satisfaction of the Western Australian Planning Commission~~ to the satisfaction of the Shire of Capel.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The development plans clearly showed the development spanning the various lot and therefore to ensure certainty and clarity regarding the future ownership and strata or freehold titles the lots should be amalgamated.

AMENDING MOTION 3

Moved by: Andrew Howe

Seconded by: Karen Hyde

That Condition No. 1 be amended to read as follows:

This decision constitutes planning approval only and is valid for a period of ~~two~~ **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.

The Amending Motion was put and CARRIED (3/2).

For: Dale Page
Karen Hyde
Andrew Howe

Against: Cr Sebastian Schiano
Cr Martin Voyez

REASON: The period for substantial commencement is 4 years in the development Assessment Panel Regulations and therefore the condition was amended to be generally consistent with other approvals determined by the panel.

AMENDING MOTION 4

Moved by: Andrew Howe

Seconded by: Karen Hyde

That Condition No. 26 (now Condition No. 27), Condition No. 27 (now Condition No. 28) and Condition No. 28 (now Condition No. 29) be deleted and moved to new Advice Notes.

The Amending Motion was put and CARRIED UNANIMOUSLY.

Dale Page
Presiding Member, Regional DAP

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REASON: The matters referred to in these draft conditions were beyond the planning framework and related to external approvals which were better referred to as advice notes to the applicant rather than as statutory conditions.

AMENDING MOTION 5

Moved by: Karen Hyde

Seconded by: Dale Page

The following amendments were made en bloc:

- (i) That Condition No. 24 (Now Condition No. 25) be amended to read as follows:

Prior to the commencement of use of the land the land owner shall provide consent to a Section 70A Notification pursuant to the Transfer of Land Act 1893 being placed on the Certificate(s) of Title(s) of the subject lot(s) Notice of this Notification is to be included on the diagram or plan of survey (Deposited Plan). The Notification is to state as follows;

This lot is covered by the approved Bushfire Management Plan and obligations in respect to the use and ongoing management of the land.

- (ii) That Condition No. 31 (now Condition No. 28) be amended to read as follows:

Prior to the commencement of use the land the land owner shall provide consent to a Notification, pursuant to Section 70A of the Transfer of Land Act 1893 being placed on the Certificate(s) of Title of the subject lot(s). Notice of this Notification is to be included on the diagram or plan of survey (Deposited Plan). The Notification is to state as follows:

'This lot is in the vicinity of a transport corridor and is affected, or may in the future be affected, by road and rail transport noise. Road and rail transport noise levels may rise or fall over time depending on the type and volume of traffic.'

- (iii) That a new Advice Note j) be added to read as follows:

Conditions 24 and 31 are not imposing an obligation on the local Government. If the local Government chooses to lodge a Notification under section 70A, the proponent's obligation is to give their consent to the local Government's application and nothing more.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The panel was of the understanding that the revised wording more appropriately aligned to the legislative requirements. The advice note was included to provide further clarification.

Dale Page
Presiding Member, Regional DAP



AMENDING MOTION 6

Moved by: Karen Hyde

Seconded by: Andrew Howe

That Condition No. 16 (now Condition No. 17) be amended to read as follows:

Prior to commencement of development, detailed design for the intersection and access/driveway crossover upgrade to Capel Drive and Forrest Road is to be prepared to the satisfaction of Main Roads WA, to the satisfaction of the Shire of Capel. The access/driveway crossover upgrade design is to be implemented during construction.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: this will enable the applicant and Shire to agree an alternative solution to the access point, other than that suggested by Main Roads.

