Regional Development Assessment Panel Minutes

Meeting Date and Time: Wednesday, 21 October 2026; 9:30am
Meeting Number: RDAP/83
Meeting Venue: 140 William Street, Perth

A recording of the meeting is available via the following link:
RDAP/83 - 21 October 2026 - Shire of Moora - City of Busselton

PART A – INTRODUCTION

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

PART B – SHIRE OF MOORA

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications

   3.1 Lot 502 (No. 330) Kalinga Road, Walebing; Lot 3 (No. 721) Old Geraldton South Road, Berkshire Valley; Lot 612 Cranmore Road, Bindi Bindi; & Lot 11 on Deposited Polan No. 45074 – Four (4) Meteorological Masts – DAP/26/03155
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART C – CITY OF BUSSELTON

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications

   3.1 Lot 600 (No.2) Grace Court, West Busselton – Educational Establishment (Additional Classrooms) – DAP/26/03156
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART D – OTHER BUSINESS

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

Eugene Koltasz
Presiding Member, Regional DAP

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DAP Members
Eugene Koltasz (Presiding Member) Karen Hyde (Deputy Presiding Member) Mike Mouritz
Cr Troy Dugan (Part B – Shire of Moora) Cr Steve Gilbert (Part B – Shire of Moora)
Cr Mikayla Love (Part C – City of Busselton) Cr Kate Cox (Part C – City of Busselton)

DAP Secretariat
Shanara Wijethunga
Kristen Gray

Eugene Koltasz
Presiding Member, Regional DAP

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Part B – Shire of Moora
Applicant
Ruth Smith (Tilt Renewables)
Officers/Technical Advisors in Attendance
Jayden Pope (Altus Planning)

Part C – City of Busselton
Applicant
Kanella Hope (Planned Focus) Andrew Lennox (Christian Community Ministries)
Officers/Technical Advisors in Attendance
Andrew Watts Ally Teasdale

Members of the Public / Media

Nil

Observers via livestream

There was 1 person observing the meeting via the livestream.

PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:34am on 21 October 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

Nil

3. Noting of Minutes

DAP members noted that signed minutes of previous meetings are available on the DAP website.

PART B – SHIRE OF MOORA

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

In accordance with section 2.4.5 of the DAP Code of Conduct 2025, DAP Member, Cr Troy Dugan and Cr Steve Gilbert, 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 Dugan and Cr Gilbert 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 members 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 502 (No. 330) Kalinga Road, Walebing; Lot 3 (No. 721) Old Geraldton South Road, Berkshire Valley; Lot 612 Cranmore Road, Bindi Bindi; & Lot 11 on Deposited Polan No. 45074 – Four (4) Meteorological Masts – DAP/26/03155

Deputations

Ruth Smith (Tilt Renewables) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

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

SUBSTANTIVE MOTION

Moved by: Cr Steve Gilbert **Seconded by:** Mike Mouritz

That the Regional DAP resolves to **APPROVE** DAP Application reference DAP/26/03155 for four (4) meteorological masts at Lot 502 (No. 330) Kalinga Road, Walebing, Lot 3 (No. 721) Old Geraldton South Road, Berkshire Valley, Lot 612 Cranmore Road, Bindi Bindi, and Lot 11 on Deposited Plan No. 45074, 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 Moora Town Planning Scheme No. 4, subject to the following conditions:

1. The development is to be undertaken in accordance with the approved plans and documents attached to this approval, as listed below, except where amended by subsequent conditions:

Plan/ Document Name	Reference	Date
Site Plan	Figure 1.2	2026
G.A. Guyed Lattice Mast Type 55-36	DWG No: AEDGA-GLA53-0150-003 Issue: 02 Sheet: 2/3	20 March 2024
G.A. Guyed Lattice Mast Type 55-36	DWG No: AEDGA-GLA53-0150-003 Issue: 02 Sheet: 3/3	20 March 2024

2. This decision constitutes planning approval only and is time limited for a period of eight (8) years from the date of approval. Upon the expiration of this approval, the Applicant shall, at the Applicant's cost:

   a. Remove the Meteorological Masts (including footings); and

   b. Rehabilitate the affected land to its pre-development condition, to the specifications and satisfaction of the Shire of Moora.

