



LG Ref: DA/2024/149/1  
DAP Ref: DAP/24/02734

Enquiries: (08) 6551 9919

Callum Thatcher  
Element Advisory  
18/191 St Georges Terrace  
PERTH WA 6000

Dear Callum,

**REGIONAL DAP - CITY OF BUNBURY - DAP APPLICATION - DA/2024/149/1 - DETERMINATION**

Property Location:	Lot 76 & 66 Ocean Drive, Bunbury
Application Details:	Proposed ten (10) Townhouses Holiday Accommodation

Thank you for your Form 1 Development Assessment Panel (DAP) application and plans submitted to the City of Bunbury on 23 July 2024 for the above-mentioned development.

This application was considered by the Regional DAP at its meeting held on 17 October 2024, where in accordance with the provisions of the City of Bunbury Local Planning Scheme No.8, it was resolved to **approve** the application as per the attached notice of determination.

Should the applicant not be satisfied by this decision, an application may be made to amend or cancel this planning approval in accordance with regulation 17 and 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

Please also be advised that there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. Such an application must be made within 28 days of the determination, in accordance with the *State Administrative Tribunal Act 2004*.

Should you have any queries with respect to the conditions of approval, please contact Teshome Tadesse on behalf of the City of Bunbury on 08 9792 7055.

Yours sincerely,

**DAP executive director**

24 October 2024

Encl. DAP Determination Notice  
Approved Plans

Cc: Teshome Tadesse  
City of Bunbury

***Planning and Development Act 2005***

**City of Bunbury Local Planning Scheme No.8**

**Regional Development Assessment Panel**

**Determination on Development Assessment Panel  
Application for Planning Approval**

**Property Location:** Lot 76 & 66 Ocean Drive, Bunbury

**Application Details:** Proposed ten (10) Townhouses Holiday Accommodation

In accordance with regulation 8 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, the above application for planning approval was **granted** on 17 October 2024, subject to the following:

1. **Accept** that the DAP Application reference DAP/24/02734 is appropriate for consideration as a 'Holiday Accommodation' use in accordance with Clause 27 (2) Unrestricted Length of Stay and Clause 2.1 of Restricted Use (R.U.7) of the City of Bunbury Local Planning Scheme No. 8;
2. **Approve** DAP Application reference DAP/24/02734 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the City of Bunbury Local Planning Scheme No. 8, subject to the following conditions:

**Conditions**

General

1. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. All development shall be in accordance with the approved development plans (attached) which form part of this development approval.
3. At all times, the development the subject of this development approval must comply with the definition of 'Holiday Accommodation', as contained in Part 6 of the City of Bunbury Local Planning Scheme 8 (LPS8).
4. All works required to satisfy a condition of this approval are required to be installed / constructed and maintained in accordance with the approved plans and conditions of approval for the life of the development.
5. Prior to the submission of a building permit, a schedule of exterior materials, colours and finishes must be submitted for the approval of the City of Bunbury. The subject development must be finished and maintained in accordance with any approved schedule of materials that ensures the use of corrosion resistant materials and robust construction.

6. Prior to the submission of a building permit, detailed plans are to be submitted demonstrating that a minimum of two (2) units satisfy the Silver Level universal design requirements outlined in the Part C of the Residential Design Codes Volume 1 (2024).
7. Before the development is occupied, external fixtures shall be integrated into the design of the building or screened so as not to be visually obtrusive when viewed from the street and to protect the visual amenity of residents in neighbouring properties to the satisfaction of the City of Bunbury.
8. Before the development is occupied, an updated Operational Management Plan detailing the management of the Holiday Accommodation is to be provided to the satisfaction of the City of Bunbury.
9. A notification, pursuant to Section 165A of the Planning and Development Act 2005 is to be placed on the certificates of title of the proposed lots. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

*“This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years from the date this notification is registered.”*

#### Construction Management

10. Before submission of a building permit, a Construction Management Plan (CMP) shall be submitted for approval to the specifications and satisfaction of the City of Bunbury. The management plan shall include details regarding mitigation measures to address impacts associated with construction works and must address the following issues:
  - public safety and amenity;
  - site plan and security;
  - contact details of essential site personnel, construction period and operating hours;
  - community information, consultation and complaints management plan;
  - construction staging plan;
  - noise, vibration and dust management;
  - pre-work dilapidation reports for City of Bunbury assets;
  - traffic, access and parking management;
  - waste management;
  - earthworks, excavation, land retention / piling and associated matters;
  - contamination risks;
  - storm water and sediment control; and
  - any other matters deemed appropriate by the local government

The construction works shall be undertaken in accordance with the approved Construction Management Plan at all times.

11. Before submission of a building permit, damage bond to the value of \$50,160 shall be paid to the City of Bunbury in accordance with the City of Bunbury's Local Planning Policy: Bonds.
12. Before the development is occupied, any alterations, relocation and/or damage of existing infrastructure within the road reserve shall be completed and/or reinstated to the specification and satisfaction of the City of Bunbury.

