



## Regional Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Tuesday, 24 October 2023; 9.30am  
**Meeting Number:** RJDAP/118  
**Meeting Venue:** Electronic Means

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

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**Tony Arias**  
Presiding Member, Regional JDAP



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## Attendance

### DAP Members

Tony Arias (Presiding Member)  
Kanella Hope (Deputy Presiding Member)  
Neema Premji (A/Third Specialist Member)  
Cr David Binks (Local Government Member, Shire of Augusta-Margaret River)  
Cr Ian Earl (Local Government Member, Shire of Augusta-Margaret River)

### Officers in attendance

Don Bothwell (Shire of Augusta-Margaret River)  
Matt Slocomb (Shire of Augusta-Margaret River)

### Minute Secretary

Tenielle Brownfield (DAP Secretariat)

### Applicants and Submitters

Dane Gaunt (Urbis Pty Ltd)  
Tim Dawkins (Urbis Pty Ltd)  
Nic Brunsdon (Nic Brunsdon Studio)  
Alessio Fini (Fini Group)  
Jamie Fini (Fini Group)  
Miriam Bailey  
James Schlipalius – *Written Submission*

### Members of the Public / Media

There were 8 members of the public in attendance.

Warren Hatley from Augusta-Margaret River times was in attendance.

## 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.34am on 24 October 2023 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2020 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

### 1.1 Announcements by Presiding Member

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

**Tony Arias**  
Presiding Member, Regional JDAP



This meeting was convened via electronic means (Zoom). Members were reminded to announce their name and title prior to speaking.

## 2. Apologies

Justin Page (Third Specialist Member)  
Cr Julia Meldrum (Local Government Member, Shire of Augusta-Margaret River)  
Cr Paula Cristoffanini (Local Government Member, Shire of Augusta-Margaret River)

## 3. Members on Leave of Absence

Nil.

## 4. Noting of Minutes

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

## 5. Declaration of Due Consideration

The Presiding Member noted that an addendum to the agenda was published to include details of a DAP direction for further information and responsible authority response in relation to Item 8.1, received on 17 October 2023.

All members declared that they had duly considered the documents.

## 6. Disclosure of Interests

DAP Member, Justin Page, declared an impartiality interest and Indirect Pecuniary Interest in item 8.1. Justin Page's employer (Element) has been appointed by the Shire of Augusta-Margaret River to work on the Witchcliffe Augusta Character Study and Cowaramup Character Study. These works are being undertaken by others in Element and Justin Page is not involved with these projects. The Applicant's DA report (Urbis, June 2023) refers to Fini Group as the Developer. Fini Group Pty Ltd is a client of Justin's employer (Element).

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member determined that the member listed above, who had disclosed an indirect pecuniary interest, was not permitted to participate in the discussion and voting on the item.

**Tony Arias**  
Presiding Member, Regional JDAP



## 7. Deputations and Presentations

- 7.1 Miriam Bailey addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.2 Nic Brunsdon (Nic Brunsdon Studio) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.3 Alessio Fini (Fini Group) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.4 Jamie Fini (Fini Group) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.5 Dane Gaunt (Urbis) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.6 James Schlipalius provided a written submission against the recommendation for the application at Item 8.1.
- 7.7 The Shire of Augusta-Margaret River addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

## 8. Form 1 – Responsible Authority Reports – DAP Applications

### 8.1 Lot 11 & 12 Fearn Avenue, Margaret River

Development Description:	Proposed Hotel and Restaurant
Applicant:	Urbis Pty Ltd
Owner:	Pasta Shooter Pty Ltd
Responsible Authority:	Shire of Augusta-Margaret River
DAP File No:	DAP/23/02506

### REPORT RECOMMENDATION

**Moved by:** Cr Ian Earl

**Seconded by:** Tony Arias

**Approve** DAP Application reference DAP/23/02506 and accompanying plans DA.001 - Rev D, DA.002 - Rev D, DA.100 - Rev D, DA.101 - Rev A, DA.102 - Rev A, DA.103 - Rev A in accordance with Clause 68 of Schedule 2 of the (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the *Shire of Augusta Margaret River Local Planning Scheme No.1* subject to the following conditions:

**Tony Arias**  
Presiding Member, Regional JDAP



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**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. Where an approval has lapsed, development is prohibited without further approval being obtained.
2. The development the subject of this approval must comply with the approved plans at all times unless otherwise approved in writing by the Shire of Augusta Margaret River or the Joint Development Assessment Panel.