3. Prior to the commencement of any works, a Construction and Decommissioning Management Plan (CDMP) is to be submitted to and approved by the Shire of Moora. The CDMP is to outline vehicle types and number of movements associated with the construction and decommissioning phases, the proposed transport route and remedial works to the property crossover post-construction and decommissioning phases. The approved CDMP is to be implemented and adhered to thereafter to the satisfaction of the Shire of Moora.

Eugene Koltasz
Presiding Member, Regional DAP

4. The meteorological masts are to be marked in accordance with the recommendations of the Aviation Impact Assessment prepared by Aviation Projects dated 26 May 2026, including:

   a. The top one third of each mast being painted in alternating contrasting bands of colour;
   b. Marker balls, high visibility flags or high visibility sleeves being placed on the outside guy wires; and

   c. The guy wire ground attachment points being a contrasting colour to the surrounding ground and vegetation, or a flashing strobe light being installed and operated during daylight hours.

   The markings are to be installed prior to the masts being erected to full height and maintained for the life of the development, to the satisfaction of the Shire of Moora.

Advice Notes

1. If an Applicant is aggrieved by this determination there is a right of appeal under Part 14 of the *Planning and Development Act 2005*. An appeal must be lodged within 28 days of the determination with the State Administrative Tribunal.

2. In relation to removal of the development and rehabilitation of the development site, "pre-development condition" means a bare earth area, free of any structure or footings related to the development and returned to pasture cover.

3. Tall structures may present a hazard to civil and military aviation, particularly during low-level operations. Recording these structures in the national obstacle database supports aeronautical charting, flight planning and the safe navigation of aircraft. The Department of Defence requests that the Applicant:

   a. complete the current Airservices Australia Vertical Obstruction Data Form (ATS-FORM-0085), or the Multiple Vertical Obstruction Data spreadsheet, and submit it to VOD@airservicesaustralia.com;

   b. provide a copy of the submitted information to the Aeronautical Information Service – Air Force (ais.af@defence.gov.au); and

   c. provide updated, verified as-constructed information once the final coordinates, ground elevation and maximum height of each structure have been confirmed. The initial notification should be provided as early as practicable and before the relevant structure is erected.

4. The meteorological masts will need to comply with any Airservices Australia, Department of Defence and/or Civil Aviation Safety Authority's requirements in relation to tall structure requirements. Airservices Australia has advised that its previous advice (WA-MA-402) remains valid so long as there is no change to the coordinates and maximum heights of the meteorological masts.

5. This Development Approval is not a Building Permit or an approval to commence or carry out development under any other law. It is the responsibility of the Applicant to obtain any other necessary approvals, consents and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.

6. This approval is not an authority to ignore any constraint to development on the land, which may exist through statute, regulation, contract or on title, such as an easement or restrictive covenant. It is the responsibility of the Applicant and not the Development Assessment Panel or the Shire of Moora to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Development Assessment Panel or the Shire of Moora's attention.

7. The Applicant is responsible for ensuring all lot boundaries as shown on the approved plans are correct.

8. Development shall comply in all respects with the attached approved plans and any requisite amended plans required by a condition of this approval which have been stamped accordingly.

9. DWER advises that the proposal will not have a significant impact on environment or water resources, however it is noted that some minor clearing of native vegetation will be required for one of the masts. DWER advises that under section 51C of the *Environmental Protection Act 1986* (EP Act), clearing of native vegetation is an offence unless:

   - it is undertaken under the authority of a clearing permit;
   - it is done after the person has received notice under Section 51DA(5) that a clearing permit is not required;
   - the clearing is subject to an exemption.

   Exemptions for clearing that are a requirement of written law, or authorised under certain statutory processes, are contained in Schedule 6 of the EP Act. Exemptions for low impact routine land management practices outside of environmentally sensitive areas (ESAs) are contained in the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* (the Clearing Regulations).