AMENDING MOTION 7

Moved by: Dale Page

Seconded by: Karen Hyde

That Condition No. 6 (now Condition No. 7) be amended to read as follows:

Prior to the lodgement of a Building Permit, a waste management plan shall be submitted to the Shire of Capel for approval. The plan shall include:

- a) Details of collection times and methods;
- b) A noise management plan detailing measures that will be undertaken to ensure noise levels are kept within levels prescribed in the Environmental Protection (Noise) Regulations 1997 for any waste proposed to be collected between the hours of 7pm to 7am; and
- c) Appropriate traffic management measures to mitigate conflicts between private vehicles and waste collection vehicles;
- d) ~~Comply with the approved Operational and Waste Management Plans and any amendments to the satisfaction of the Shire of Capel;~~

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: this point is confusing and unnecessary. The paragraph below it requires implementation of the plan for the life of the development.



AMENDING MOTION 8

Moved by: Dale Page

Seconded by: Karen Hyde

That Condition No. 13 (now Condition No. 14) be amended to read as follows:

Prior to the lodgement of a building permit, an Operational Management Plan is to be prepared and approved to the satisfaction of the Shire of Capel. The plan is required to address:

- a) Duration of stay, number of guests and check in and departure procedures;
- b) Control of noise and other disturbances, including but not limited to amplified music, smoke, odours, light and barking dogs;
- c) Complaints management procedure;
- d) Security of guests, residents and visitors;
- e) Control of anti-social behaviour and potential conflict between the short-term and long-term residents;
- f) Notification process for residents of obligations in the approved Bushfire Management Plan and emergency procedures
- g) Storage and removal of rubbish;
- h) Signage standards for contact information; and
- i) Vehicle parking management.

The Operational Management Plan is to be implemented from occupation and for the duration of the development to the satisfaction of the Shire of Capel.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: there is no wording requiring implementation of the approved Operational Management Plan. The additional wording will assist the Shire in the event compliance action is necessary in future.

AMENDING MOTION 9

Moved by: Dale Page

Seconded by: Karen Hyde

That Condition No. 15 (now Condition No. 16) be deleted and added as a new Advice Note n).

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: this matter is covered under separate legislation and will be dealt with a separate approvals process. It is more appropriate for inclusion as an Advice Note.

Dale Page
Presiding Member, Regional DAP

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AMENDING MOTION 10

Moved by: Dale Page

Seconded by: Karen Hyde

That Condition No. 17 be deleted and the remaining Conditions be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: this is already as part of the Construction Management Plan.

AMENDING MOTION 11

Moved by: Dale Page

Seconded by: Karen Hyde

That Condition No. 18 (now Condition No.17) be amended to read as follows:

*Prior to the commencement of development, a detailed lighting plan of the access way(s), parking area(s), and turning area(s) must be submitted and approved by the Shire of Capel. The lighting is to be designed in accordance with AS 428-1997 Control of the Obtrusive Effects of Outdoor Lighting **and thereafter implemented in accordance with the approved design to the satisfaction of the Shire of Capel.***

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: there is no wording requiring implementation of the approved lighting design.

AMENDING MOTION 12

Moved by: Dale Page

Seconded by: Karen Hyde

That Condition No. 20 (now Condition No. 18) be amended to read as follows:

Prior to occupation, the landscaped area(s) shown on the approved development plan(s) **and approved Landscape Plan** and must be planted, reticulated and thereafter maintained to the satisfaction of the Shire of Capel.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: there is no wording requiring implementation of the approved Landscape Plan required by Condition 3.



SUBSTANTIVE MOTION (AS AMENDED)

That the Regional Development Assessment Panel (DAP) resolves to:

1. **Approve** DAP Application reference DAP/25/03018 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the Shire of Capel Local Planning Scheme No 8, in accordance with the development plans and accompanying reports subject to the following conditions:
 1. 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.
 2. The existing lots 28, 12 and 165 are to be amalgamated into a single lot to the satisfaction of the Western Australian Planning Commission to the satisfaction of the Shire of Capel.

