



# Regional Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Thursday, 4 January 2024; 9:30am  
**Meeting Number:** RJDAP/126  
**Meeting Venue:** Electronic Means

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

## 1 Table of Contents

1.	Opening of Meeting, Welcome and Acknowledgement.....	2
2.	Apologies.....	3
3.	Members on Leave of Absence.....	3
4.	Noting of Minutes.....	3
5.	Declaration of Due Consideration.....	3
6.	Disclosure of Interests.....	3
7.	Deputations and Presentations.....	4
8.	Form 1 – Responsible Authority Reports – DAP Applications.....	4
	8.1 Lot 1, 54 and 68 Robinson (14, 6 and 2) Street, Coral Bay .....	4
9.	Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval .....	16
	Nil .....	16
10.	State Administrative Tribunal Applications and Supreme Court Appeals ...	17
11.	General Business.....	17
12.	Meeting Closure .....	17

**Tony Arias**  
Presiding Member, Regional JDAP



---

## Attendance

### DAP Members

Tony Arias (Presiding Member)  
Gabriela Poezyn (A/Deputy Presiding Member)  
John Syme (A/Third Specialist Member)  
Cr Marco Ferreirinha (Local Government Member, Shire of Carnarvon)  
Cr Adam Cottrell (Local Government Member, Shire of Carnarvon)

### Officers in attendance

Riley Brown (Shire of Carnarvon)  
Alan Thornton (Shire of Carnarvon)

### Minute Secretary

Tenielle Brownfield (DAP Secretariat)

### Applicants and Submitters

Jaco Lourens (RAC Tourism Assets Pty Ltd)  
Chris Clifton (RAC Tourism Assets Pty Ltd)  
Amanda Butterworth (Allerding & Associates)  
Nic Preston (Hodge Collard Preston)  
Mark Etherington (HWL Ebsworth Lawyer)  
Paul Gamblin (Australian Marine Conservation Society)

### Members of the Public / Media

There were 3 members of the public in attendance.

Nadia Budihardjo from Business News was in attendance.

## 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.40am on 4 January 2024 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

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

### 1.1 Announcements by Presiding Member

The Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2020 which states 'A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.', the meeting would not be recorded.

**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

Kanella Hope (Deputy Presiding Member)  
Justin Page (Third Specialist Member)  
Lindsay Baxter (A/Deputy Presiding Member)  
Cr Luke Skender (Local Government Member, Shire of Carnarvon)

## 3. Members on Leave of Absence

DAP Member, Kanella Hope has been granted leave of absence by the Director General for the period of 15 December 2023 to 9 January 2024 inclusive.

DAP Member, Justin Page has been granted leave of absence by the Director General for the period of 20 December 2023 to 19 January 2024 inclusive.

## 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 notes an addendum to the agenda was published to include details of DAP requests for further information and responsible authority response in relation to Item 8.1, received on 2 January 2024.

Any member who is not familiar with the substance of any report or other information provided for consideration at the DAP meeting must declare that fact before the meeting considers the matter.

All members declared that they had duly considered the documents.

## 6. Disclosure of Interests

DAP Member, Lindsay Baxter, declared an indirect pecuniary interest in item 8.1. Lindsay Baxter is a member of the Royal Automobile Club of WA (RAC) and has a current Term Deposit with RAC Finance.

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 a 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 Amanda Butterworth (Allerding & Associates), Mark Etherington (HWL Ebsworth Lawyer) and Chris Clifton (RAC Tourism Assets Pty Ltd) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.2 George Hajigabriel (Rowe Group) provided a written submission against the recommendation for the application at Item 8.1.
- 7.3 The Shire of Carnarvon officers 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 1, 54 and 68 Robinson (14, 6 and 2) Street, Coral Bay

Development Description:	Redevelopment of the Ningaloo Reef Resort
Applicant:	RAC Tourism Assets Pty Ltd
Owner:	RAC Tourism Assets Pty Ltd
Responsible Authority:	Shire of Carnarvon
DAP File No:	DAP/23/02582