Plans and Specifications	DA.001 - Rev D, DA.002 - Rev D, DA.100 - Rev D, DA101 - Rev A, DA.102 - Rev A, DA.103 - Rev A
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3. Prior to submission of a building permit for the development, a schedule of final materials and colours, which shall be generally consistent with the approved plans, shall be submitted to the satisfaction of the Shire.
4. Prior to submission of a building permit for the development, a Landscape Plan shall be prepared to the satisfaction of the Shire by a suitably qualified and/or experienced landscape consultant. The Landscape Plan shall be drawn to scale and show the following:
  - a) The location, name and mature heights of existing and proposed trees and shrubs and ground covers on both the subject site and the adjoining street verge(s);
  - b) Any existing significant existing trees to be protected, incorporating recommendations of the Tree Inspection and Recommendations Report prepared by South-West Tree Services for the development;
  - b) Any lawns and paved areas to be established;
  - c) Any natural landscaped areas to be retained; and
  - d) Those areas that are to be reticulated or irrigated are demonstrated to be designed using water sensitive principles.
5. Landscaping shall be implemented, in accordance with the approved Landscape Plan, prior to occupation/use of the development and shall be maintained at all times.
6. Any outside lighting to comply with Australian Standards AS4282-2019 (as amended) for the control of obtrusive effects of outdoor lighting.
7. An assessment of anticipated noise emissions from the operation of development shall be assessed at final design stage and appropriate noise controls are to be incorporated into the design to ensure compliance with the *Environmental Protection (Noise) Regulations 1997*.

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Presiding Member, Regional JDAP



8. An acoustic assessment of external mechanical plant is required prior to construction with any required noise amelioration to be incorporated into the design to ensure compliance with the *Environmental Protection (Noise) Regulations 1997* and no loss of amenity to the locality by appearance, noise, emissions or otherwise, to the satisfaction of the Shire.
9. Prior to the commencement of the development, a Waste Management Plan must be implemented to the satisfaction of the Shire, and have due regard to the following:
  - a) Ownership, maintenance and management of waste receptacles;
  - b) Provider of waste collection services;
  - c) Categories (landfill, recycling, FOGO, etc.) and volumes and waste expected to be produced;
  - d) Bin storage area and types of receptacles showing quantity and placement of bins in storage area;
  - e) Method of collection and disposal of waste including access, circulation and collection times for the servicing of waste bins/receptacles;
  - f) Hygiene and noise, odour and vermin control;
  - g) Health, safety and environmental considerations, particularly focussed around manual handling, and prevention of accidental spills and releases;
  - h) Waste avoidance and staff education on avoiding waste;
  - i) Any opportunities for management of waste on site, like composting food waste, ect.
10. Prior to submission of a building permit application for the development, a detailed Stormwater Management Engineering Plan shall be prepared to the satisfaction of the Shire and submitted to the Shire showing drainage details, stated storage capacity, lid levels, drainage pipe inverts, sump connections details, slow release details and calculations, offsite infrastructure connection details and a feature survey showing existing services, street trees, footpaths and furniture etc. The Shire's written acceptance of the Stormwater Management Plan must be provided with the building permit application.
11. Prior to practical completion of the development, stormwater management systems on the subject site shall be constructed in accordance with the accepted Stormwater Management Engineering Plan referred to in abovementioned condition and shall thereafter be maintained.
12. Prior to practical completion of the development, stormwater management systems on the subject site shall be constructed in accordance with the accepted Stormwater Management Engineering Plan referred to in abovementioned condition and shall thereafter be maintained.
13. Prior to submission of a building permit application for the development, a detailed Vehicle Parking Construction Engineering Plan shall be prepared in accordance with the Australian Standard AS 2890 to the satisfaction of the Shire and submitted to the Shire showing construction details including pavement levels, thickness, cross fall, lighting proposal and drainage disposal method. The Shire's written acceptance of the Vehicle Parking Engineering Plan(s) must be provided with the building permit application.

