



## Regional Development Assessment Panel Minutes

**Meeting Date and Time:** Thursday, 26 September 2024; 9:30am  
**Meeting Number:** RDAP/21  
**Meeting Venue:** 140 William Street, Perth

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

[RDAP/21 - 26 September 2024 - City of Greater Geraldton - City of Albany](#)

### **PART A – INTRODUCTION**

1. Opening of Meeting, Welcome and Acknowledgement
2. Apologies
3. Members on Leave of Absence
4. Noting of Minutes

### **PART B – CITY OF GREATER GERALDTON**

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
  - 3.1 Lot 2965 (No.194) North West Coastal Highway & Lot 2968 (No.207) Place Road, Webberton - Bulky goods showrooms, fast food outlet, motor vehicle repair & shop – DAP/24/02717
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

### **PART C – CITY OF ALBANY**

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
  - 3.1 Lots 1 and 2 (1823) Frenchman Bay Road, Frenchman Bay - Short-stay Holiday Accommodation – DAP/23/02620
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

### **PART D – OTHER BUSINESS**

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

**Tony Arias**  
Presiding Member, Regional DAP



<b>Attendance</b>	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Tony Arias (Presiding Member)	Ashlee Kelly
Neema Premji (Deputy Presiding Member)	Kristen Parker
Jason Hick	
<i>Part B – City of Greater Geraldton</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Mayor Jeremiah Clune	Neraida Browne
Deputy Mayor Natasha Colliver	Moana Wilson
	Ryan Hall
	Chris Edwards
	Heath Martin
	Trevor Pitt
<i>Part C – City of Albany</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Mayor Greg Stocks	Dylan Ashboth
Deputy Mayor Paul Terry	Jan van der Mescht

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Presiding Member, Regional DAP



<b>Applicant and Submitters</b>
<i>Part B – City of Greater Geraldton</i>
Alessandro Stagno (Apex Planning)
<i>Part C – City of Albany</i>
Richard Vogwill Robin Budden (Frenchman Bay Association) Daniel Panickar (Western Environmental) Jon Cheesbrough (Hub Property) Melanie Price (Aurora Environmental) Eoghan McElwee (Taylor Burrell Barnett) Trent Will (Taylor Burrell Barnett) Paul King (Seashells Hospitality Group)

**Members of the Public / Media**

Nil

**Observers via livestream**

There was 6 persons observing the meeting via the livestream.

**Tony Arias**  
Presiding Member, Regional DAP



## PART A – INTRODUCTION

### 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:37am on 26 September 2024 and acknowledged the traditional owners and custodians of the land on which the meeting is taking place and welcomed members.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2024 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

#### 1.1 Announcements by Presiding Member

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

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

### 2. Apologies

Nil

### 3. 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](#).

Tony Arias  
Presiding Member, Regional DAP



## PART B – CITY OF GREATER GERALDTON

### 1. Declaration of Due Consideration

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

### 2. Disclosure of Interests

Nil.

### 3. Form 1 DAP Applications

#### 3.1 Lot 2965 (No.194) North West Coastal Highway & Lot 2968 (No.207) Place Road, Webberton - Bulky goods showrooms, fast food outlet, motor vehicle repair & shop – DAP/24/02717

#### Deputations and Presentations

Alessandro Stagno (Apex Planning) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

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

## REPORT RECOMMENDATION

**Moved by:** Neema Premji

**Seconded by:** Mayor Jeremiah Clune

That the Regional Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP/24/02717 and accompanying plans as included in Attachments 7, 8 and 9 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Greater Geraldton 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 (4) years from the date on approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

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2. Development/land use shall be in accordance with the attached approved plan(s) received 26 July 2024 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the RDAP or the City of Greater Geraldton.
3. Prior to lodgement of an application for a building permit, a Construction Management plan (CMP) must be submitted to and approved in writing by the local government addressing the following matters:
  - a) Hours of construction noting construction work which emits noise can only be performed during the hours of 7:00am and 7:00pm Monday to Saturday. Noise before or after these times as well as Sundays and public holidays is not permitted, unless otherwise approved in writing by the local government;
  - b) How materials and equipment will be delivered and removed from the site;
  - c) Details of measures to be put in place for the removal of any hazardous materials;
  - d) How materials and equipment will be stored on the site;
  - e) Parking arrangements for employees and contractors;
  - f) Construction waste disposal strategy and location of waste disposal bins;
  - g) Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;
  - h) Details of how the construction process will be managed to minimise the impact on pedestrian and vehicle movement;
  - i) Measures to be put in place to control, prevent and mitigate any environmental impacts on adjoining landowners and the surrounding road network. The matters to be addressed shall include noise, light spill, vibration, dust, sand, vehicle washdown, waste management and the movement of soil, sediment and stormwater;
  - j) Detailed measures to be put in place to protect local government assets and buildings on nearby properties during the construction period and to ensure these are reinstated to a satisfactory condition at the end of the construction process. In order to facilitate this, a dilapidation report prepared by a suitably qualified person shall be prepared detailing the current condition of all City infrastructure adjacent to the subject site and also buildings on nearby properties and a copy of this shall be provided to the City; and
  - k) Contact details of the builder and the details of the complaints handling system to be used throughout the building process.