Prior to lodgement of a Building Permit

3. Prior to the issue of a Building Permit, engineering drawings and specifications for the proposed site works, retaining and finished ground levels are to be submitted and approved to the satisfaction of the Shire of Capel. All works are to be undertaken in accordance with the approved engineering drawings and specifications.
4. Prior to the lodgement of a Building Permit Application, a landscaping plan must be submitted for approval by the Shire of Capel. The landscape plan must address the following:
 - a) A site plan of existing and proposed development with natural and finished ground levels.
 - b) Exact species, location and number of proposed plants to be planted.
 - c) A key or legend detailing proposed species type grouped under the subheadings of tree, shrub and ground cover.
 - d) Mulching or similar treatments of garden beds including edges.
 - e) Details of reticulation of landscaped areas including the source of the water supply and proposed responsibility for maintenance.
 - f) Treatment of paved areas (parking and pedestrian areas).
5. Prior to the lodgement of a Building Permit, a Water Management Plan, prepared in accordance with State Planning Policy 2.9 Water, shall be submitted for approval of the Shire of Capel, and thereafter implemented in accordance with the approved plan to the satisfaction of the Shire of Capel.



6. Prior to the lodgement of a Building Permit, details are to be submitted regarding the provision for onsite storage and collection of garbage and other solid waste. A waste storage and collection area must be graded, drained and screened from public view, and the garbage collected regularly, to the satisfaction of the Shire of Capel.
7. Prior to the lodgement of a Building Permit, a waste management plan shall be submitted to the Shire of Capel for approval. The plan shall include:
 - a) Details of collection times and methods;
 - b) A noise management plan detailing measures that will be undertaken to ensure noise levels are kept within levels prescribed in the Environmental Protection (Noise) Regulations 1997 for any waste proposed to be collected between the hours of 7pm to 7am; and
 - c) Appropriate traffic management measures to mitigate conflicts between private vehicles and waste collection vehicles;

The plan shall be implemented and adhered to throughout the life of the development to the satisfaction of the Shire of Capel and any modifications are to be agreed in writing with the Shire of Capel.

8. Prior to the lodgement of a building permit, a Construction Management Plan shall be submitted to the satisfaction of the Shire of Capel. This plan is to address the following matters:
 - a) Noise – construction work and deliveries;
 - b) hours of construction;
 - c) traffic management;
 - d) parking management;
 - e) access management;
 - f) management of loading and unloading of vehicles;
 - g) heavy vehicle access;
 - h) dust management;
 - i) waste management
 - j) protection of infrastructure and street trees within the road reserve;
 - k) the need for a dilapidation report of adjoining properties;
 - l) and any other relevant matters.

The approved Construction Management Plan shall be implemented at all times throughout the construction process to the satisfaction of the Shire of Capel.

9. Prior to the lodgement of a building permit, a report must be prepared by a qualified acoustic engineer, who is a member of the Australian Acoustical Society, detailing the possible noise emissions from and onto the subject development and comparing them to relevant noise criteria.

Mitigation measures arising from that assessment are to be incorporated into the detailed design and building permit to the satisfaction of the Shire of Capel.



10. Prior to the lodgement of a building permit, a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development; and In the event that remediation works are required, the landowner/ applicant is to provide a post geotechnical report certifying that all works have been carried out in accordance with the pre-works geotechnical report.
11. Prior to the lodgement of a building permit, the Bushfire Management Plan is to be amended to be consistent with the amended design of the development and approved, in consultation with the Department of Fire and Emergency Services and to the satisfaction of the Shire of Capel.
12. Prior to the lodgement of a building permit, a mosquito management plan is to be prepared, approved to the satisfaction of the Shire of Capel. The mosquito management plan is to be implemented from occupation and for the duration of the development.
13. Prior to the lodgement of a building permit, an environmental management plan (EMP) addressing flora, fauna and the waterway is to be prepared and approved to the satisfaction of the Shire of Capel. The approved EMP is to be implemented from commencement and for the duration of the development.
14. Prior to the lodgement of a building permit, an Operational Management Plan is to be prepared and approved to the satisfaction of the Shire of Capel. The plan is required to address:
 - a) Duration of stay, number of guests and check in and departure procedures;
 - b) Control of noise and other disturbances, including but not limited to amplified music, smoke, odours, light and barking dogs;
 - c) Complaints management procedure;
 - d) Security of guests, residents and visitors;
 - e) Control of anti-social behaviour and potential conflict between the short-term and long-term residents;
 - f) Notification process for residents of obligations in the approved Bushfire Management Plan and emergency procedures
 - g) Storage and removal of rubbish;
 - h) Signage standards for contact information; and
 - i) Vehicle parking management.