Eugene Koltasz
Presiding Member, Regional DAP

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AMENDING MOTION 1

Moved by: Karen Hyde **Seconded by:** Mike Mouritz

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

> *This decision constitutes planning approval only and is time limited for a period of ~~eight (8)~~* ***ten (10)*** *years from the date of approval. Upon the expiration of this approval, the Applicant shall, at the Applicant's cost: Remove the Meteorological Masts (including footings); and Rehabilitate the affected land to its pre-development condition, to the specifications and satisfaction of the Shire of Moora.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To provide sufficient flexibility for extended construction and monitoring timeframes.

SUBSTANTIVE MOTION (AS AMENDED)

That the Regional DAP resolves to **APPROVE** DAP Application reference DAP/26/03155 for four (4) meteorological masts at Lot 502 (No. 330) Kalinga Road, Walebing, Lot 3 (No. 721) Old Geraldton South Road, Berkshire Valley, Lot 612 Cranmore Road, Bindi Bindi, and Lot 11 on Deposited Plan No. 45074, 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 Moora Town Planning Scheme No. 4, subject to the following conditions:

1. The development is to be undertaken in accordance with the approved plans and documents attached to this approval, as listed below, except where amended by subsequent conditions:

Plan/ Document Name	Reference	Date
Site Plan	Figure 1.2	2026
G.A. Guyed Lattice Mast Type 55-36	DWG No: AEDGA-GLA53-0150-003 Issue: 02 Sheet: 2/3	20 March 2024
G.A. Guyed Lattice Mast Type 55-36	DWG No: AEDGA-GLA53-0150-003 Issue: 02 Sheet: 3/3	20 March 2024

2. This decision constitutes planning approval only and is time limited for a period of ten (10) years from the date of approval. Upon the expiration of this approval, the Applicant shall, at the Applicant's cost:

   a. Remove the Meteorological Masts (including footings); and

   b. Rehabilitate the affected land to its pre-development condition, to the specifications and satisfaction of the Shire of Moora.

3. Prior to the commencement of any works, a Construction and Decommissioning Management Plan (CDMP) is to be submitted to and approved by the Shire of Moora. The CDMP is to outline vehicle types and number of movements associated with the construction and decommissioning phases, the proposed transport route and remedial works to the property crossover post-construction and decommissioning phases. The approved CDMP is to be implemented and adhered to thereafter to the satisfaction of the Shire of Moora.

4. The meteorological masts are to be marked in accordance with the recommendations of the Aviation Impact Assessment prepared by Aviation Projects dated 26 May 2026, including:

   a. The top one third of each mast being painted in alternating contrasting bands of colour;

   b. Marker balls, high visibility flags or high visibility sleeves being placed on the outside guy wires; and

   c. The guy wire ground attachment points being a contrasting colour to the surrounding ground and vegetation, or a flashing strobe light being installed and operated during daylight hours.

   The markings are to be installed prior to the masts being erected to full height and maintained for the life of the development, to the satisfaction of the Shire of Moora.

Advice Notes

1. If an Applicant is aggrieved by this determination there is a right of appeal under Part 14 of the *Planning and Development Act 2005*. An appeal must be lodged within 28 days of the determination with the State Administrative Tribunal.

2. In relation to removal of the development and rehabilitation of the development site, "pre-development condition" means a bare earth area, free of any structure or footings related to the development and returned to pasture cover.

Eugene Koltasz
Presiding Member, Regional DAP

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3. Tall structures may present a hazard to civil and military aviation, particularly during low-level operations. Recording these structures in the national obstacle database supports aeronautical charting, flight planning and the safe navigation of aircraft. The Department of Defence requests that the Applicant:

   a. complete the current Airservices Australia Vertical Obstruction Data Form (ATS-FORM-0085), or the Multiple Vertical Obstruction Data spreadsheet, and submit it to VOD@airservicesaustralia.com;

   b. provide a copy of the submitted information to the Aeronautical Information Service – Air Force (ais.af@defence.gov.au); and

   c. provide updated, verified as-constructed information once the final coordinates, ground elevation and maximum height of each structure have been confirmed. The initial notification should be provided as early as practicable and before the relevant structure is erected.