Landscaping and Lighting

13. Prior to the submission of a building permit, a landscaping plan, inclusive of the public open space area, must be submitted for the approval of the City of Bunbury and must address the following:
  - A site plan showing the location, species, garden bed depths, size, separation distances and number of the proposed vegetation, inclusive of a minimum of 2 small trees per dwelling, a minimum of 2 small trees in the visitor parking area and a minimum of 5 trees within the verge area on Upper Esplanade;
  - A planting schedule;
  - Mulching or similar treatments of garden beds including edges.
  - Details of reticulation of landscaped areas including the source of the water supply and proposed responsibility for maintenance;
  - Set out/furniture plan indicating placement and specification of any furniture proposed; and
  - Surfaces and finishes plan indicating specification and treatment of paved areas (parking and pedestrian areas) and typical construction details.
14. Before the development is occupied, the landscaped areas must be planted, established, and reticulated in accordance with the endorsed landscape plan to the satisfaction of the City of Bunbury and shall thereafter be maintained to the satisfaction of the City.
15. Before submission of a building permit, the landowner to enter into a legal agreement with the City of Bunbury, at the landowner's cost, to ensure that the developer is responsible for provision, cost of the construction and maintenance of the internal laneway and public open space in perpetuity.
16. Upon completion of construction of the public open space and prior to occupation of the associated development, an easement over the public open space in accordance with Sections 195 and 196 of the Land Administration Act 1997 for the benefit of the City of Bunbury are to be placed on the relevant certificate(s) of title of any relevant lots specifying access rights.

Notice of this easement is to be included on a lodged diagram or plan of survey (deposited plan). The easements are to state as follows:

*'The purpose of the easement is to provide pedestrian connectivity'*
17. Prior to the submission of a building permit, a Lighting Plan detailing the proposed lighting to pathways, communal areas and car parking areas shall be submitted and approved by, the City of Bunbury. All illumination must be confined to the land in accordance with the requirements of Australian Standard AS4282-1997 – Control of the obstructive effects of outdoor lighting, at all times.
18. Before the development is occupied, the approved Lighting Plan shall be installed and maintained thereafter, to the satisfaction of the City of Bunbury.
19. Prior to removal of any vegetation, a licensed fauna spotter and handler must complete a pre-clearance inspection and be present during the clearing activity.

### Access and Parking

20. Before submission of a building permit, detailed design plans shall be prepared in accordance with relevant Australian Standards, Austroads Guidelines, and City of Bunbury requirements, for all access, carparking and pedestrian movement requirements on Lot 66 and 76, to the satisfaction of the City of Bunbury. At a minimum, the detailed designs shall address:
  - on-street parking bay civil engineering details to be as per Australian Standards.
  - details regarding the proposed on-street bays located on top of existing City stormwater infrastructure;
  - crossovers from Upper Esplanade to have footpath priority.
  - the laneway speed is to be nominated to ensure stopping sight distances are appropriate; and
  - laneway reserve to be designed according to IPWEA Subdivision Guidelines Section 3 and with details on the landscaping, 1.5 m internal footpath and lighting within the reserve.
21. Once plans are approved construction is to be in accordance with the approved plans and be completed before the development is occupied.
22. Before the development is occupied, linemarking (including visitor bay marking) and parking signage must be installed in accordance with the approved plans and to the satisfaction of the City of Bunbury.
23. Before submission of a building permit and to enable shared access between the subject lot (Lot 76) and adjoining lot (Lot 66), an easement in gross must be registered on the certificate of title of both lots to secure rights of carriageway over the vehicle access way(s) the subject of this development approval. The easements must be at the full cost of the landowner(s) and to the satisfaction of the City of Bunbury.
24. After completion of the laneway and prior to occupation an easement over the laneway network proposed in Lot 76 for the benefit of the City are to be placed on the relevant certificates of title of any relevant lots specifying access rights. Notice of this easement(s) is to be included on a lodged diagram or plan of survey (deposited plan). The easement is to state as follows:

*‘The purpose of the easement is to provide pedestrian, vehicular and servicing connectivity’.*
25. Before submission of a building permit, detailed design plans for footpaths along the internal new access lane and Upper Esplanade are to be submitted to the City of Bunbury for approval. Footpaths are to be connected to the existing path network and be constructed to a minimum width of 2.5m metres along Upper Esplanade.
26. Before the development is occupied, the access way and crossover proposed on Lot 66 shall be constructed and drained at the full cost of the landowner of Lot 76 to the satisfaction of the City of Bunbury.

Waste and Stormwater Management

27. The development is to comply with the approved Waste Management Plan (Dated 8 May 2024). The approved plan shall be implemented and adhered to at all times, to the satisfaction of the City of Bunbury.
28. Before submission of a building permit, the landowner/applicant is to provide a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development.

In the event that remediation works are required, the landowner/applicant is to provide a post geotechnical report certifying that all works have been carried out in accordance with the pre-works geotechnical report.