*Tony Arias*

**Tony Arias**  
Presiding Member, Regional JDAP



14. Prior to occupation of the development, vehicle parking areas shall be constructed and thereafter maintained in accordance with accepted Vehicle Parking Construction Plan(s), the Australian Standard AS 2890 and the Shire's Standards and Specifications.
15. Prior to submission of a building permit application for the development, a detailed engineered Pedestrian Path Construction Plan shall be prepared in accordance with the Shire's Standards and Specifications. The Pedestrian Path Construction Plan shall be prepared to the satisfaction of the Shire and shall be submitted to the Shire showing construction details for the shared path fronting the development. The Shire's written acceptance of the Pedestrian Path Construction Plan must be submitted at the time of lodging a building permit.
16. Prior to occupation of the development, the pedestrian path system shall be constructed at the full cost of the proponent and in accordance with the accepted Pedestrian Path Construction Plan.
17. Prior to occupation of the development, a Service Delivery Management Plan (SDMP) shall be provided to the satisfaction of the Shire. The SDMP shall address the effective management of the loading of service vehicles to the site.
18. ACROD bay and statutory signs shall be located convenient to the building entrance and shall be designed in accordance with AS2890.6 Parking Facilities Part 6: Off street Parking for People with Disabilities to the satisfaction of Local Government.
19. Prior to submission of a building permit application for the development, the proponent shall pay a \$9500 development bond to the satisfaction of the Shire.
20. Prior to occupation of the development, a Car Parking Management Plan shall be provided demonstrating that sufficient parking will be available for hotel guests and customers of the commercial premises to the satisfaction of the Shire.
21. Prior to occupation of the development, an Active Transport Plan is to be prepared detailing facilities to be provided to encourage non-motorised forms of transport including the provision of end of trip facilities to the satisfaction to the Shire.
22. Prior to submission of a building permit for the development, a Construction Management Plan shall be prepared to the satisfaction of the Shire and shall be implemented on site at all times construction is in progress.
23. Prior to submission of a building permit for the development, a Tree Management Plan is required to outline the measures taken to protect existing trees to retained during construction, to the satisfaction of the Shire of Augusta Margaret River.
24. Prior to submission of a building permit for the development, the proponent shall make a contribution toward public art in accordance with the Shire's Local Planning Policy 30 – *Public Art in Development* to the satisfaction of the Shire.

**Tony Arias**  
Presiding Member, Regional JDAP



25. Prior to occupation of the development, satisfactory arrangements being made with the Shire of Augusta Margaret River for Lots 11 and 12 Fearn Avenue, Margaret River to be amalgamated.
26. All services and service related hardware, including antennae, satellite dishes and air conditioning units, being suitably located away from public view and/or screened to the satisfaction of the Shire.
27. The external surface of the of the boundary wall to the north, including material, colour and texture shall provide a suitable aesthetic appearance to the satisfaction of the Shire.
28. Immediately prior to and during vegetation clearing and demolition occurring, an authorised fauna spotter is to be on site to manage impacts to threatened black cockatoos, western ringtail possums, wambengers and quendas with a post-clearing report provided to the Shire and a copy to Department of Biodiversity, Conservation and Attractions (DBCA).

#### ADVICE NOTES

1. The proposed restaurant must comply with the *Food Act 2008* and the Food Standards Australia New Zealand Code.
2. Development is to comply with the Building Code of Australia (BCA), Part F5 – Sound Transmission and Insulation.
3. Fit-out of licensed premises is to comply with the [Standards of Licensed Premises](#) issued by the Department of Local Government, Sport and Cultural Industries. Prior to the construction and fit out of the approved food premises, detailed plans and specifications must be submitted to the Local Government for assessment.
4. The function room in the development is considered to be a public building and is required to comply with the *Health (Public Building) Regulations 1992*.
5. Proposed spa and plunge pool are considered to be aquatic facilities and as such must comply with the approval, construction and operational requirements of the *Health (Aquatic Facilities) Regulations 2007*.
6. The fauna spotter should obtain the appropriate authorisation under the *Biodiversity Conservation Act 2016* (BC Act), prior to clearing and demolition occurring. The spotter is to provide a post clearing report to the Shire and DBCA [swlanduseplanning@dbca.wa.gov.au](mailto:swlanduseplanning@dbca.wa.gov.au) that includes the numbers of adult or juvenile black cockatoos, western ringtail possums, wambenger and quenda observed, taken or disturbed, any injuries or fatalities, and the location of the species after clearing and demolition has occurred.
7. Engineering plans are required to be developed and designed by a suitably qualified engineer and submitted to the Shire's Asset Services department (PH 9780 5274) The plans shall include a feature survey of the Shire's road reserve as part of the submission.