4. The meteorological masts will need to comply with any Airservices Australia, Department of Defence and/or Civil Aviation Safety Authority's requirements in relation to tall structure requirements. Airservices Australia has advised that its previous advice (WA-MA-402) remains valid so long as there is no change to the coordinates and maximum heights of the meteorological masts.

5. This Development Approval is not a Building Permit or an approval to commence or carry out development under any other law. It is the responsibility of the Applicant to obtain any other necessary approvals, consents and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.

6. This approval is not an authority to ignore any constraint to development on the land, which may exist through statute, regulation, contract or on title, such as an easement or restrictive covenant. It is the responsibility of the Applicant and not the Development Assessment Panel or the Shire of Moora to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the Development Assessment Panel or the Shire of Moora's attention.

7. The Applicant is responsible for ensuring all lot boundaries as shown on the approved plans are correct.

8. Development shall comply in all respects with the attached approved plans and any requisite amended plans required by a condition of this approval which have been stamped accordingly.

Eugene Koltasz
Presiding Member, Regional DAP

9. DWER advises that the proposal will not have a significant impact on environment or water resources, however it is noted that some minor clearing of native vegetation will be required for one of the masts. DWER advises that under section 51C of the *Environmental Protection Act 1986* (EP Act), clearing of native vegetation is an offence unless:

    - it is undertaken under the authority of a clearing permit;
    - it is done after the person has received notice under Section 51DA(5) that a clearing permit is not required;

    - the clearing is subject to an exemption.

    Exemptions for clearing that are a requirement of written law, or authorised under certain statutory processes, are contained in Schedule 6 of the EP Act. Exemptions for low impact routine land management practices outside of environmentally sensitive areas (ESAs) are contained in the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* (the Clearing Regulations).

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

REASON: The panel noted that the development was located within land zoned 'General Agriculture' under TPS4. The panel agreed with the officer's assessment that the proposal would not displace or interfere with ongoing agricultural activities. The temporary nature and limited footprints of the meteorological masts and investigation sites were considered compatible with broad-hectare agriculture and the continued rural use of the land.

The panel supported access to the sites through the existing access arrangements, including the informal access tracks within each lot, as these arrangements would not require clearing or adversely affect existing agricultural activities.

While the panel acknowledged that the masts would inevitably be visible within the local catchment, their visual prominence in the rural setting was not expected to dominate the landscape, detract from significant views or adversely affect nearby landowners. This was because the masts would be set back substantial distances from sensitive receptors, being approximately 1 to 2 kilometres.

No community submissions were received during the advertising period, and no objections were received from the other referral agencies. The panel supported the conditions and advice notes recommended in the RAR.

4. Form 2 DAP Applications

Nil

5. Section 31 SAT Reconsiderations

Nil

Cr Troy Dugan and Cr Steve Gilbert (Local Government DAP Members, Shire of Moora) left the panel at 9:53am.

Eugene Koltasz
Presiding Member, Regional DAP

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PART C – CITY OF BUSSELTON

Cr Mikayla Love and Cr Kate Cox (Local Government DAP Members, City of Busselton) joined the panel at 9:56am.

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

Nil.

3. Form 1 DAP Applications

3.1 Lot 600 (No.2) Grace Court, West Busselton – Educational Establishment (Additional Classrooms) – DAP/26/03156

Deputations

Kanella Hope (Planned Focus) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

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

SUBSTANTIVE MOTION

Moved by: Cr Mikayla Love **Seconded by:** Cr Kate Cox

That the Regional DAP resolves to **APPROVE** DAP Application reference DAP26/03156 for Educational Establishment – Additional Classrooms at 2 Grace Court, West Busselton in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, and the provisions of the City of Busselton Local Planning Scheme No. 21, subject to the following conditions:

GENERAL CONDITIONS

1. The development is to be undertaken in accordance with the approved plans and documents attached to this approval, as listed below, except where amended by subsequent conditions:

Plan/ Document Name	Reference	Date
Site Plan	SK-A01	12 May 2026
Floor Plans	SK-A02	12 May 2026
Elevations	SK-A03	12 May 2026
Building Context Plan	SK-A04	12 May 2026

2. This decision constitutes planning approval only and is valid for a period of four years from the date of approval, being <insert date>. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

PRIOR TO COMMENCEMENT OF ANY WORKS CONDITIONS

3. The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details have been submitted to the City and have been approved in writing:

   3.1. A detailed landscaping plan.

   3.2. Details demonstrating noise management/mitigation measures to be implemented to achieve the noise targets as set out by Table 2 of State Planning Policy 5.4 Road and Rail Noise.