29. Before submission of a building permit, a revised Stormwater and Drainage Management Plan, prepared in accordance with the Department for Water's Stormwater Management Manual must be submitted for the approval of the City of Bunbury and be implemented in accordance with the approved plan prior to the development being occupied.

The civil engineering detail of the revised Stormwater and Drainage Management Plan shall be provided earlier in the process, as it will determine the drainage infrastructure required to support the development. The revised Stormwater and Drainage Management Plan to be and as a minimum it must address:

- proposed stormwater management for stage 1 and stage 2 development;
  - amended proposed use of infiltration tanks as an adequate solution to stormwater drainage within POS areas.
  - detention area(s) are to be adopted utilising the natural land topography with a sufficient overflow pit-pipe connection to the local road;
  - storm events to be managed;
  - onsite-retention for 1:1 year events;
  - onsite-detention for 1:5 year events;
  - overland flow path for larger events;
  - effect of groundwater;
  - use of water sensitive urban design principles;
  - water quality;
  - protection of adjacent / nearby waterways and wetlands; and
  - conclusions / recommendations.
30. Before the development is occupied, the property must be connected to the Water Corporation reticulated sewerage system.

**Advice Notes**

1. This is a development approval only. The applicant/owner is advised that it is their responsibility to ensure that the proposed development complies with all other applicable legislation, local laws and/or license requirements that may relate to the development.

2. The development is subject to the Building Act 2011, Building Regulations 2012 and Building Code of Australia. A separate building permit must be granted before the development commences, where offences occur statutory penalties apply. The applicant/owner is advised to liaise further with the City of Bunbury on (08) 9792 7000.
3. Prior to works commencing, the applicant is required to obtain a works and thoroughfare permit for any works within Council land other than a crossover. A permit application form can be obtained on the City's website [www.bunbury.wa.gov.au](http://www.bunbury.wa.gov.au)
4. With regard to condition 15, 16, 23 and 24, obligations to satisfy the requirements of these conditions may change as a consequence of the final ownership arrangements for the internal laneway and public open space. This includes the potential for them to be placed into public ownership under the care and control of the City of Bunbury, rendering aspects or requirements of the conditions redundant
5. The developer / landowner is advised that the subject land is located within a registered Aboriginal heritage site under the Aboriginal Heritage Act 1972 as amended.

This development approval does not remove or affect any statutory responsibility or obligation the developer / landowner may have under the Aboriginal Heritage Act 1972 as amended. The developer / landowner is advised to contact the relevant State Government public authority(s) before commencing any site works to ensure that your statutory responsibilities or obligations are met.

Please note that damaging or altering an Aboriginal heritage site constitutes an offence under the Aboriginal Heritage Act 1972 as amended and is punishable by law. Further information can be obtained from the Department of Planning, Lands and Heritage.

6. The clearing of native vegetation in Western Australia requires a Clearing Permit under the Environmental Protection Act 1986 unless the clearing is for an exempt purpose. Proponents are advised to contact the Department of Water and Environmental Regulation for further advice in this regard.