## REPORT RECOMMENDATION

**Moved by:** Cr Adam Cottrell

**Seconded by:** Gabriela Poezyn

*With the agreement on the mover and seconder the following administrative change was made:*

That Condition No. 11 be amended to read as follows;

*All waste and recycling materials must be contained within bins. These must be within an external enclosure located and constructed to the satisfaction of the Shire. This information shall be submitted to and approved by the Shire prior to the lodgement of a Building Permit Application. The external enclosure must be ~~and~~ of an adequate size to contain all waste bins, at least 1.8 m high, fitted with a gate, a hose cock, all connected to sewer. The minimum provisions for internal bin storage are a concrete wash-down pad of at least 1m<sup>2</sup> graded to a 100mm diameter industrial floor waste with a hose cock, all connected to sewer. This can be centrally located within the development but must be screened from public view.*

That the Regional Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/23/02582 is appropriate for consideration as a "Tourist Development" land use and compatible with the objectives of the zoning table in accordance with Shire of Carnarvon Local Planning Scheme 13

**Tony Arias**  
Presiding Member, Regional JDAP



2. **Approve** DAP Application reference DAP/23/02582 and accompanying plans (attachment 1) 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 Carnarvon Local Planning Scheme No. 13, subject to the following conditions:

### Conditions

1. This decision constitutes planning approval only and is valid for a period of 2 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. Development shall be carried out in accordance with the terms of the approved plan.
3. All stormwater must be contained and disposed of on-site. Details of the stormwater infrastructure shall be submitted as part of the application for a building permit. Stormwater drainage works shall be undertaken in accordance with the approved development plans and the approved engineering drawings and specifications. Engineering drawings and specifications shall be generally in accordance with Local Government Subdivisional Guidelines or an equivalent Australian recognised standard. All stormwater infrastructure must be maintained for the duration of the development.
4. Prior to the occupation of the development, all stormwater drainage works required by the approved stormwater drainage plans in condition 3 above must be completed to the satisfaction of the Shire.
5. No building or construction activities shall be carried out before 7.00am or after 7.00pm. A noise management plan be prepared to ensure compliance with the EP (Noise) Regulations 1997.
6. Crossovers are to be located and constructed to the Shire's specifications. Redundant crossovers shall be removed, and the verge reinstated prior to or at the time of the installation of the approved new crossover(s). Crossovers are to be maintained in perpetuity.
7. All services and service related hardware, including clothes drying areas, antennae, satellite dishes and air conditioning units, being suitably located away from public view and/or screened to the satisfaction of the Shire.
8. The development must be constructed in accordance with Australian Standard 3959 – Construction of Buildings in Bush Fire Prone Areas (or superseding standard) and the approved Bushfire Management Plan.
9. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the Shire.

**Tony Arias**  
Presiding Member, Regional JDAP



10. All measures identified in the Waste Management Plan entitled 'Ningaloo Reef Resort Waste Management Plan Ref #21-1148-1' shall be implemented to the satisfaction of the Shire in perpetuity.
11. All waste and recycling materials must be contained within bins. These must be within an external enclosure located and constructed to the satisfaction of the Shire. This information shall be submitted to and approved by the Shire prior to the lodgement of a Building Permit Application. The external enclosure must be of an adequate size to contain all waste bins, at least 1.8 m high, fitted with a gate, a hose cock, all connected to sewer. The minimum provisions for internal bin storage are a concrete wash-down pad of at least 1m<sup>2</sup> graded to a 100mm diameter industrial floor waste with a hose cock, all connected to sewer. This can be centrally located within the development but must be screened from public view.
12. All measures identified in the Coastal Hazard Risk Management and Adaptation Plan entitled "RAC Tourism Assets – Ningaloo Reef Resort" prepared by MP Rogers and Associates" shall be implemented to the satisfaction of the Shire in perpetuity.
13. Landscaping including verge planting shall be installed, reticulated and/or irrigated in accordance with the approved plan and maintained thereafter to the satisfaction of the Shire in perpetuity. The landscaping shall be implemented during the first available planting season post completion of development and any species which fail to establish within a period of 12 months from planting shall be replaced to the satisfaction of the Shire.
14. Landscaping including verge planting shall be installed, reticulated and/or irrigated in accordance with the approved plan and maintained thereafter to the satisfaction of the Shire in perpetuity. The landscaping shall be implemented during the first available planting season post completion of development and any species which fail to establish within a period of 12 months from planting shall be replaced to the satisfaction of the Shire.
15. Prior to the issue of a building permit, detailed plans and specifications of the kitchen, dry storerooms, cool rooms, bar and liquor facilities, staff changerooms, patron and staff sanitary conveniences and garbage room, are to be submitted to and approved by the Shire's Health Service prior to the occupation of the premises. The plans to include details of:
  - a. The Structural finishes of all floors, walls and ceilings;
  - b. The position, type and construction of all fixtures, fittings and equipment (including cross-sectional drawings of benches, shelving, cupboards, stoves, tables, cabinets, counters, display refrigeration, freezers etc.); and
  - c. all kitchen exhaust hoods and mechanical ventilating systems over cooking ranges, sanitary conveniences, exhaust ventilation systems, mechanical services, hydraulic services, drains, grease traps and provisions for waste disposal.