*Tony Arias*

**Tony Arias**  
Presiding Member, Regional JDAP





8. Pedestrian paths shall remain continuous at vehicle crossovers and shall be reinforced with mesh. The existing path along Fearn Avenue to the frontage of the development shall be upgraded to a 3 metre concrete path, designed, constructed, drained inclusive of pedestrian ramp(s) tactiles and pedestrian crossing facilities at all kerb crossings
9. Works in a road reserve, including any pruning or clearing of vegetation, are prohibited without first obtaining written approval of the Shire. The proponent will be required to submit and implement a Traffic Management Plan (TMP) for all works in a road reserve. The TMP is required to be prepared by a licenced Traffic Manager in accordance with MRWA Traffic Management Code of Practice and Australian Standards AS1742.3-2002 for any works on or within the road reserve (including road)".
10. At all times, all stormwater and drainage run-off from the development shall be detained within the lot boundaries and where available disposed offsite by an approved connection to the Shire's drainage system. At all times stormwater shall be managed to predevelopment flow regimes. Commercial developments should contain the 5% AEP on site using appropriate onsite storage with suitably designed storage such as pipe and pit, raingardens and shaping the carpark to function as part of the onsite detention with slow release to mimic predevelopment flows.

#### **AMENDING MOTION 1**

**Moved by:** Cr Ian Earl

**Seconded by:** Tony Arias

That a new Condition No. 29 be added to read as follows:

*The landowner(s) shall enter into a legal agreement to with the Shire of Augusta Margaret River to provide for a lease agreement for the provision of additional car parking in accordance with the car parking plan provided at attachment 5 of this report to the satisfaction of the Shire. The agreement must be executed and registered by the owner(s) prior to the submission of a building permit for the development. The legal documentation shall be prepared by the Shire's solicitors to the satisfaction of the Shire. All costs associated with the preparation and registration of the documentation, including the Shire's solicitor's costs, shall be met by the applicant/owner of the land.*

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

For: Tony Arias  
Neema Premji  
Cr Ian Earl

Against: Kanella Hope  
Cr David Binks

**REASON:** The Panel considered the lease of portion of Lot 295 Tunbridge Street for car parking for the proposed development provided an opportunity to reduce the deficit of carparking for the proposed development.

**Tony Arias**  
Presiding Member, Regional JDAP



**AMENDING MOTION 2**

**Moved by:** Tony Arias

**Seconded by:** Cr Ian Earl

That a new Condition No. 30 be added to read as follows:

*Prior to occupation of the development, the applicant entering into a legal agreement for the provision of Cash-in-lieu of car parking payment in accordance with Clause 5.8.7 of the Shire's TPS No.1 to the satisfaction to the Shire.*

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** The proposed condition was consistent with the provisions of the Shires TPS No.1 and was considered an equitable response to the provision of carparking for the development. It provided an opportunity for the Shire to acquire additional sites for carparking within the Margaret River Town Centre.

**REPORT RECOMMENDATION (AS AMENDED)**

**Approve** DAP Application reference DAP/23/02506 and accompanying plans DA.001 - Rev D, DA.002 - Rev D, DA.100 - Rev D, DA101 - Rev A, DA.102 - Rev A, DA.103 - Rev A in accordance with Clause 68 of Schedule 2 of the (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the Shire of Augusta Margaret River Local Planning Scheme No.1 subject to the following conditions:

**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. Where an approval has lapsed, development is prohibited without further approval being obtained.
2. The development the subject of this approval must comply with the approved plans at all times unless otherwise approved in writing by the Shire of Augusta Margaret River or the Joint Development Assessment Panel.

Plans and Specifications	DA.001 - Rev D, DA.002 - Rev D, DA.100 - Rev D, DA101 - Rev A, DA.102 - Rev A, DA.103 - Rev A
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3. Prior to submission of a building permit for the development, a schedule of final materials and colours, which shall be generally consistent with the approved plans, shall be submitted to the satisfaction of the Shire.