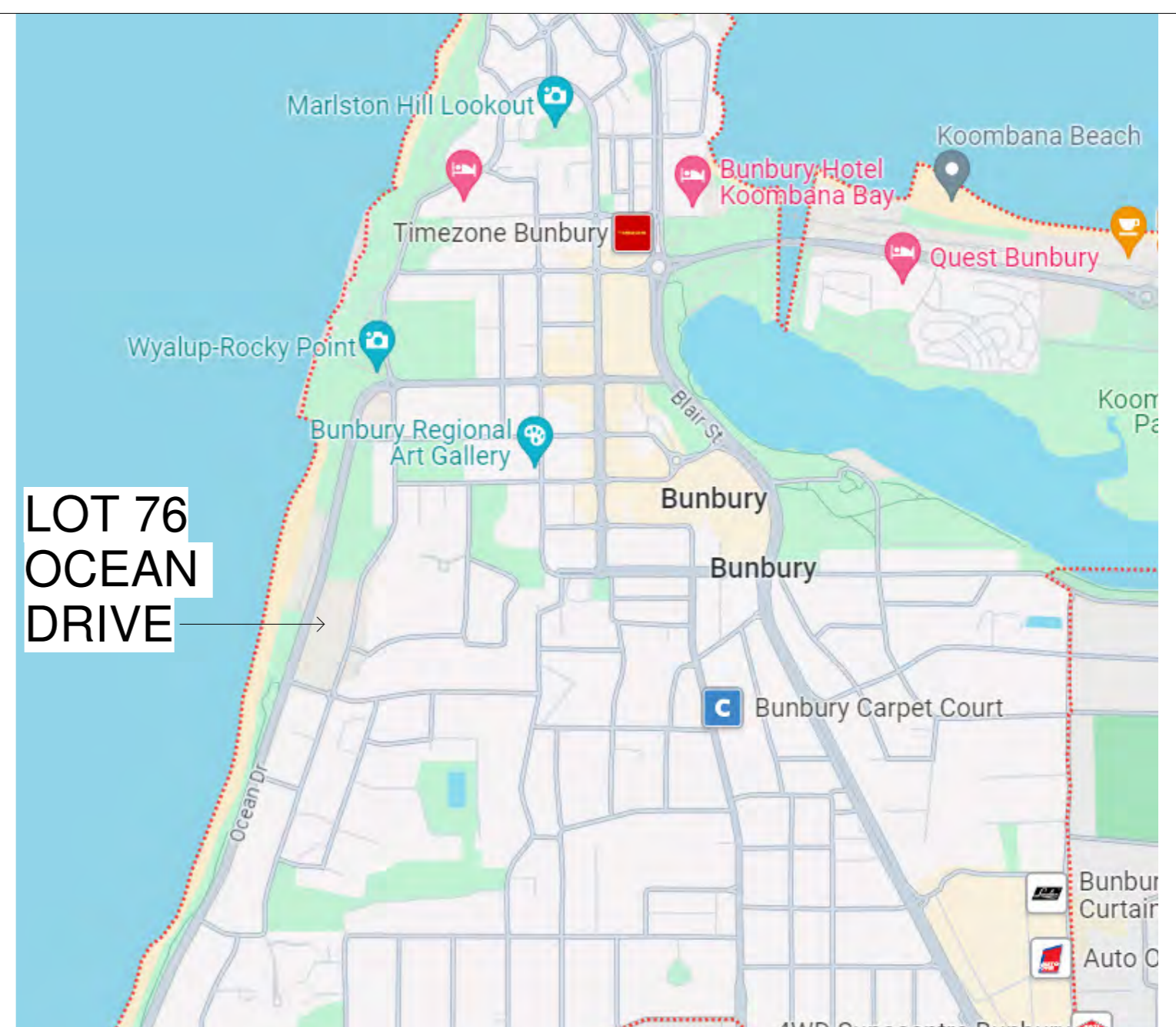
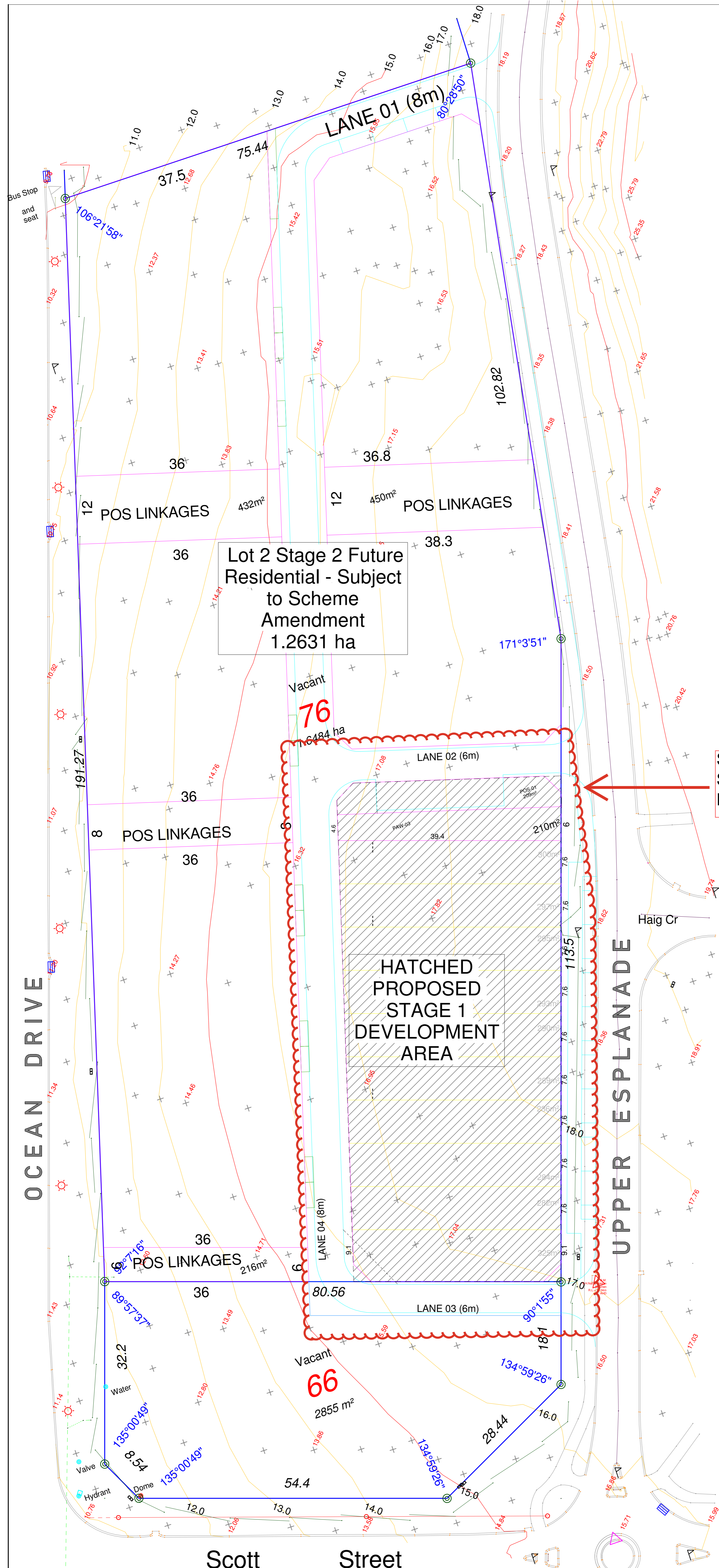
The applicant is obliged to submit a native vegetation clearing permit for landscaped areas, under Part V Division 2 of the Environmental Protection Act 1986, as the relevant clearing exemption (Regulation 5, Item 1 of the Clearing Regulations) does not allow clearing for any purpose other than to construct a building or structure within a development approval. It is recommended that an investigation into current environmental sensitivities and constraints is undertaken to inform the permit application.