   3.3. A Tree Protection Plan (TPP) prepared in accordance with Australian Standard AS 4970-2009 Protection of trees on development sites for the trees to be retained on the site, adjoining road reserves and for vegetation within the adjoining Lots. The approved TPP shall be implemented before any of the substantive development is commenced and shall be retained throughout the development period until such time as all equipment, machinery and surplus materials have been removed from the site. Within any vegetation areas identified to be protected with fencing, nothing shall be stored or placed, and the ground levels shall not be altered.

   3.4. A Construction Management Plan. The Construction Management Plan should address the following issues, where applicable:
   a) public safety and amenity;
   b) site plan and security;
   c) contact details of essential site personnel, construction period and operating hours;
   d) community information, consultation and complaints management plan;
   e) temporary realignment of pedestrian access ways (including crossing points and lighting);
   f) noise, vibration, air and dust management;
   g) dilapidation reports of nearby properties;
   h) traffic, access and parking management including parking for contractors;
   i) construction waste disposal strategy and location of waste disposal bins;
   j) sanitary facilities;

k) earthworks, excavation, land retention/piling methods and associated matters;

l) stormwater and sediment control;

m) how risks of wind and/or water borne erosion and sedimentation will be minimised during and after the works; and

n) street tree management and protection;

o) asbestos removal management Plan;

p) How materials and equipment will be delivered and removed from the site;

q) How materials and equipment will be stored on the site;

r) Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;

s) any other matter deemed relevant by the City.

4. The development hereby approved, or any works required to implement the development, shall not commence until the following contributions have been paid to the City:

a) A contribution of 1% of the Estimated Cost of Development ('ECD') for the provision of public art in accordance with Local Planning Policy 4.4 Percent for Art. Alternatively, the Applicant may make satisfactory arrangements with the City to provide public art works of the same value within the development site.

PRIOR TO OCCUPATION/USE OF THE DEVELOPMENT CONDITIONS

5. The development hereby approved shall not be occupied, or used, until all plans, details or works required by Condition(s) 3 - 4 have been implemented; and the following conditions have been complied with:

5.1. Landscaping and reticulation shall be implemented in accordance with the approved Landscape Plan.

5.2. Prior to the commencement of use, the landowner shall provide consent to a Notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended) being placed on the Certificate of Title of Lot 600 on DIAGRAM 408685 stating that:

5.3. "BUSHFIRE PRONE AREA - This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land"

5.4. The notification must be placed on the certificate of title of the lot prior to the commencement of the use on the site.

5.5. Prior to the commencement of use, the landowner shall provide consent to a Notification in the form of a section 70A notification, pursuant to Section 165 of the Planning and Development Act 2005 being placed on the Certificate of Title of Lot 600 on DIAGRAM 408685 stating that:

5.6. "This lot is situated in the vicinity of a transport corridor and is currently affected or may in the future be affected by transport noise. Additional planning and building requirements may apply to development on this land to achieve an acceptable level of noise reduction".

ONGOING CONDITIONS

6. The works undertaken to satisfy Condition(s) 3, 4 and 5 shall be subsequently maintained for the life of the development and the following conditions shall be complied with:

6.1. Landscaping and reticulation shall be maintained to the satisfaction of the City. Unless otherwise first agreed in writing, any trees or plants which are removed, die or, are assessed by the City as being seriously damaged, shall be replaced within the next available planting season with others of the same species, size and number as originally approved

6.2. The approved Bushfire Management Plan and Bushfire Emergency Plan shall be implemented and maintained in accordance with the approval details and any recommendations therein.