**Tony Arias**  
Presiding Member, Regional JDAP



4. Prior to submission of a building permit for the development, a Landscape Plan shall be prepared to the satisfaction of the Shire by a suitably qualified and/or experienced landscape consultant. The Landscape Plan shall be drawn to scale and show the following:
  - a) The location, name and mature heights of existing and proposed trees and shrubs and ground covers on both the subject site and the adjoining street verge(s);
  - b) Any existing significant existing trees to be protected, incorporating recommendations of the Tree Inspection and Recommendations Report prepared by South-West Tree Services for the development;
  - b) Any lawns and paved areas to be established;
  - c) Any natural landscaped areas to be retained; and
  - d) Those areas that are to be reticulated or irrigated are demonstrated to be designed using water sensitive principles.
5. Landscaping shall be implemented, in accordance with the approved Landscape Plan, prior to occupation/use of the development and shall be maintained at all times.
6. Any outside lighting to comply with Australian Standards AS4282-2019 (as amended) for the control of obtrusive effects of outdoor lighting.
7. An assessment of anticipated noise emissions from the operation of development shall be assessed at final design stage and appropriate noise controls are to be incorporated into the design to ensure compliance with the *Environmental Protection (Noise) Regulations 1997*.
8. An acoustic assessment of external mechanical plant is required prior to construction with any required noise amelioration to be incorporated into the design to ensure compliance with the *Environmental Protection (Noise) Regulations 1997* and no loss of amenity to the locality by appearance, noise, emissions or otherwise, to the satisfaction of the Shire.
9. Prior to the commencement of the development, a Waste Management Plan must be implemented to the satisfaction of the Shire, and have due regard to the following:
  - a) Ownership, maintenance and management of waste receptacles;
  - b) Provider of waste collection services;
  - c) Categories (landfill, recycling, FOGO, etc.) and volumes and waste expected to be produced;
  - d) Bin storage area and types of receptacles showing quantity and placement of bins in storage area;
  - e) Method of collection and disposal of waste including access, circulation and collection times for the servicing of waste bins/receptacles;
  - f) Hygiene and noise, odour and vermin control;
  - g) Health, safety and environmental considerations, particularly focussed around manual handling, and prevention of accidental spills and releases;
  - h) Waste avoidance and staff education on avoiding waste;
  - i) Any opportunities for management of waste on site, like composting food waste, ect.

*Tony Arias*

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10. Prior to submission of a building permit application for the development, a detailed Stormwater Management Engineering Plan shall be prepared to the satisfaction of the Shire and submitted to the Shire showing drainage details, stated storage capacity, lid levels, drainage pipe inverts, sump connections details, slow release details and calculations, offsite infrastructure connection details and a feature survey showing existing services, street trees, footpaths and furniture etc. The Shire's written acceptance of the Stormwater Management Plan must be provided with the building permit application.
11. Prior to practical completion of the development, stormwater management systems on the subject site shall be constructed in accordance with the accepted Stormwater Management Engineering Plan referred to in abovementioned condition and shall thereafter be maintained.
12. Prior to practical completion of the development, stormwater management systems on the subject site shall be constructed in accordance with the accepted Stormwater Management Engineering Plan referred to in abovementioned condition and shall thereafter be maintained.
13. Prior to submission of a building permit application for the development, a detailed Vehicle Parking Construction Engineering Plan shall be prepared in accordance with the Australian Standard AS 2890 to the satisfaction of the Shire and submitted to the Shire showing construction details including pavement levels, thickness, cross fall, lighting proposal and drainage disposal method. The Shire's written acceptance of the Vehicle Parking Engineering Plan(s) must be provided with the building permit application.
14. Prior to occupation of the development, vehicle parking areas shall be constructed and thereafter maintained in accordance with accepted Vehicle Parking Construction Plan(s), the Australian Standard AS 2890 and the Shire's Standards and Specifications.
15. Prior to submission of a building permit application for the development, a detailed engineered Pedestrian Path Construction Plan shall be prepared in accordance with the Shire's Standards and Specifications. The Pedestrian Path Construction Plan shall be prepared to the satisfaction of the Shire and shall be submitted to the Shire showing construction details for the shared path fronting the development. The Shire's written acceptance of the Pedestrian Path Construction Plan must be submitted at the time of lodging a building permit.
16. Prior to occupation of the development, the pedestrian path system shall be constructed at the full cost of the proponent and in accordance with the accepted Pedestrian Path Construction Plan.
17. Prior to occupation of the development, a Service Delivery Management Plan (SDMP) shall be provided to the satisfaction of the Shire. The SDMP shall address the effective management of the loading of service vehicles to the site.