7. It is recommended that the application undertake a self-assessment to ensure that a referral is not required under the Environment Protection and Biodiversity Conservation Act 1999. Instructions to undertake a self-assessment are provided on the Department of Climate Change, Energy, the Environment and Water website: <https://www.dcceew.gov.au/environment/epbc/advice/self-assessments>

8. It should also be noted that the clearing of native vegetation within the City of Bunbury may result in impacts upon threatened species that are protected under the Commonwealth Environment Protection & Biodiversity Conservation Act 1999. Proponents are advised to contact DWER Native Vegetation Regulation by email [admin.nvp@dwer.wa.gov.au](mailto:admin.nvp@dwer.wa.gov.au) or by telephone 63647098.
9. In relation to condition 19, the City of Bunbury advises that the site is identified as having native fauna; specifically, Quenda. The owner is advised to contact the Department of Biodiversity, Conservation and Attractions (DBCA) for advice regarding fauna management procedures and supervised clearing with reference to the need for a Quenda trapping and relocation program prior to development.

Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) or local government approval under regulation 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*.





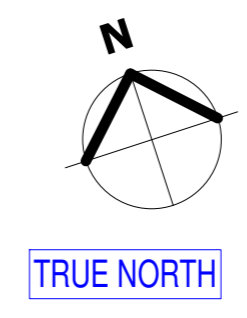
SITE LOCATION

Lot 2 Stage 2 Future Residential - Subject to Scheme Amendment 1.2631 ha

SUBJECT OF APPROVAL. STAGE 2 SUBJECT TO FUTURE APPROVAL.

HATCHED PROPOSED STAGE 1 DEVELOPMENT AREA

LEGEND			
	Power M/H		Gate
	LTP		ROAD EDGE
	PP		ROAD CENTRELINE
	Power Dome		TOP
	Water Valve		TOE
	Water SV		FENCE
	Sign		DRAINAGE
	Comm. Pit		GAS
	Grated Pit		POWER (OVERHEAD)
	Survey Peg		POWER (UNDERGROUND)
	Temporary Bench Mark		SEWER
	Spot Height (R.L.)		WATER
			VEGETATION LINE
			PAVING
			CONCRETE
			KERB
			LIMESTONE RETAINING WALL
			BUILDING
			BOUNDARY



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DEVELOPMENT ASSESSMENT PANEL  
APPROVED  
17-Oct-2024







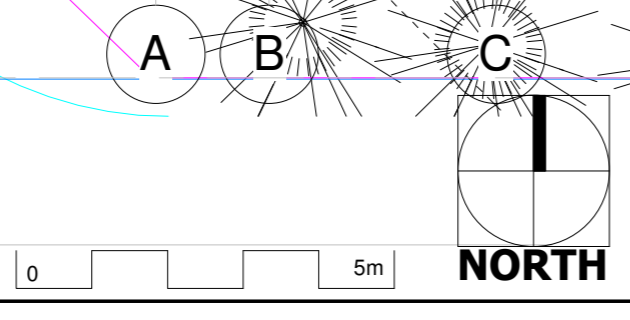


DEVELOPMENT ASSESSMENT PANEL  
 APPROVED  
 17-Oct-2024

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LANE 04 (8m)