The approved CMP shall be implemented for the duration of the construction process to the satisfaction of the local government.

4. Prior to commencement of the development a detailed schedule of colours, finishes and materials shall be provided to and approved in writing by the local government. The colours, finishes and materials shall generally be consistent with the details shown on the approved plans.
5. Prior to the occupation or use of the development, a Travel Plan shall be submitted to and approved in writing by the local government.

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6. Prior to an application for a building permit, an outdoor lighting plan including details of proposed lighting to pathways, communal areas and car parking areas shall be submitted to and approved in writing by the local government. The outdoor lighting is to be designed in accordance with Australian Standard AS4282:2019 'Control of the Obtrusive Effects of Outdoor Lighting', baffled and located to prevent any increase in light spill onto adjoining properties. The approved outdoor lighting plan shall be implemented prior to the occupation of the development and thereafter maintained to the satisfaction of the local government.
7. Prior to the occupation or use of the development, a Waste and Servicing Management plan shall be submitted to and approved in writing by the local government. The plan shall include details on the location and timing of servicing and deliveries to the fast food outlet and other commercial tenancies. The development shall operate in accordance with the approved Waste and Servicing Management plan unless otherwise approved in writing by the local government.
8. Concrete kerbs (or such other form of barrier as the local government may approve) of sufficient height to prevent the passage of vehicles, shall be provided at the edge of the road carriageway except at formed crossovers.
9. Prior to an application for a building permit being made, a detailed design of the stormwater collection and system of disposal from the developed areas is to be submitted to and approved in writing by the local government. The approved detailed design is to be implemented in full prior to the commencement of the approved use and maintained thereafter to the approval of the local government with all stormwater to be disposed of on-site.
10. All tilt up concrete panels, rendered or plain masonry block walls are to be painted or treated with colouring to the satisfaction of the local government. Tilt up walls that front any public street or public space are to have detail panels or some other acceptable treatment to the satisfaction of the local government to break the overall impact of an otherwise blank wall.
11. No equipment, goods or materials connected with the development are to be stored (either temporarily or permanently) in any of the areas set aside for parking, landscaping or within access driveways.
12. All loading and unloading associated with the development is to take place within the boundaries of the premises and undertaken in a manner so as to cause minimum interference with other vehicular traffic.
13. The landowner/proponent making arrangements to the satisfaction of Main Roads WA prior to any works being undertaken in the North West Coastal Highway road reserve.
14. Crossing place(s) adjoining North West Coastal Highway are required to be installed to the satisfaction of Main Roads WA.

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15. Crossing place(s) adjoining Place Road are required to be installed to the satisfaction of the local government. The eastern Place Road crossover is to be relocated so that it is wholly located within the frontage of Lot 2968.
16. Prior to an application for a Building Permit being made, detailed design civil drawings shall be submitted to and approved in writing by the local government, for the following:
  - a) design levels for all on-site construction works including the internal raised pedestrian crossings;
  - b) construction plans for the verge and crossing points along Place Road;
  - c) construction of a shared path along the northern side of Place Road, between North West Coastal Highway and Lot 2968, including the full frontage of Lot 2968;
  - d) modification to the Place Road central median to accommodate the right-hand turn movement for a 19m semi trailer exiting the property onto Place Road; and
  - e) extension of the internal path located at the front of Building 1 along with the construction of a raised pedestrian crossing across the vehicle access to the 'staff car bays' to provide a direct pedestrian connection from the new shared path along Place Road to the development.

The approved works shall be implemented prior to the occupation of the development to the satisfaction of the local government. All costs associated with these works, including the construction of the shared path shall be at the expense of the landowner/proponent.