**Tony Arias**  
Presiding Member, Regional JDAP



18. ACROD bay and statutory signs shall be located convenient to the building entrance and shall be designed in accordance with AS2890.6 Parking Facilities Part 6: Off street Parking for People with Disabilities to the satisfaction of Local Government.
19. Prior to submission of a building permit application for the development, the proponent shall pay a \$9500 development bond to the satisfaction of the Shire.
20. Prior to occupation of the development, a Car Parking Management Plan shall be provided demonstrating that sufficient parking will be available for hotel guests and customers of the commercial premises to the satisfaction of the Shire.
21. Prior to occupation of the development, an Active Transport Plan is to be prepared detailing facilities to be provided to encourage non-motorised forms of transport including the provision of end of trip facilities to the satisfaction to the Shire.
22. Prior to submission of a building permit for the development, a Construction Management Plan shall be prepared to the satisfaction of the Shire and shall be implemented on site at all times construction is in progress.
23. Prior to submission of a building permit for the development, a Tree Management Plan is required to outline the measures taken to protect existing trees to retained during construction, to the satisfaction of the Shire of Augusta Margaret River.
24. Prior to submission of a building permit for the development, the proponent shall make a contribution toward public art in accordance with the Shire's Local Planning Policy 30 – *Public Art in Development* to the satisfaction of the Shire.
25. Prior to occupation of the development, satisfactory arrangements being made with the Shire of Augusta Margaret River for Lots 11 and 12 Fearn Avenue, Margaret River to be amalgamated.
26. All services and service related hardware, including antennae, satellite dishes and air conditioning units, being suitably located away from public view and/or screened to the satisfaction of the Shire.
27. The external surface of the of the boundary wall to the north, including material, colour and texture shall provide a suitable aesthetic appearance to the satisfaction of the Shire.
28. Immediately prior to and during vegetation clearing and demolition occurring, an authorised fauna spotter is to be on site to manage impacts to threatened black cockatoos, western ringtail possums, wambengers and quendas with a post-clearing report provided to the Shire and a copy to Department of Biodiversity, Conservation and Attractions (DBCA).

**Tony Arias**  
Presiding Member, Regional JDAP



29. The landowner(s) shall enter into a legal agreement to with the Shire of Augusta Margaret River to provide for a lease agreement for the provision of additional car parking in accordance with the car parking plan provided at attachment 5 of this report to the satisfaction of the Shire. The agreement must be executed and registered by the owner(s) prior to the submission of a building permit for the development. The legal documentation shall be prepared by the Shire's solicitors to the satisfaction of the Shire. All costs associated with the preparation and registration of the documentation, including the Shire's solicitor's costs, shall be met by the applicant/owner of the land.
30. Prior to occupation of the development, the applicant entering into a legal agreement for the provision of Cash-in-lieu of car parking payment in accordance with Clause 5.8.7 of the Shire's TPS No.1 to the satisfaction to the Shire.

### ADVICE NOTES

1. The proposed restaurant must comply with the *Food Act 2008* and the Food Standards Australia New Zealand Code.
2. Development is to comply with the Building Code of Australia (BCA), Part F5 – Sound Transmission and Insulation.
3. Fit-out of licensed premises is to comply with the [Standards of Licensed Premises](#) issued by the Department of Local Government, Sport and Cultural Industries. Prior to the construction and fit out of the approved food premises, detailed plans and specifications must be submitted to the Local Government for assessment.
4. The function room in the development is considered to be a public building and is required to comply with the *Health (Public Building) Regulations 1992*.
5. Proposed spa and plunge pool are considered to be aquatic facilities and as such must comply with the approval, construction and operational requirements of the *Health (Aquatic Facilities) Regulations 2007*.
6. The fauna spotter should obtain the appropriate authorisation under the *Biodiversity Conservation Act 2016* (BC Act), prior to clearing and demolition occurring. The spotter is to provide a post clearing report to the Shire and [DBCA swlanduseplanning@dbca.wa.gov.au](mailto:swlanduseplanning@dbca.wa.gov.au) that includes the numbers of adult or juvenile black cockatoos, western ringtail possums, wambenger and quenda observed, taken or disturbed, any injuries or fatalities, and the location of the species after clearing and demolition has occurred.
7. Engineering plans are required to be developed and designed by a suitably qualified engineer and submitted to the Shire's Asset Services department (PH 9780 5274) The plans shall include a feature survey of the Shire's road reserve as part of the submission.