1 GROUND FLOOR PLAN  
 1 : 100



ROSS McDONALD ARCHITECT

31 Motteram Avenue Claremont WA 6010 email roscoarch@outlook.com M.0419950268

LOT 76 OCEAN DRIVE BUNBURY

FOR REVISÉ PRELIMINARY DESIGN FOR COUNCIL DA @

FLOOR PLANS	
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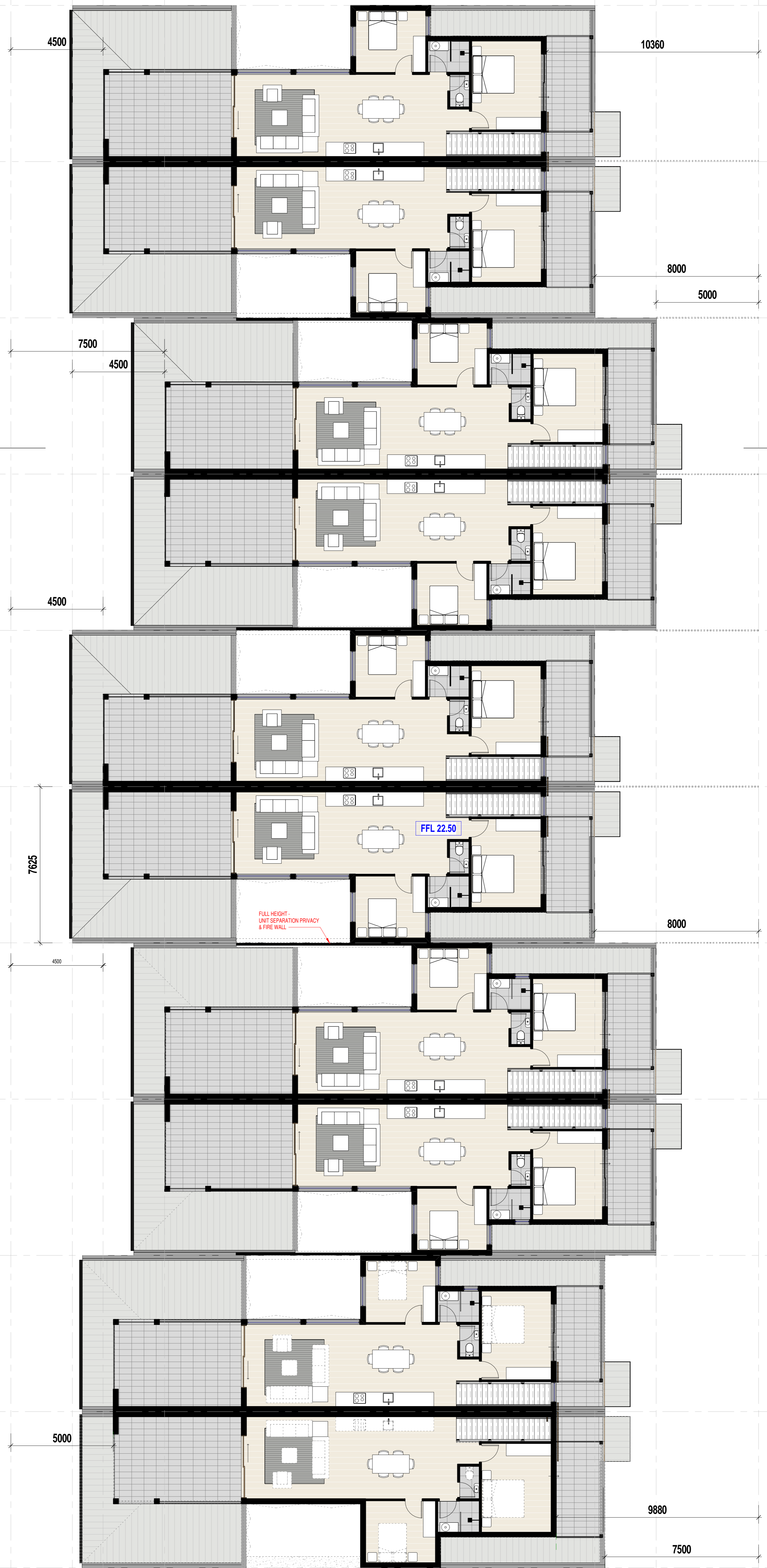
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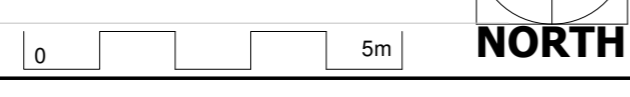