17. All mechanical service systems are to be designed and installed to prevent emitted noise levels from exceeding the relevant decibel levels as set out in the Environmental Protection (Noise) Regulations 1997.
18. The area set aside for the parking of bicycles as shown on the attached approved plan(s) shall:
  - a) be installed to the satisfaction of the local government prior to the commencement of the approved use;
  - b) be maintained thereafter to the satisfaction of the local government; and
  - c) be designed in accordance with AS2890.3.
19. The area set aside for the parking of vehicles and motorcycle/scooters together with the associated access as shown on the attached approved plan(s) shall:
  - a) be installed to the satisfaction of the local government prior to the commencement of the approved use;
  - b) be maintained thereafter to the satisfaction of the local government;
  - c) be made available for such use at all times and not used for any other purpose unless otherwise approved in writing by the local government;
  - d) be formed, constructed and drained such that bays can be used in accordance with the approved plan(s) and use;

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- e) have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the approved plan(s);
  - f) be designed in accordance with AS2890; and
  - g) provide for accessible car parking in accordance with the relevant provisions of the National Construction Code Series and AS2890 Part 6 2009.
20. Prior to an application for a building permit a detailed traffic signage and line marking plan is to be submitted to and approved in writing by the local government.
21. Any illuminated horizontal sign panels are not permitted to emit a flashing light or scroll and signage is to be positioned and shielded as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries or cause any glare nuisance to passing motorists.
22. Prior to the occupation or use of the development, an easement in gross, as shown shaded in grey on the approved site plan, is to be granted free of cost to the City of Greater Geraldton as a public access easement. The easement documents are to be prepared by the City's solicitors at the proponent's cost and shall be registered against the certificate of titles of Lot 2965 and Lot 2968.
23. Prior to the occupation or use of the development, all land indicated as landscaped area on the attached approved landscaping plan, inclusive of the trees in the car park and the minimum 1.2 metre high hedging along the North West Coastal Highway frontage, is to be landscaped effectively and maintained thereafter to the satisfaction of the local government.
24. Any existing crossovers not included as part of the proposed development on the attached approved plan(s) being closed and the kerb, footpath and verge reinstated at the proponents cost.

### Advice Notes

1. The Travel Plan is to be prepared having regard to the provisions of the City's Travel Plans local planning policy.
2. In relation to the preparation and approval of a Construction Management Plan the landowner/proponent is advised that during construction, vehicle access to the site shall be at the location of the vehicle crossover only unless otherwise approved by the local government. In addition, no material, machinery or vehicles associated with construction shall be allowed on the verge without the prior written approval from the local government.
3. The design/construction of the shared footpath is to be in accordance with the City's Land Development Specifications. It is recommended that the proponents engineering consultants liaise with the City's Development Engineer prior to finalisation of the construction plans for the verge, crossing points and shared footpath as this will facilitate a prompt approval process and will avoid delays at the building permit application stage.

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4. All pedestrian access and vehicle driveway/crossover levels shall match into existing verge and footpath levels.
5. Access and facilities for people with disabilities must be provided at all times to the building and internally throughout the building in accordance with AS1428.1 2009.
6. Plans and specifications for the project must be deposited with the Department of Fire & Emergency Services in accordance with Building Regulations 2012 r.18B. For further information refer to [www.dfes.wa.gov.au](http://www.dfes.wa.gov.au)
7. On-site waste management is to be designed in accordance with the provisions of the Commercial and Industrial Waste Management Guidelines.
8. Main Roads WA advises Lot 2965 is situated in the vicinity of a transport corridor and is currently affected or may in the future be affected by transport noise. Additional planning and building requirements may apply to development on this land to achieve an acceptable level of noise reduction.
9. All signs on Lot 2965 require an 'Advertising Application' to be completed and submitted to Main Roads for approval.
10. Main Roads WA advises the access from North West Coastal Highway is restricted to a Left In and Left Out. The existing raised central median will restrict access at the new access location. The central median will be modified and extended to the south as part of the future road upgrades.
11. Main Roads WA advises that no waste collection is permitted from the North West Coastal Highway road reserve.
12. Main Roads WA advises that access from North West Coastal Highway will be affected by the future upgrade of the North West Coastal Highway and Place Road intersection. Further stakeholder engagement will occur during the project design and construction phases.
13. The stormwater disposal system for the site to be designed in accordance with the City's 'Stormwater Management' local planning policy (specifically clause 4.2).
14. The City acknowledges the loading area complies with the minimum requirements of the Australian Standards, however given the restricted room available to manoeuvre additional protection for the building on adjoining Lot 2969 is recommended.

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## AMENDING MOTION 1

**Moved by:** Neema Premji

**Seconded by:** Cr Natasha Colliver

*The following amendments were made en bloc:*

- i) That Condition No. 13 be moved to a new Advice Note No. 15 and the remaining conditions be renumbered accordingly.

**REASON:** Condition 13 was determined to be more appropriate as an Advice Note, noting that the 'arrangements' referred to under Condition 13 are subject of separate approval process under the Main Roads Act 1930. The proposed changes to Condition 13 was requested by the applicant and supported by the local government officers.

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

*Crossing place(s) adjoining North West Coastal Highway are required to be installed to the satisfaction of ~~Main Roads WA~~ the City of Greater Geraldton on the advice of Main Roads WA.*

**REASON:** Condition 14 was modified to recognise that the local government is the clearance authority for any conditions under the Development approval. The proposed changes to Condition 14 was requested by the applicant and supported by the local government officers.