*Tony Arias*

**Tony Arias**  
Presiding Member, Regional JDAP



16. In accordance with clause 10.2 of Local Planning Scheme 13, floodlights, spotlights and all other forms of lighting shall be constructed, oriented and controlled so as not to adversely impact on the amenity of adjacent residents; cause a traffic hazard to the adjacent road network; impact on sea turtle nesting sites; and/or affect the maintenance of acknowledged dark sky localities.
17. Prior to the issue of a building permit, a lighting management plan shall be provided to, and approved by the Shire. Any associated mitigation measures shall be implemented in perpetuity to the satisfaction of the Shire.
18. Prior to the issue of a building permit, a bushfire emergency evacuation plan shall be submitted to and approved by the Shire.
19. Any on-street parking bays constructed as part of this development shall remain open and available to use by the public.
20. The lot shall be served with reticulated potable water by a licensed service provider.
21. The number of beds on Lot 1 shall be limited to a maximum of 207.
22. Clearing of vegetation, both through the construction phase and development phase, shall not be undertaken without prior approval from the Department of Water and Environmental Regulation (DWER).
23. Engineering drawings and specifications for internal roads and vehicle parking areas are to be submitted and approved prior commencement of site works.
24. Construction of the internal roads and vehicle parking areas shall be in accordance with the approved plans. Internal roads and vehicle parking areas shall be designed and constructed generally in accordance with the current version of the Local Government Subdivisional Guidelines and shall seamlessly connect with existing public roads abutting the subject land.
25. Prior to the occupation of the development, the internal roads, vehicle parking areas, driveway/s and points of ingress and egress shall be sealed, kerbed, drained, line marked and available for use in accordance with the approved plans.
26. Asbestos Waste shall not be disposed of at the Coral Bay Waste Facility.
27. A demolition permit shall be obtained from the Shire prior to the commencement of demolition works.
28. Prior to issue of a building permit, engineering drawings and specifications for the filling and/or draining of the land shall be submitted and approved by the Shire.
29. Prior to occupation of the development, arrangements being made with a licensed electricity network operator for the provision of an electricity supply system that can supply electricity to the development shown on the approved development plans.

*Tony Arias*

**Tony Arias**  
Presiding Member, Regional JDAP





30. Prior to issue of a building permit, a construction management plan (CMP) shall be submitted to and approved by the Shire. The CMP shall be implemented and maintained throughout the construction to the satisfaction of the Shire. The CMP shall include but is not limited to the following:
- i. Dust suppression and erosion control measures to be implemented during construction
  - ii. Measures to be implemented to prevent public access to the construction site
  - iii. Details of the temporary construction access via Banksia Drive and the management of construction vehicles/plant to and from the site
  - iv. How construction shall limit and preferably eliminate construction vehicle access to the site via Robinson Street
  - v. Methodologies to implement the target 80% construction and demolition waste diverted from landfill.
  - vi. Methodologies to ensure the Coral Bay Waste Facility total annual received waste does not exceed 5000 tonnes.
  - vii. Cyclone management plan during construction phase of the development.