The Operational Management Plan is to be implemented from occupation and for the duration of the development to the satisfaction of the Shire of Capel.



Prior to Commencement of Development

15. Prior to commencement of development, detailed design plans shall be prepared in accordance with relevant Australian Standards, Ausroad Guidelines, and Shire of Capel requirements, for all crossovers, access, carparking and pedestrian movement requirements for within the approved development and Roe Road, to the satisfaction of the Shire of Capel. Once plans are approved construction is to be in accordance with the approved plans and be completed before the development is occupied.
16. Prior to commencement of development, detailed design for the intersection and access/driveway crossover upgrade to Capel Drive and Forrest Road is to be prepared to the satisfaction of the Shire of Capel. The access/driveway crossover upgrade design is to be implemented during construction.

Prior to the commencement of development, a detailed lighting plan of the access way(s), parking area(s), and turning area(s) must be submitted and approved by the Shire of Capel. The lighting is to be designed in accordance with AS 428-1997 Control of the Obtrusive Effects of Outdoor Lighting and thereafter implemented in accordance with the approved design to the satisfaction of the Shire of Capel.
17. Prior to the commencement of development, a detailed engineering design for the car parking, manoeuvring areas and drainage thereof being submitted for approval of the Shire of Capel, and thereafter implemented in accordance with the approved design to the satisfaction of the Shire of Capel

Prior to Occupation

18. Prior to occupation, the landscaped area(s) shown on the approved development plan(s) and approved Landscape Plan and must be planted, reticulated and thereafter maintained to the satisfaction of the Shire of Capel.
19. Prior to occupation, the recommendations of the approved Stormwater and Drainage Management Plan must be constructed and implemented to the satisfaction of the Shire of Capel.
20. Prior to occupation, bin storage areas are to be provided for each dwelling and screened from view.
21. Prior to the use or occupation of the development, the Asset Protection Zone (APZ) must be established and the property thereafter maintained in accordance with the Bushfire Management Plan as approved by the Shire of Capel.



22. Prior to the commencement of use of the land the land owner shall provide consent to a Section 70A Notification pursuant to the Transfer of Land Act 1893 being placed on the Certificate(s) of Title(s) of the subject lot(s) Notice of this Notification is to be included on the diagram or plan of survey (Deposited Plan). The Notification is to state as follows;

This lot is covered by the approved Bushfire Management Plan and obligations in respect to the use and ongoing management of the land.

23. Prior to occupation, arrangements are to be made with the Water Corporation so that provision of a sewerage service will be available to the development.
24. Prior to occupation, the landowner/applicant contributing towards development infrastructure provisions pursuant to the Shire of Capel Local Planning Scheme No. 8.
25. Prior to the commencement of use the land the land owner shall provide consent to a Notification, pursuant to Section 70A of the Transfer of Land Act 1893 being placed on the Certificate(s) of Title of the subject lot(s). Notice of this Notification is to be included on the diagram or plan of survey (Deposited Plan). The Notification is to state as follows:

'This lot is in the vicinity of a transport corridor and is affected, or may in the future be affected, by road and rail transport noise. Road and rail transport noise levels may rise or fall over time depending on the type and volume of traffic.'