## REPORT RECOMMENDATION (AS AMENDED)

That the Regional Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP/24/02717 and accompanying plans as included in Attachments 7, 8 and 9 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Greater Geraldton 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 (4) years from the date on 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/land use shall be in accordance with the attached approved plan(s) received 26 July 2024 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the RDAP or the City of Greater Geraldton.

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3. Prior to lodgement of an application for a building permit, a Construction Management plan (CMP) must be submitted to and approved in writing by the local government addressing the following matters:
- a) Hours of construction noting construction work which emits noise can only be performed during the hours of 7:00am and 7:00pm Monday to Saturday. Noise before or after these times as well as Sundays and public holidays is not permitted, unless otherwise approved in writing by the local government;
  - b) How materials and equipment will be delivered and removed from the site;
  - c) Details of measures to be put in place for the removal of any hazardous materials;
  - d) How materials and equipment will be stored on the site;
  - e) Parking arrangements for employees and contractors;
  - f) Construction waste disposal strategy and location of waste disposal bins;
  - g) Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;
  - h) Details of how the construction process will be managed to minimise the impact on pedestrian and vehicle movement;
  - i) Measures to be put in place to control, prevent and mitigate any environmental impacts on adjoining landowners and the surrounding road network. The matters to be addressed shall include noise, light spill, vibration, dust, sand, vehicle washdown, waste management and the movement of soil, sediment and stormwater;
  - j) Detailed measures to be put in place to protect local government assets and buildings on nearby properties during the construction period and to ensure these are reinstated to a satisfactory condition at the end of the construction process. In order to facilitate this, a dilapidation report prepared by a suitably qualified person shall be prepared detailing the current condition of all City infrastructure adjacent to the subject site and also buildings on nearby properties and a copy of this shall be provided to the City; and
  - k) Contact details of the builder and the details of the complaints handling system to be used throughout the building process.

The approved CMP shall be implemented for the duration of the construction process to the satisfaction of the local government.

4. Prior to commencement of the development a detailed schedule of colours, finishes and materials shall be provided to and approved in writing by the local government. The colours, finishes and materials shall generally be consistent with the details shown on the approved plans.
5. Prior to the occupation or use of the development, a Travel Plan shall be submitted to and approved in writing by the local government.

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6. Prior to an application for a building permit, an outdoor lighting plan including details of proposed lighting to pathways, communal areas and car parking areas shall be submitted to and approved in writing by the local government. The outdoor lighting is to be designed in accordance with Australian Standard AS4282:2019 'Control of the Obtrusive Effects of Outdoor Lighting', baffled and located to prevent any increase in light spill onto adjoining properties. The approved outdoor lighting plan shall be implemented prior to the occupation of the development and thereafter maintained to the satisfaction of the local government.
7. Prior to the occupation or use of the development, a Waste and Servicing Management plan shall be submitted to and approved in writing by the local government. The plan shall include details on the location and timing of servicing and deliveries to the fast food outlet and other commercial tenancies. The development shall operate in accordance with the approved Waste and Servicing Management plan unless otherwise approved in writing by the local government.
8. Concrete kerbs (or such other form of barrier as the local government may approve) of sufficient height to prevent the passage of vehicles, shall be provided at the edge of the road carriageway except at formed crossovers.
9. Prior to an application for a building permit being made, a detailed design of the stormwater collection and system of disposal from the developed areas is to be submitted to and approved in writing by the local government. The approved detailed design is to be implemented in full prior to the commencement of the approved use and maintained thereafter to the approval of the local government with all stormwater to be disposed of on-site.
10. All tilt up concrete panels, rendered or plain masonry block walls are to be painted or treated with colouring to the satisfaction of the local government. Tilt up walls that front any public street or public space are to have detail panels or some other acceptable treatment to the satisfaction of the local government to break the overall impact of an otherwise blank wall.
11. No equipment, goods or materials connected with the development are to be stored (either temporarily or permanently) in any of the areas set aside for parking, landscaping or within access driveways.
12. All loading and unloading associated with the development is to take place within the boundaries of the premises and undertaken in a manner so as to cause minimum interference with other vehicular traffic.
13. Crossing place(s) adjoining North West Coastal Highway are required to be installed to the satisfaction of The City of Greater Geraldton on the advice of Main Roads WA.
14. Crossing place(s) adjoining Place Road are required to be installed to the satisfaction of the local government. The eastern Place Road crossover is to be relocated so that it is wholly located within the frontage of Lot 2968.