Advice Notes

1. If the applicant and/or owner are aggrieved by this determination, including any conditions of approval, there is a right to lodge a request to amend or cancel development approval pursuant to the *Planning and Development (Local Planning Schemes) Regulations 2015.*

2. Notwithstanding Advice Note 1, there may also be a right of review under the provisions of Part 14 of the Planning and Development Act 2005. A review must be lodged with the State Administrative Tribunal, and must be lodged within 28 days of the determination being made by the City of Busselton.

3. This Notice of Determination grants Development Approval to the development the subject of this application (DA26/0395). It cannot be construed as granting Development Approval for any other structure shown on the approved plans which was not specifically included in this application.

Eugene Koltasz
Presiding Member, Regional DAP

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4. In accordance with the provisions of the Building Act 2011, and Building Regulations 2012, an application for a building permit must be submitted to, and approval granted by the City, prior to the commencement of the development hereby permitted.

5. The Landscape Plan should include:

   a) the location and species of all trees to be removed and / or retained;
   b) the location and type of fencing to be installed;
   c) the location and type of reticulation to be installed;
   d) the location and type of paving to be installed;
   e) a plant schedule nominating species, planting distances, numbers, planting sizes, together with the anticipated height of each plant at maturity;
   f) any adjoining road verges;
   g) If the development is to be completed within stages the landscaping plan shall detail which portions of the landscaping is to be installed upon the completion of each stage;
   h) details of areas to be rehabilitated;
   i) Screen Planting.

6. The relevant construction requirements prescribed by State Planning Policy 5.4 Road and Rail Noise and the associated SPP5.4 Guidelines are to be demonstrated within a building permit.

7. Please be advised that the use of Zincalume® roofs is not permitted within the Residential, Tourist, Special Purpose, or Rural Residential zones, unless their use is approved by the City

AMENDING MOTION 1

Moved by: Karen Hyde **Seconded by:** Mike Mouritz

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

> *This decision constitutes planning approval only and is valid for a period of four years from the date of approval, being ~~<insert date>~~* ***21 October 2026****. 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 UNANIMOUSLY.

REASON: To specify the date of approval in the condition.

Eugene Koltasz
Presiding Member, Regional DAP

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AMENDING MOTION 2

Moved by: Karen Hyde **Seconded by:** Cr Mikayla Love

That Condition No. 5 be amended to read as follows:

5. The development hereby approved shall not be occupied, or used, until all plans, details or works required by Condition(s) 3 - 4 have been implemented; and the following conditions have been complied with:

5.1. Landscaping and reticulation shall be implemented in accordance with the approved Landscape Plan.

5.2. Prior to the commencement of use, the landowner shall provide consent to a Notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended) being placed on the Certificate of Title of Lot 600 on DIAGRAM 408685 stating that:

~~5.3.~~ "BUSHFIRE PRONE AREA - This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land"

~~5.4.~~ The notification must be placed on the certificate of title of the lot prior to the commencement of the use on the site.

*~~5.5.~~ **5.3.** Prior to the commencement of use, the landowner shall provide consent to a Notification in the form of a section 70A notification, pursuant to Section 165 of the Planning and Development Act 2005 being placed on the Certificate of Title of Lot 600 on DIAGRAM 408685 stating that:*

~~5.6.~~ "This lot is situated in the vicinity of a transport corridor and is currently affected or may in the future be affected by transport noise. Additional planning and building requirements may apply to development on this land to achieve an acceptable level of noise reduction".

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To correct typographical errors and clarify the relevant conditions and associated requirements.

Eugene Koltasz
Presiding Member, Regional DAP

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AMENDING MOTION 3

Moved by: Karen Hyde **Seconded by:** Nil

That Condition No. 4 be deleted and the remaining conditions be renumbered accordingly.

The Amending Motion LAPSED for want of a seconder.