DEVELOPMENT  
ASSESSMENT PANEL  
APPROVED  
17-Oct-2024

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1 1ST FLOOR PLAN

1 : 100



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LOT 76 OCEAN DRIVE BUNBURY

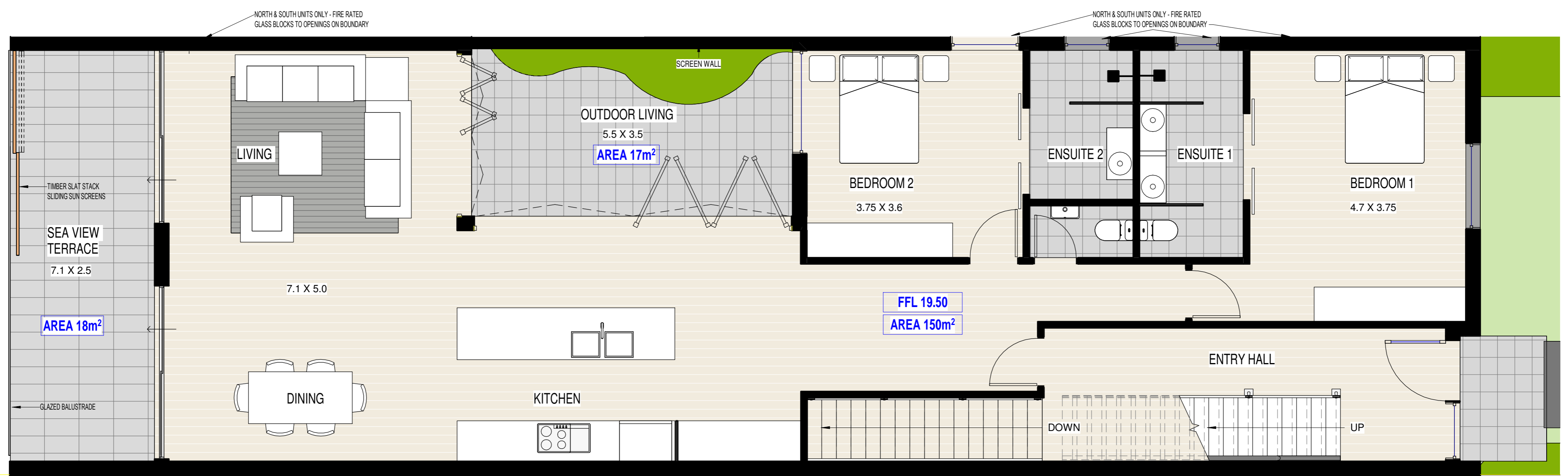
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26 / 07 / 24

FLOOR PLANS  
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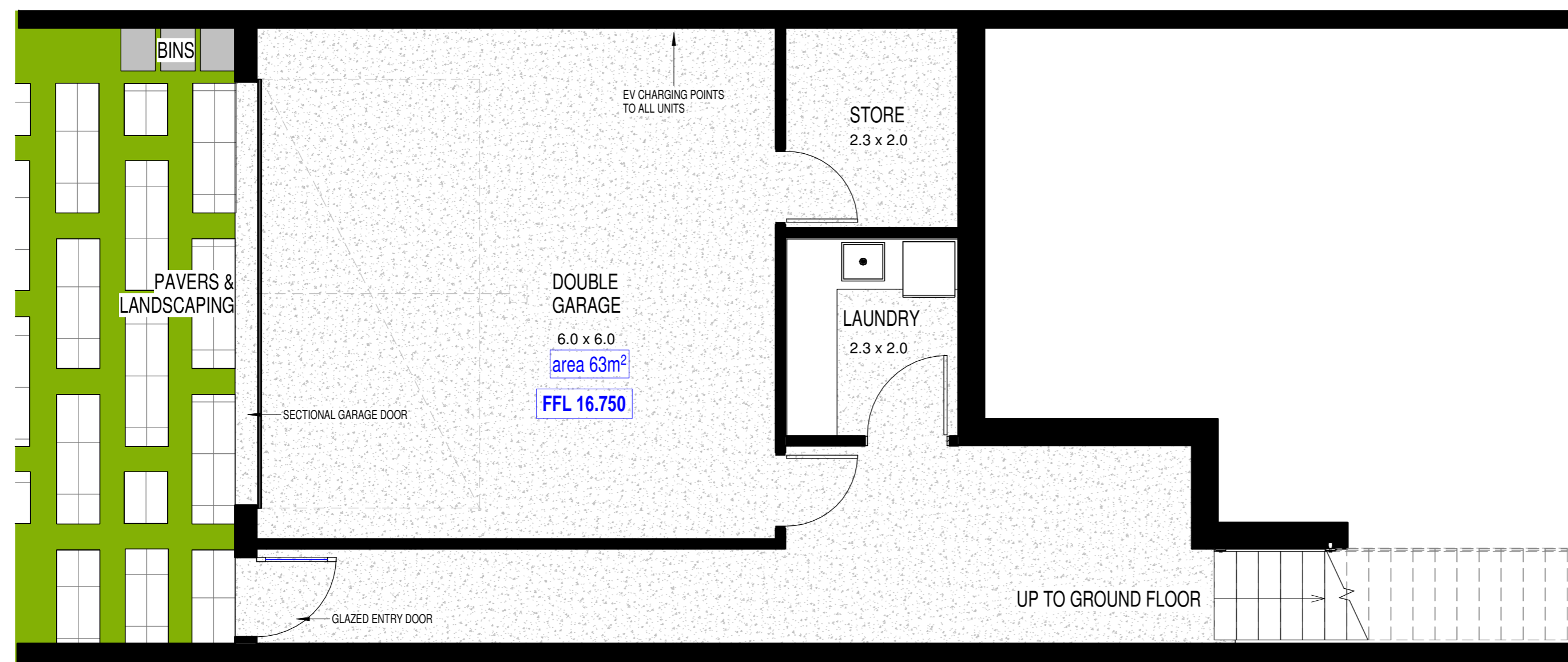