#### **Advice Notes**

- a. This is a Development Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the Shire, or with any requirements of the Shire of Carnarvon Local Planning Scheme 13 or with the requirements of any external agency.
- b. All earthworks and/or associated drainage details shall be in accordance AS3500 with plans and specifications certified by a suitably qualified practicing Engineer to the satisfaction of the Shire
- c. Please be advised that the development must comply with the requirements of the Building Codes of Australia.
- d. The proposal must be in accordance with the Health (Food Hygiene) Regulations 1993 and Chapter 3 of the Australian New Zealand Food Standards Code (Australia Only) and also include any information about the existing facilities to be retained and used

#### **AMENDING MOTION 1**

**Moved by:** Gabriela Poezyn

**Seconded by:** John Syme

That a new Condition no. 31 be added to read as follows:

***Prior to the issue of a building permit, Lots 1 and 54 (14 and 6) Street, Coral Bay shall be amalgamated at the full expense of the applicant to the satisfaction of the Shire.***

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

*Tony Arias*

**Tony Arias**  
Presiding Member, Regional JDAP





**REASON:** To avoid lot boundaries crossing over the revised buildings on the site.

**AMENDING MOTION 2**

**Moved by:** Gabriela Poezyn

**Seconded by:** John Syme

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

*This decision constitutes planning approval only and is valid for a period of ~~2~~ 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.*

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

**REASON:** To be consistent with Regulation 16(2)(a) of the Planning and Development (Development Assessment Panels) Regulations 2011, the approval period for DAP applications is four years.

**AMENDING MOTION 3**

**Moved by:** Gabriela Poezyn

**Seconded by:** John Syme

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

*Prior to the issue of a building permit, the proponent shall provide an amended heritage study that includes extensive photographic records of the existing structure known as 'French's Shack' to the satisfaction of the Shire*

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

**REASON:** The condition was considered necessary to maintain photographic records of 'French's Shack' in recognition of its historical importance.

**AMENDING MOTION 4**

**Moved by:** Gabriela Poezyn

**Seconded by:** NIL

That Condition No. 5 be deleted, and the remaining conditions be renumbered accordingly.

**The Amending Motion was put and LAPSED for want of a seconder.**

**AMENDING MOTION 5**

**Moved by:** Gabriela Poezyn

**Seconded by:** Tony Arias

*The following amendments were made en bloc;*

- (i) That Condition No. 15 be deleted and the remaining Conditions be renumbered accordingly.

**Tony Arias**  
Presiding Member, Regional JDAP



- (ii) A new Advice Note No. e. be added to read as follows:

***The applicant is advised, prior to the issue of a building permit, detailed plans and specifications of the kitchen, dry storerooms, cool rooms, bar and liquor facilities, staff changerooms, patron and staff sanitary conveniences and garbage room, are to be submitted to and approved by the Shire's Health Service prior to the occupation of the premises. The plans to include details of:***

- a. The Structural finishes of all floors, walls and ceilings;***
- b. The position, type and construction of all fixtures, fittings and equipment (including cross-sectional drawings of benches, shelving, cupboards, stoves, tables, cabinets, counters, display refrigeration, freezers etc.); and***
- c. all kitchen exhaust hoods and mechanical ventilating systems over cooking ranges, sanitary conveniences, exhaust ventilation systems, mechanical services, hydraulic services, drains, grease traps and provisions for waste disposal.***

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

For: Tony Arias  
Gabriela Poezyn

Against: John Syme  
Cr Marco Ferreirinha  
Cr Adam Cottrell

#### **AMENDING MOTION 6**

**Moved by:** Gabriela Poezyn

**Seconded by:** Tony Arias

*The following amendments were made en bloc;*

- (i) That Condition No. 26 be deleted and the remaining Conditions be renumbered accordingly.
- (ii) That a new Advice Note No. e) be added to read as follows:

***The applicant is advised that Asbestos Waste should not be disposed of at the Coral Bay Waste Facility.***

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

For: Tony Arias  
Gabriela Poezyn  
John Syme

Against: Cr Marco Ferreirinha  
Cr Adam Cottrell

**Tony Arias**  
Presiding Member, Regional JDAP



**REASON:** The Condition was more appropriately classified as an Advice Note.

### **AMENDING MOTION 7**

**Moved by:** Tony Arias

**Seconded by:** John Syme

*The following amendments were made en bloc;*

(i) That Advice Note No. b) be amended to read as follows:

***Please be advised that the ~~All earthworks and/or associated drainage details for the proposed development will need to be provided to the Shire along with the application for a building permit. All details shall be in accordance AS3500. with plans and specifications certified by a suitably qualified practicing Engineer to the satisfaction of the Shire~~***

(ii) That Advice Note No. c) be deleted and the remaining advice notes be alphabetised accordingly.

(iii) That Advice Note No. d) (Now Advice Note. c) be amended to read as follows:

***It is noted that The proposal includes a restaurant component. Please be advised that the development will require registration as a food business. As such, the application will need to ~~must~~ be in accordance with the Health (Food Hygiene) Regulations 1993 and Chapter 3 of the Australian New Zealand Food Standards Code. ~~(Australia Only) and also include any information about the existing facilities to be retained and used~~***

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

**REASON:** The Conditions were appropriately classified as Advice Notes and consistent with the R13 response by the Shire (02/01/2024)

### **REPORT RECOMMENDATION (AS AMENDED)**

That the Regional Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/23/02582 is appropriate for consideration as a "Tourist Development" land use and compatible with the objectives of the zoning table in accordance with Shire of Carnarvon Local Planning Scheme 13
2. **Approve** DAP Application reference DAP/23/02582 and accompanying plans (attachment 1) 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 Carnarvon Local Planning Scheme No. 13, subject to the following conditions:

**Tony Arias**  
Presiding Member, Regional JDAP



---

## Conditions

1. This decision constitutes planning 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. Development shall be carried out in accordance with the terms of the approved plan.
3. All stormwater must be contained and disposed of on-site. Details of the stormwater infrastructure shall be submitted as part of the application for a building permit. Stormwater drainage works shall be undertaken in accordance with the approved development plans and the approved engineering drawings and specifications. Engineering drawings and specifications shall be generally in accordance with Local Government Subdivisional Guidelines or an equivalent Australian recognised standard. All stormwater infrastructure must be maintained for the duration of the development.
4. Prior to the occupation of the development, all stormwater drainage works required by the approved stormwater drainage plans in condition 3 above must be completed to the satisfaction of the Shire.
5. No building or construction activities shall be carried out before 7.00am or after 7.00pm. A noise management plan be prepared to ensure compliance with the EP (Noise) Regulations 1997.
6. Crossovers are to be located and constructed to the Shire's specifications. Redundant crossovers shall be removed, and the verge reinstated prior to or at the time of the installation of the approved new crossover(s). Crossovers are to be maintained in perpetuity.
7. All services and service related hardware, including clothes drying areas, antennae, satellite dishes and air conditioning units, being suitably located away from public view and/or screened to the satisfaction of the Shire.
8. The development must be constructed in accordance with Australian Standard 3959 – Construction of Buildings in Bush Fire Prone Areas (or superseding standard) and the approved Bushfire Management Plan.
9. The premises shall be kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the Shire.
10. All measures identified in the Waste Management Plan entitled 'Ningaloo Reef Resort Waste Management Plan Ref #21-1148-1' shall be implemented to the satisfaction of the Shire in perpetuity.