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15. Prior to an application for a Building Permit being made, detailed design civil drawings shall be submitted to and approved in writing by the local government, for the following:
- a) design levels for all on-site construction works including the internal raised pedestrian crossings;
  - b) construction plans for the verge and crossing points along Place Road;
  - c) construction of a shared path along the northern side of Place Road, between North West Coastal Highway and Lot 2968, including the full frontage of Lot 2968;
  - d) modification to the Place Road central median to accommodate the right-hand turn movement for a 19m semi trailer exiting the property onto Place Road; and
  - e) extension of the internal path located at the front of Building 1 along with the construction of a raised pedestrian crossing across the vehicle access to the 'staff car bays' to provide a direct pedestrian connection from the new shared path along Place Road to the development.

The approved works shall be implemented prior to the occupation of the development to the satisfaction of the local government. All costs associated with these works, including the construction of the shared path shall be at the expense of the landowner/proponent.

16. All mechanical service systems are to be designed and installed to prevent emitted noise levels from exceeding the relevant decibel levels as set out in the Environmental Protection (Noise) Regulations 1997.
17. The area set aside for the parking of bicycles as shown on the attached approved plan(s) shall:
- a) be installed to the satisfaction of the local government prior to the commencement of the approved use;
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  - c) be designed in accordance with AS2890.3.
18. The area set aside for the parking of vehicles and motorcycle/scooters together with the associated access as shown on the attached approved plan(s) shall:
- a) be installed to the satisfaction of the local government prior to the commencement of the approved use;
  - b) be maintained thereafter to the satisfaction of the local government;
  - c) be made available for such use at all times and not used for any other purpose unless otherwise approved in writing by the local government;
  - d) be formed, constructed and drained such that bays can be used in accordance with the approved plan(s) and use;
  - e) have the boundaries of all vehicle spaces clearly indicated on the ground in conformity with the approved plan(s);
  - f) be designed in accordance with AS2890; and

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- g) provide for accessible car parking in accordance with the relevant provisions of the National Construction Code Series and AS2890 Part 6 2009.
19. Prior to an application for a building permit a detailed traffic signage and line marking plan is to be submitted to and approved in writing by the local government.
20. Any illuminated horizontal sign panels are not permitted to emit a flashing light or scroll and signage is to be positioned and shielded as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries or cause any glare nuisance to passing motorists.
21. Prior to the occupation or use of the development, an easement in gross, as shown shaded in grey on the approved site plan, is to be granted free of cost to the City of Greater Geraldton as a public access easement. The easement documents are to be prepared by the City's solicitors at the proponent's cost and shall be registered against the certificate of titles of Lot 2965 and Lot 2968.
22. Prior to the occupation or use of the development, all land indicated as landscaped area on the attached approved landscaping plan, inclusive of the trees in the car park and the minimum 1.2 metre high hedging along the North West Coastal Highway frontage, is to be landscaped effectively and maintained thereafter to the satisfaction of the local government.
23. Any existing crossovers not included as part of the proposed development on the attached approved plan(s) being closed and the kerb, footpath and verge reinstated at the proponents cost.

#### Advice Notes

1. The Travel Plan is to be prepared having regard to the provisions of the City's Travel Plans local planning policy.
2. In relation to the preparation and approval of a Construction Management Plan the landowner/proponent is advised that during construction, vehicle access to the site shall be at the location of the vehicle crossover only unless otherwise approved by the local government. In addition, no material, machinery or vehicles associated with construction shall be allowed on the verge without the prior written approval from the local government.
3. The design/construction of the shared footpath is to be in accordance with the City's Land Development Specifications. It is recommended that the proponents engineering consultants liaise with the City's Development Engineer prior to finalisation of the construction plans for the verge, crossing points and shared footpath as this will facilitate a prompt approval process and will avoid delays at the building permit application stage.
4. All pedestrian access and vehicle driveway/crossover levels shall match into existing verge and footpath levels.

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5. Access and facilities for people with disabilities must be provided at all times to the building and internally throughout the building in accordance with AS1428.1 2009.
6. Plans and specifications for the project must be deposited with the Department of Fire & Emergency Services in accordance with Building Regulations 2012 r.18B. For further information refer to [www.dfes.wa.gov.au](http://www.dfes.wa.gov.au)
7. On-site waste management is to be designed in accordance with the provisions of the Commercial and Industrial Waste Management Guidelines.
8. Main Roads WA advises Lot 2965 is situated in the vicinity of a transport corridor and is currently affected or may in the future be affected by transport noise. Additional planning and building requirements may apply to development on this land to achieve an acceptable level of noise reduction.
9. All signs on Lot 2965 require an 'Advertising Application' to be completed and submitted to Main Roads for approval.
10. Main Roads WA advises the access from North West Coastal Highway is restricted to a Left In and Left Out. The existing raised central median will restrict access at the new access location. The central median will be modified and extended to the south as part of the future road upgrades.
11. Main Roads WA advises that no waste collection is permitted from the North West Coastal Highway road reserve.
12. Main Roads WA advises that access from North West Coastal Highway will be affected by the future upgrade of the North West Coastal Highway and Place Road intersection. Further stakeholder engagement will occur during the project design and construction phases.
13. The stormwater disposal system for the site to be designed in accordance with the City's 'Stormwater Management' local planning policy (specifically clause 4.2).
14. The City acknowledges the loading area complies with the minimum requirements of the Australian Standards, however given the restricted room available to manoeuvre additional protection for the building on adjoining Lot 2969 is recommended.
15. The landowner/proponent making arrangements to the satisfaction of Main Roads WA prior to any works being undertaken in the North West Coastal Highway road reserve.