2 TYPE A - FIRST FLOOR  
1 : 50



1 TYPE A GROUND FLOOR  
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3 TYPE A BASEMENT FLOOR  
1 : 50

DEVELOPMENT  
ASSESSMENT PANEL  
APPROVED  
17-Oct-2024

metres 1 2 3 4 5



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LOT 76 OCEAN DRIVE BUNBURY  
FOR

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TYPICAL TOWNHOUSE PLANS  
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Project number 240303

26 / 07 / 24

DA A105

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1 EAST ELEVATION  
1 : 100



2 SOUTH ELEVATION  
1 : 100

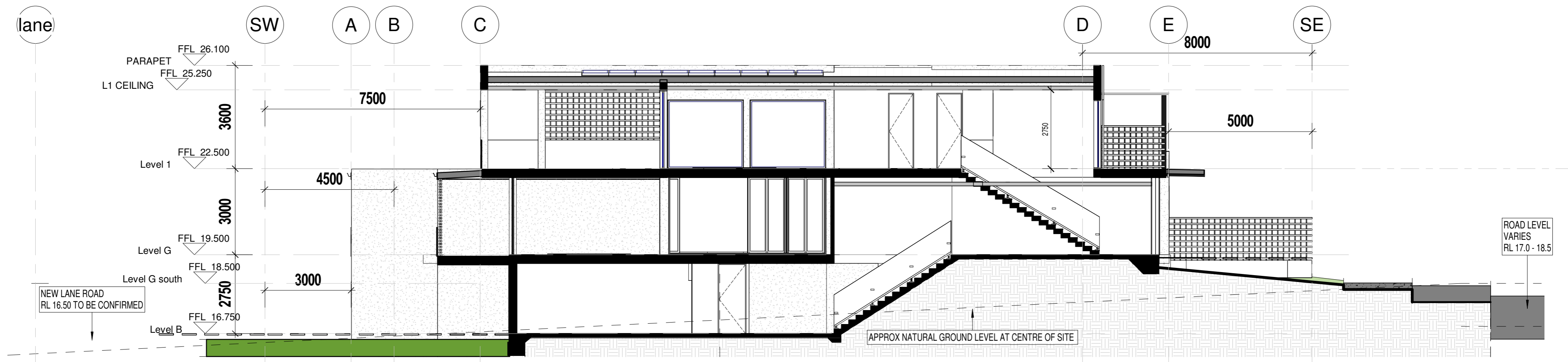


DEVELOPMENT ASSESSMENT PANEL  
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17-Oct-2024

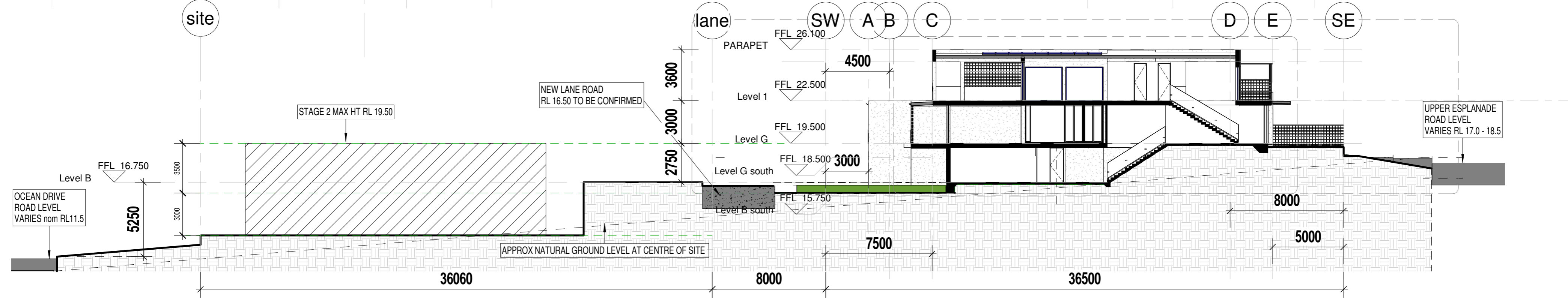
3 NORTH ELEVATION  
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4 WEST ELEVATION  
1 : 100



6 AA SECTION  
1 : 100



5 SITE SECTION  
1 : 200

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1 STREETScape  
1 : 150



2 VIEW 1 SOUTH WEST



3 VIEW NORTH EAST

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DEVELOPMENT  
ASSESSMENT PANEL  
APPROVED  
17-Oct-2024

ROSS McDONALD ARCHITECT

LOT 76 OCEAN DRIVE BUNBURY  
FOR

VIEWS

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Project number 240303

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REVISED PRELIMINARY DESIGN FOR COUNCIL DA @

26 / 07 / 24

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