*Tony Arias*

**Tony Arias**  
Presiding Member, Regional JDAP



11. All waste and recycling materials must be contained within bins. These must be within an external enclosure located and constructed to the satisfaction of the Shire. This information shall be submitted to and approved by the Shire prior to the lodgement of a Building Permit Application. The external enclosure must be of an adequate size to contain all waste bins, at least 1.8 m high, fitted with a gate, a hose cock, all connected to sewer. The minimum provisions for internal bin storage are a concrete wash-down pad of at least 1m<sup>2</sup> graded to a 100mm diameter industrial floor waste with a hose cock, all connected to sewer. This can be centrally located within the development but must be screened from public view.
12. All measures identified in the Coastal Hazard Risk Management and Adaptation Plan entitled "RAC Tourism Assets – Ningaloo Reef Resort" prepared by MP Rogers and Associates" shall be implemented to the satisfaction of the Shire in perpetuity.
13. Landscaping including verge planting shall be installed, reticulated and/or irrigated in accordance with the approved plan and maintained thereafter to the satisfaction of the Shire in perpetuity. The landscaping shall be implemented during the first available planting season post completion of development and any species which fail to establish within a period of 12 months from planting shall be replaced to the satisfaction of the Shire.
14. Landscaping including verge planting shall be installed, reticulated and/or irrigated in accordance with the approved plan and maintained thereafter to the satisfaction of the Shire in perpetuity. The landscaping shall be implemented during the first available planting season post completion of development and any species which fail to establish within a period of 12 months from planting shall be replaced to the satisfaction of the Shire.
15. Prior to the issue of a building permit, detailed plans and specifications of the kitchen, dry storerooms, cool rooms, bar and liquor facilities, staff changerooms, patron and staff sanitary conveniences and garbage room, are to be submitted to and approved by the Shire's Health Service prior to the occupation of the premises. The plans to include details of:
  - a. The Structural finishes of all floors, walls and ceilings;
  - b. The position, type and construction of all fixtures, fittings and equipment (including cross-sectional drawings of benches, shelving, cupboards, stoves, tables, cabinets, counters, display refrigeration, freezers etc.); and
  - c. all kitchen exhaust hoods and mechanical ventilating systems over cooking ranges, sanitary conveniences, exhaust ventilation systems, mechanical services, hydraulic services, drains, grease traps and provisions for waste disposal.
16. In accordance with clause 10.2 of Local Planning Scheme 13, floodlights, spotlights and all other forms of lighting shall be constructed, oriented and controlled so as not to adversely impact on the amenity of adjacent residents; cause a traffic hazard to the adjacent road network; impact on sea turtle nesting sites; and/or affect the maintenance of acknowledged dark sky localities.

*Tony Arias*

**Tony Arias**  
Presiding Member, Regional JDAP



17. Prior to the issue of a building permit, a lighting management plan shall be provided to, and approved by the Shire. Any associated mitigation measures shall be implemented in perpetuity to the satisfaction of the Shire.
18. Prior to the issue of a building permit, a bushfire emergency evacuation plan shall be submitted to and approved by the Shire.
19. Any on-street parking bays constructed as part of this development shall remain open and available to use by the public.
20. The lot shall be served with reticulated potable water by a licensed service provider.
21. The number of beds on Lot 1 shall be limited to a maximum of 207.
22. Clearing of vegetation, both through the construction phase and development phase, shall not be undertaken without prior approval from the Department of Water and Environmental Regulation (DWER).
23. Engineering drawings and specifications for internal roads and vehicle parking areas are to be submitted and approved prior commencement of site works.
24. Construction of the internal roads and vehicle parking areas shall be in accordance with the approved plans. Internal roads and vehicle parking areas shall be designed and constructed generally in accordance with the current version of the Local Government Subdivisional Guidelines and shall seamlessly connect with existing public roads abutting the subject land.
25. Prior to the occupation of the development, the internal roads, vehicle parking areas, driveway/s and points of ingress and egress shall be sealed, kerbed, drained, line marked and available for use in accordance with the approved plans.
26. A demolition permit shall be obtained from the Shire prior to the commencement of demolition works.
27. Prior to issue of a building permit, engineering drawings and specifications for the filling and/or draining of the land shall be submitted and approved by the Shire.
28. Prior to occupation of the development, arrangements being made with a licensed electricity network operator for the provision of an electricity supply system that can supply electricity to the development shown on the approved development plans.