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Presiding Member, Regional DAP



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

**REASON:** The subject site is zoned 'Service Commercial' under the provisions of the City's TPS 1, Bulky Goods Showrooms, Fast Food Outlet, Motor Vehicle Repair and Shop are land uses which are discretionary uses within the 'Service Commercial' zone and capable of approval. The proposed land uses are also consistent with the objectives of the 'Service Commercial' zone and considered appropriate within a 'Service Commercial' zone. The Panel considered that the proposed land uses were consistent with the planning framework and Scheme requirements.

The site is located within an area comprising of bulky good showrooms, fast food outlet and other commercial/light industry land uses and provides an appropriate context for the proposed uses of Bulky Goods Showrooms, Fast Food Outlet, Motor Vehicle Repair and Shop.

The Panel noted that no submissions were received during the advertising period and MRWA had no objections to the proposed development, subject to appropriate access requirement. Further, the TIA concluded, supported by the RAR, that there will be satisfactory operation of all development crossovers to NWCH and Place Road and no significant transport or safety issues.

**4. Form 2 DAP Applications**

Nil.

**5. Section 31 SAT Reconsiderations**

Nil.

*Mayor Jeremiah Clune and Cr Natasha Colliver (Local Government DAP Members, City of Greater Geraldton) left the panel at 9:52am.*

**Tony Arias**  
Presiding Member, Regional DAP



## PART C – CITY OF ALBANY

*Mayor Greg Stocks and Deputy Mayor Paul Terry (Local Government DAP Members, City of Albany) joined the panel at 9:55am.*

### 1. 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 3.1, received on 24 September 2024.

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

### 2. Disclosure of Interests

In accordance with section 2.4.9 of the DAP Code of Conduct 2024, DAP Member, Mayor Greg Stocks and Deputy Mayor Paul Terry, declared that they had participated in a prior Council meeting in relation to the application at item 3.1. However, under section 2.1.2 of the DAP Code of Conduct 2024, Mayor Stocks and Deputy Mayor Terry acknowledged that they are not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

In accordance with section 3.3 of the DAP Code of Conduct 2024, the Presiding Member determined that the members listed above, who have disclosed an impartiality interest, are permitted to participate in the discussion and voting on the item.

### 3. Form 1 DAP Applications

#### 3.1 Lots 1 and 2 (1823) Frenchman Bay Road, Frenchman Bay - Short-stay Holiday Accommodation – DAP/23/02620

##### Deputations and Presentations

Richard Vogwill addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Robin Budden (Frenchman Bay Association) addressed the DAP against the recommendation for the application at Item 3.1 and responded to questions from the panel.

Daniel Panickar (Western Environmental) addressed the DAP against the recommendation for the application at Item 3.1 and responded to questions from the panel.

**Tony Arias**  
Presiding Member, Regional DAP



Trent Will (Taylor Burrell Barnett) addressed the DAP against the recommendation for the application at Item 3.1 and responded to questions from the panel.

The Panel noted a written submission against the recommendation for the application at Item 3.1. was received from Paul King (Seashells Hospitality Group).

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

## REPORT RECOMMENDATION

**Moved by:** Neema Premji

**Seconded by:** NIL

It is recommended that the Regional DAP resolves to:

1. **Defer** DAP Application reference DAP/23/2620 and its associated plans (Attachments 3 - 18) for a period not exceeding 6 months until 1 March 2025, in accordance with the reasons listed below.

### Reason:

1. To allow sufficient time for the local government to refer the additional justification submitted by the applicant in August 2024 for the methodology applied for the slope calculation for the northern aspect of the site to the Department of Fire and Emergency Services (DFES); and
2. Based on advice and recommendations from DFES, to enable the subsequent preparation and submission of supporting documentation and/or revised plans by the applicant for detailed assessment by the local government in relation to bushfire considerations.