**Tony Arias**  
Presiding Member, Regional JDAP



8. Pedestrian paths shall remain continuous at vehicle crossovers and shall be reinforced with mesh. The existing path along Fearn Avenue to the frontage of the development shall be upgraded to a 3 metre concrete path, designed, constructed, drained inclusive of pedestrian ramp(s) tactiles and pedestrian crossing facilities at all kerb crossings
9. Works in a road reserve, including any pruning or clearing of vegetation, are prohibited without first obtaining written approval of the Shire. The proponent will be required to submit and implement a Traffic Management Plan (TMP) for all works in a road reserve. The TMP is required to be prepared by a licenced Traffic Manager in accordance with MRWA Traffic Management Code of Practice and Australian Standards AS1742.3-2002 for any works on or within the road reserve (including road)".
10. At all times, all stormwater and drainage run-off from the development shall be detained within the lot boundaries and where available disposed offsite by an approved connection to the Shire's drainage system. At all times stormwater shall be managed to predevelopment flow regimes. Commercial developments should contain the 5% AEP on site using appropriate onsite storage with suitably designed storage such as pipe and pit, raingardens and shaping the carpark to function as part of the onsite detention with slow release to mimic predevelopment flows.

**The Report Recommendation (as amended) was put and CARRIED (4/1).**

For: Tony Arias  
Neema Premji  
Cr David Binks  
Cr Ian Earl

Against: Kanella Hope

**REASON:** The Panel, by majority vote, having considered the Responsible Authority Report (RAR), all materials and information presented and following detailed discussions with the responsible authority and applicant during the meeting determined it was satisfied with the RAR recommendation to approve the proposed development.

The Panel was satisfied that all relevant planning considerations had been appropriately addressed. The proposed Hotel and Restaurant redevelopment of the site was considered consistent with planning framework in the Shire of Augusta Margaret River Planning Scheme No. 1 which designates the site as Town Centre zone.

There was significant discussion regarding carparking provision for the development and the adjoining locality of the Margaret River townsite. The Panel recognised that the proposed provision of onsite carparking was below Scheme requirements, however, it was considered that this shortfall could be appropriately managed with the proposed conditions to be imposed relating to the Active Transport Plan, Car Parking Management Plan, the lease of portion of Lot 295 Tunbridge Street for parking and the provision of Cash-in-Lieu for Parking and was ultimately satisfied to apply discretion to this matter.

**Tony Arias**  
Presiding Member, Regional JDAP



The RAR and submitters raised traffic circulation and access arrangements as matter of concern, however, the proposed conditions should address the traffic circulation and access arrangements. The TIA prepared for the development did not highlight any significant traffic or safety issues.

The Panel considered that the development would contribute to a high-quality built environment within the Margaret River townsite, including the retention of significant trees and restoration of locally significant rammed earth grouped dwellings. It also noted that Hotel and Restaurant is proposed to be Australia’s first net-positive, circular hotel.

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

Nil.

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

The Presiding Member noted the following SAT Applications -

<b>Current SAT Applications</b>				
<b>File No. &amp; SAT DR No.</b>	<b>LG Name</b>	<b>Property Location</b>	<b>Application Description</b>	<b>Date Lodged</b>
DP/14/00039 DR 65/2020	Shire of York	Lots 4869 (2256), 5931, 9926 (2948) and 26934 Great Southern Highway, St Ronans	Construction and Use of Allawuna Farm for the purposes of a Class II Landfill	28 July 2020
DAP/21/02063 DR241/2021	Shire of Dardanup	Lot 2 Banksia Road, Crooked Brook	Cleanaway Dardanup Landfill Facility	5 November 2021
DAP/22/02256 PA80/2022	Shire of Capel	79 (Lot 100) Bussell Highway, Gelorup	Proposed Service Station and Motor Vehicle Wash	30 May 2023
DAP/23/02479 DR 146/2023	Shire of Capel	Lot 148 (No.168) Skippings Road, Boyanup	Extractive Industry Development Proposal	30 August 2023

**11. General Business**

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2020 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

**12. Meeting Closure**

There being no further business, the Presiding Member declared the meeting closed at 11.24am.

**Tony Arias**  
Presiding Member, Regional JDAP