SUBSTANTIVE MOTION (AS AMENDED)

That the Regional DAP resolves to **APPROVE** DAP Application reference DAP26/03156 for Educational Establishment – Additional Classrooms at 2 Grace Court, West Busselton in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, and the provisions of the City of Busselton Local Planning Scheme No. 21, subject to the following conditions:

GENERAL CONDITIONS

1. The development is to be undertaken in accordance with the approved plans and documents attached to this approval, as listed below, except where amended by subsequent conditions:

Plan/ Document Name	Reference	Date
Site Plan	SK-A01	12 May 2026
Floor Plans	SK-A02	12 May 2026
Elevations	SK-A03	12 May 2026
Building Context Plan	SK-A04	12 May 2026

2. This decision constitutes planning approval only and is valid for a period of four years from the date of approval, being 21 October 2026. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

PRIOR TO COMMENCEMENT OF ANY WORKS CONDITIONS

3. The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details have been submitted to the City and have been approved in writing:

   3.1. A detailed landscaping plan.

   3.2. Details demonstrating noise management/mitigation measures to be implemented to achieve the noise targets as set out by Table 2 of State Planning Policy 5.4 Road and Rail Noise.

3.3. A Tree Protection Plan (TPP) prepared in accordance with Australian Standard AS 4970-2009 Protection of trees on development sites for the trees to be retained on the site, adjoining road reserves and for vegetation within the adjoining Lots. The approved TPP shall be implemented before any of the substantive development is commenced and shall be retained throughout the development period until such time as all equipment, machinery and surplus materials have been removed from the site. Within any vegetation areas identified to be protected with fencing, nothing shall be stored or placed, and the ground levels shall not be altered.

3.4. A Construction Management Plan. The Construction Management Plan should address the following issues, where applicable:

a) public safety and amenity;

b) site plan and security;

c) contact details of essential site personnel, construction period and operating hours;

d) community information, consultation and complaints management plan;

e) temporary realignment of pedestrian access ways (including crossing points and lighting);

f) noise, vibration, air and dust management;

g) dilapidation reports of nearby properties;

h) traffic, access and parking management including parking for contractors;

i) construction waste disposal strategy and location of waste disposal bins;

j) sanitary facilities;

k) earthworks, excavation, land retention/piling methods and associated matters;

l) stormwater and sediment control;

m) how risks of wind and/or water borne erosion and sedimentation will be minimised during and after the works; and

n) street tree management and protection;

o) asbestos removal management Plan;

p) How materials and equipment will be delivered and removed from the site;

q) How materials and equipment will be stored on the site;

r) Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;

s) any other matter deemed relevant by the City.

4. The development hereby approved, or any works required to implement the development, shall not commence until the following contributions have been paid to the City:

   a) A contribution of 1% of the Estimated Cost of Development ('ECD') for the provision of public art in accordance with Local Planning Policy 4.4 Percent for Art. Alternatively, the Applicant may make satisfactory arrangements with the City to provide public art works of the same value within the development site.

PRIOR TO OCCUPATION/USE OF THE DEVELOPMENT CONDITIONS

5. The development hereby approved shall not be occupied, or used, until all plans, details or works required by Condition(s) 3 - 4 have been implemented; and the following conditions have been complied with:

   5.1. Landscaping and reticulation shall be implemented in accordance with the approved Landscape Plan.

   5.2. Prior to the commencement of use, the landowner shall provide consent to a Notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended) being placed on the Certificate of Title of Lot 600 on DIAGRAM 408685 stating that:

   "BUSHFIRE PRONE AREA - This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is subject to bushfire Management Plan. Additional planning and building requirements may apply to development on this land"

   The notification must be placed on the certificate of title of the lot prior to the commencement of the use on the site.

   5.3. Prior to the commencement of use, the landowner shall provide consent to a Notification in the form of a section 70A notification, pursuant to Section 165 of the Planning and Development Act 2005 being placed on the Certificate of Title of Lot 600 on DIAGRAM 408685 stating that:

   "This lot is situated in the vicinity of a transport corridor and is currently affected or may in the future be affected by transport noise. Additional planning and building requirements may apply to development on this land to achieve an acceptable level of noise reduction".

ONGOING CONDITIONS

6. The works undertaken to satisfy Condition(s) 3, 4 and 5 shall be subsequently maintained for the life of the development and the following conditions shall be complied with:

   6.1. Landscaping and reticulation shall be maintained to the satisfaction of the City. Unless otherwise first agreed in writing, any trees or plants which are removed, die or, are assessed by the City as being seriously damaged, shall be replaced within the next available planting season with others of the same species, size and number as originally approved

   6.2. The approved Bushfire Management Plan and Bushfire Emergency Plan shall be implemented and maintained in accordance with the approval details and any recommendations therein.