Summary on reasons for deferral:

The City of Albany, the Department of Fire and Emergency Services (DFES) and public comment raised concerns with the slope calculations along the front (north) of the site. To address these concerns, the applicant submitted further information in late August to justify the methodology used for the slope assessment to the north of the subject site and outlined in the Bushfire Management Plan (BMP). As the justification was recently submitted in August, the City sought agreement from the applicant for additional time to refer the justification to DFES for review and comment, however the applicant did not support the City's request.

**Tony Arias**  
Presiding Member, Regional DAP



The City's further referral to DFES was to seek advice in relation to:

1. Whether in the opinion of DFES, based on relevant technical expertise, that the slope calculation as submitted complies with the methodology requirements contained under AS3959; or

Where it was not considered to comply with AS3959, whether the methodology applied in the BMP could still be considered and supported by DFES in this instance, as a suitable alternative for the purposes of assessment.

The advice and recommendation from DFES would subsequently inform the City's position in its final consideration of the BMP as submitted, and in the event that DFES provide in principle support for the BMP based on the additional justification, that the City would work with the applicant to identify any amendments required to the documentation or the subject development in its current form to demonstrate compliance with applicable requirements.

Notwithstanding the abovementioned recommendation for deferral, it should be noted that the City in principle supports the implementation of a tourist development use as permitted and envisioned by the local planning framework for the subject site, however the City's support is subject to any proposal demonstrating it meets the applicable requirements and relevant considerations pertaining to its location and context.

**The Report Recommendation LAPSED for want of a seconder.**

#### **ALTERNATE MOTION**

**Moved by:** Deputy Mayor Paul Terry

**Seconded by:** Jason Hick

That the Regional DAP resolves to:

1. **Endorse** the Bushfire Management Plan and Bushfire Emergency Evacuation Plan prepared for the site, dated 16 May 2024 by Western Environmental.
2. **Accept** that the DAP Application reference DAP/23/2620 is appropriate for consideration as a "Tourist Development" land use and is compatible with the provisions of the Special Use Zone in accordance with Schedule 4 – Special use zones in Scheme Area, Table 11 – Special Use provisions of the City of Albany Local Planning Scheme No. 2
3. **Grant development approval to** DAP Application reference DAP/23/2620 and accompanying plans dated being – Stage One Site Plan, Glamping Tents – Floor Plans 3D Views and Elevations, Lodge and Function Room – Site Plan, Ground Level Floor Plan, Garage Store Plan and Elevations, Two Storey Pods – Floor Plans and Elevations, Bespoke Barnyard Units – Site Plan, Floor Plan and Elevations, Studio Refuge – Site Plans, Floor Plans and Elevations, Albany Shed – Site Plan, Ground Level Plan, Level 1 Plan and Elevations, Pump Shed – Site Plan, Floor Plan and Elevations.

**Tony Arias**  
Presiding Member, Regional DAP



### Local Government Statement:

Section 4.6.2 of the Guidelines for Planning in Bushfire Prone Areas states that:

*'Planning approval will be informed by the BMP, including the demonstration of compliance with the bushfire protection criteria. As the BMP is a document that should apply for the life of the development, the decision-maker should require modifications to the document in the event there are discrepancies, prior to endorsement and/ or approval of the planning application being granted.'*

*Conditional approval should not be granted prior to the BMP being prepared and endorsed.'*

It is therefore recommended that the updates to the Bushfire Management Plan (BMP) to address the following matters are undertaken prior to endorsement of the BMP and conditional development approval:

- Slope calculation to the front (north) of the lot to be updated to the satisfaction of the Department of Fire and Emergency Services and the City of Albany
- (outside of that required to provide a complaint shelter).
- All reference to vegetation clearance/maintenance outside of lot boundaries (aside from the 72m<sup>2</sup> required to provide a complaint bushfire shelter) being removed from the BMP and BAL contours being updated accordingly.
- Minor updates to address amended site capacity of 70 persons and new development plans.

However, should the Regional Development Assessment Panel be of the mind to endorse the BMP in its current form, it is recommended the following standard bushfire conditions are applied in addition to the conditions of development approval listed below:

1. Firebreaks, firefighting equipment and other appropriate fire protection measures shall be maintained in accordance with the approved Bushfire Management Plan dated 16 May 2024, to the satisfaction of the City of Albany.
2. The measures and actions identified in the Bushfire Management Plan and Bushfire Emergency Evacuation Plan dated 16 May 2024 shall be implemented and maintained in perpetuity, to the satisfaction of the City of Albany.
3. The verge clearance required to ensure the bushfire refuge is located in an area subject to a BAL-rating of BAL-10 or below as set out under Appendix D – Hypothetical Refuge BAL Calculation Verge Clearance is to be maintained by the landowner at all times and shall not exceed the 72m<sup>2</sup> indicated on the plan unless otherwise approved by the City of Albany.
4. On-site shelter shall be provided in accordance with the approved Bushfire Management Plan and shall be designed and constructed in accordance with the National Construction Code and the ABCB Community Shelter Handbook.