Ongoing

26. The applicant must implement all of the recommendations contained in the Bushfire Management Plan (as amended) and Bushfire Evacuation Plan prepared by Bushfire Prone Planning dated 21 and 22 October 2025 and approved by the Shire of Capel for the duration of the development.

Advice Notes

- a) Acid sulfate soils (ASS) risk mapping indicates the site is located within an area identified as representing a moderate to low risk of ASS occurring within 3 metres of the natural soil surface. Please refer to Department of Water and Environmental Regulation's acid sulfate soil guidelines for information to assist with the management of ground and/or groundwater disturbing works.
- b) The proposal is in the Capel River Surface Water Area proclaimed under the Rights in Water and Irrigation Act 1914, therefore a bed and bank permit may be required for any interference with the bed and bank of any watercourse, and the taking of surface water may require licencing.



- c) The Applicant is advised that the clearing of native vegetation in Western Australia requires a Clearing Permit under the Environmental Protection Act 1986 unless the clearing is for an exempt purpose. Proponents are advised to contact the Department of Environment Regulation on (08) 9725 4300 for further advice in this regard. It should also be noted that the clearing of native vegetation within the Shire of Capel may result in impacts upon the Country Areas Water Supply Act 1947 and an additional permit from the Department of Water may be required.
- d) This development approval does not remove or affect any statutory responsibility the owner may have in notifying the relevant Federal Government public authority(s) of the proposal under the Commonwealth of Australia Environment Protection and Biodiversity Conservation Act 1999.
- e) It is the applicant's responsibility to ensure all required approvals are obtained prior to the works commencing. Works such as de-watering, native vegetation clearing or working near existing infrastructure may require separate approvals from relevant private or government agencies, as well as approvals required for the service of alcohol and the swimming pool.
- f) The development must comply with the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997 in relation to noise emissions.
- g) 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 Shire of Capel's Environmental Health Services. A final inspection of the premises will be required to be carried out by Environmental Health Services prior to commencing operation.
- h) The development must comply with the requirements of the Health (Public Buildings) Regulations 1992. Regardless of whether a building permit is required, application shall be made to the Shire of Capel's Environmental Health Officer for assessment and approval prior to the commencement of development.
- i) In relation to condition 30 a contribution for each dwelling is to be made in accordance with schedule 8 DCA 1 – Capel Development Contribution Area of Local Planning Scheme No.8.
- j) Conditions 24 and 31 are not imposing an obligation on the local Government. If the local Government chooses to lodge a Notification under section 70A, the proponent's obligation is to give their consent to the local Government's application and nothing more.
- k) Prior to commencement of development, a crossover permit must be obtained from the Shire of Capel for access to Roe Road. Construction and maintenance of the crossover shall be in accordance with the crossover permit.



The Substantive Motion (as amended) was put and CARRIED UNANIMOUSLY.

REASON: The panel was happy to support this proposal which includes much-needed residential accommodation and great amenity for both residents and visitors. The panel noted the submissions of support that were received for the proposal and although two submissions raised concerns about height, and uncertainty about setbacks and landscaping, were comfortable these matters have been addressed in the Shire's RAR. Specifically, the panel noted that the proposed setbacks comply with the R-Codes and landscaping will be dealt with via a detailed Landscaping Plan that needs to be approved by the Shire. Although the proposed height exceeds the provisions of the Shire's Local Planning Policy, it meets the requirements of the R-Codes, and the Shire has justified why the height is acceptable in this case. The panel also noted that the applicant has responded appropriately to the advice received from the Design Review Panel and internal and external referral bodies. This is a very high-quality design and multi-faceted development that will contribute well to the vibrancy of the area.

A handwritten signature in black ink, appearing to read 'Dale Page'.

Dale Page
Presiding Member, Regional DAP



PART E – OTHER BUSINESS

1. State Administrative Tribunal Applications and Supreme Court Appeals

The DAP noted the status of the following State Administrative Tribunal Applications and Supreme Court Appeals:

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

2. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 12.20pm.