*Tony Arias*

**Tony Arias**  
Presiding Member, Regional JDAP



29. Prior to issue of a building permit, a construction management plan (CMP) shall be submitted to and approved by the Shire. The CMP shall be implemented and maintained throughout the construction to the satisfaction of the Shire. The CMP shall include but is not limited to the following:
- a) Dust suppression and erosion control measures to be implemented during construction
  - b) Measures to be implemented to prevent public access to the construction site
  - c) Details of the temporary construction access via Banksia Drive and the management of construction vehicles/plant to and from the site
  - d) How construction shall limit and preferably eliminate construction vehicle access to the site via Robinson Street
  - e) Methodologies to implement the target 80% construction and demolition waste diverted from landfill.
  - f) Methodologies to ensure the Coral Bay Waste Facility total annual received waste does not exceed 5000 tonnes.
  - g) Cyclone management plan during construction phase of the development.
30. Prior to the issue of a building permit, Lots 1 and 54 (14 and 6 ) Street, Coral Bay shall be amalgamated at the full expense of the applicant to the satisfaction of the Shire.
31. Prior to the issue of a building permit, the proponent shall provide an amended heritage study that includes extensive photographic records of the existing structure known as 'French's Shack' to the satisfaction of the Shire

#### **Advice Notes**

- a. This is a Development Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the Shire, or with any requirements of the Shire of Carnarvon Local Planning Scheme 13 or with the requirements of any external agency.
- b. Please be advised that the drainage details for the proposed development will need to be provided to the Shire along with the application for a building permit. All details shall be in accordance AS3500.
- c. It is noted that the proposal includes a restaurant component. Please be advised that the development will require registration as a food business. As such, the application will need to must be in accordance with the Health (Food Hygiene) Regulations 1993 and Chapter 3 of the Food Standards Code.
- d. The Applicant is advised that Asbestos Waste should not be disposed of at the Coral Bay Waste Facility.

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

*Tony Arias*

**Tony Arias**  
Presiding Member, Regional JDAP





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

The Panel was satisfied that the proposed Tourism Development comprising mix of 1-, 2-, and 3-bedroom self-contained units, bar, restaurant, and multi-purpose function space are discretionary uses within the Tourism Zone and capable of being approved. The proposed Tourism Development is an appropriate use within the Tourism Zone. The proposal was consistent with the planning framework and supported by the RAR.

The proposal provided an opportunity to redevelop a significant tourism site and provide high quality tourism facilities within the Coral Bay townsite. The Panel was satisfied that the proposal adequately addresses all planning considerations of the relevant planning framework.

The proposed development provides an appropriate response to the DesignWA Ten Design Principles. It comprises attractive and modern buildings, with the bulk and scale reflective of the town's context. The placement of the buildings and proposed landscaping consider and respond well to the public realm. The colours and materials are sympathetic to the coastal location. Overall, the proposed development fits well within the Coral Bay townsite context.

There was discussion in relation to the carparking requirement and the reported shortfall of carparking for the development. The Panel, by majority vote, accepted the carparking shortfall of 30 vehicle spaces on the basis of potential reciprocal use of facilities of hotel guests using the clubroom/restaurant and the likely walkability opportunity given the size of Coral Bay townsite.

The Panel noted the restriction on the maximum number of beds allowed for the development of Lot 1 in 'Schedule 3 – Restricted uses for land in the Scheme Area.' A condition is proposed to limit the number of beds on Lot , consistent with scheme requirements.

The majority of the Panel considered that the RAR did not sufficient justification to restrict the construction hours to 8am on Sunday, as the Environmental Protection (Noise) Regulations 1997 stipulate that the assigned levels for sensitive land uses apply between 7am and 7pm. The proponents will need to adhere to the Regulations.

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

Nil.

**Tony Arias**  
Presiding Member, Regional JDAP



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

The Presiding Member noted the following SAT Applications –

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DP/14/00039 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/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 10.42am.

**Tony Arias**  
Presiding Member, Regional JDAP