Advice Notes

1. If the applicant and/or owner are aggrieved by this determination, including any conditions of approval, there is a right to lodge a request to amend or cancel development approval pursuant to the *Planning and Development (Local Planning Schemes) Regulations 2015.*

2. Notwithstanding Advice Note 1, there may also be a right of review under the provisions of Part 14 of the Planning and Development Act 2005. A review must be lodged with the State Administrative Tribunal, and must be lodged within 28 days of the determination being made by the City of Busselton.

3. This Notice of Determination grants Development Approval to the development the subject of this application (DA26/0395). It cannot be construed as granting Development Approval for any other structure shown on the approved plans which was not specifically included in this application.

4. In accordance with the provisions of the Building Act 2011, and Building Regulations 2012, an application for a building permit must be submitted to, and approval granted by the City, prior to the commencement of the development hereby permitted.

Eugene Koltasz
Presiding Member, Regional DAP

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5. The Landscape Plan should include:

   a) the location and species of all trees to be removed and / or retained;
   b) the location and type of fencing to be installed;
   c) the location and type of reticulation to be installed;
   d) the location and type of paving to be installed;
   e) a plant schedule nominating species, planting distances, numbers, planting sizes, together with the anticipated height of each plant at maturity;
   f) any adjoining road verges;
   g) If the development is to be completed within stages the landscaping plan shall detail which portions of the landscaping is to be installed upon the completion of each stage;
   h) details of areas to be rehabilitated;
   i) Screen Planting.

6. The relevant construction requirements prescribed by State Planning Policy 5.4 Road and Rail Noise and the associated SPP5.4 Guidelines are to be demonstrated within a building permit.

7. Please be advised that the use of Zincalume® roofs is not permitted within the Residential, Tourist, Special Purpose, or Rural Residential zones, unless their use is approved by the City

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

REASON: The panel noted the development was consistent with the planning framework context whereby the Local Planning Scheme No.21 zones the site as 'Special Use 10' and Schedule 5 of the Scheme permits an 'Educational Establishment' land use for Special Use 10, with no special conditions.

The panel noted that the development was consistent with the applicable planning framework. The site is zoned 'Special Use 10' under Local Planning Scheme No. 21, and Schedule 5 of the Scheme permits an 'Educational Establishment' land use within Special Use 10 without special conditions.

The panel considered the proposed two-storey building, with a building height of 9 metres, to be compatible with its location and with clause 4.8 of the Scheme, which prescribes a maximum building height of 12 metres for the site.

The panel noted that four submissions were received during the advertising period: two supporting the proposal and two opposing it. After considering the issues raised, the panel was satisfied that the development was not expected to adversely affect the visual privacy of nearby residents or cause overshadowing. The panel was also satisfied that the proposal would not cause parking or access issues because the number of parking bays provided exceeded the requirements of LPP2.1 and no changes to the existing vehicular access arrangements were proposed.

Furthermore, the TIS, as assessed by the City's technical staff, demonstrated that the traffic expected to be generated by the proposed development would not have a critical impact on the surrounding road network. Consequently, no upgrades to the transport network were required as a direct result of the proposal.

While the panel considered the proposed clearing of 16 trees regrettable, the proposal was supported by technical reports prepared by qualified arborists. The proposal was also referred to the Department of Biodiversity, Conservation and Attractions due to the native vegetation present on the site. Following advice from the Department, an advice note was included requiring a fauna spotter to be present during clearing works.

On balance, the panel unanimously supported the proposal.

4. Form 2 DAP Applications

Nil

5. Section 31 SAT Reconsiderations

Nil

PART D – 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 DR165/2020	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	25 June 2020
DAP/25/03017 DR53/2026	Shire of Kojonup	Various Lots, Jungalup	Windfarm and Transmission Line	2 April 2026

2. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 10:17am.

Eugene Koltasz
Presiding Member, Regional DAP

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