**Tony Arias**  
Presiding Member, Regional DAP



**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. All development shall occur in accordance with the stamped, approved plans, unless varied by a condition of approval or a minor amendment, to the satisfaction of the City of Albany.
3. The site is approved for the use of a tourist development and includes the following associated onsite facilities for the use of guests:
  - a) Fire refuge / studio
  - b) Function room (including sitting room, alfresco, deck and swimming pool).

Prior to commencement of development

4. At least 14 days prior to the commencement of development, a Construction Management Plan shall be submitted to the City of Albany for approval. All construction works shall be undertaken in accordance with the approved Construction Management Plan, to the satisfaction of the City of Albany.
5. Prior to commencement of development a plan detailing measures to clearly delineate the private land from the foreshore reserve shall be submitted for approval and implemented thereafter to the satisfaction of the City of Albany.
6. Prior to the commencement of development, suitable arrangements shall be made with the City of Albany to restrict guest use of the historic staircase between lot 1 and the adjacent foreshore reserve. Prior to occupancy of the development, restriction measures shall be implemented, completed and thereafter maintained, to the satisfaction of the City of Albany.
7. Prior to commencement of development, a public art proposal to the value of 1% of the estimated cost of development (or payment of cash-in-lieu) in accordance with the City of Albany Public Art Policy, shall be submitted to the City of Albany for approval. Prior to occupancy of the development, the details approved for the public art proposal shall be implemented, completed and thereafter maintained, to the satisfaction of the City of Albany.
8. Prior to commencement of development, notwithstanding the submitted detail a final schedule of materials and colours to be used on the buildings/structures hereby approved shall be submitted for approval and implemented to the satisfaction of the City of Albany. Prior to occupation, the approved schedule of materials and colours shall be implemented and maintained thereafter to the satisfaction of the City of Albany.

**Tony Arias**  
Presiding Member, Regional DAP



9. Prior to commencement of development, a Landscaping and Reticulation Plan shall be prepared, approved by the City of Albany, and fully implemented within the first available planting season after the initial occupation of the development and maintained thereafter, to the satisfaction of the City of Albany.
10. Prior to commencement of development, final details, including elevations of the proposed retaining walls and water tanks shall be provided to the City of Albany for approval.
11. Prior to the commencement of development, the Fauna Management Plan shall be updated in accordance with Department of Biodiversity, Conservation and Attractions comment, to the satisfaction of the City of Albany, in consultation with the Department of Biodiversity, Conservation and Attractions. Thereafter the approved Fauna Management Plan shall be implemented to the satisfaction of the City of Albany.
12. Prior to commencement of development, a notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate/s of title of the proposed development lot/s advising of the existence of a hazard. The notification is to state as follows:  
  
*“VULNERABLE COASTAL AREA: 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 and is subject to conditions which require removal and rehabilitation of development to pre-development conditions at the landowners cost at the time the situations specified in the Local Development Plan and conditions of development approval occur.*
13. Prior to commencement of development, a notification pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the Certificate of Title of the proposed development lots advising of the existence of a hazard. The notification is to state as follows:  
  
*“This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land.”*
14. Prior to the commencement of development, a Dieback Management Plan shall be prepared for Lot 2 and submitted to the City of Albany for approval, in consultation with the Department of Environmental Regulation and the Department of Biodiversity, Conservation and Attractions and thereafter maintained to the satisfaction of the City of Albany.

**Tony Arias**  
Presiding Member, Regional DAP



15. Prior to commencement of development, an updated refuse storage plan reflecting the requirements set out under the City of Albany Local Planning Scheme No.2, *the Health (Miscellaneous Provisions) Act* and the City of Albany Health Local Laws shall be submitted for approval and implemented thereafter to the satisfaction of the City of Albany.
16. Prior to commencement of development, the Operational Management Plan shall be updated to reflect the final decision relating to the need for an on-site caretaker, submitted for approval and implemented thereafter to the satisfaction of the City of Albany.

Prior to occupation

17. Prior to final occupation of the development or within other such time as agreed to in writing by the City of Albany, lots 1 and 2 shall be amalgamated and the necessary Certificate of Title created.
18. Prior to occupation, new crossover/s shall be constructed to the specifications, levels and satisfaction of the City of Albany.
19. Prior to occupation, any existing crossovers that do not form part of the development hereby approved shall be closed and the kerb, footpath and the verge reinstated to the satisfaction of the City of Albany.
20. Prior to occupation of the development or within the next available planting season after occupancy, screening vegetation shall be planted in the area marked in red on the approved plans and maintained in perpetuity, to the satisfaction of the City of Albany.
21. Prior to occupation of the development, the measures contained within the approved Waste Management Plan shall be implemented and maintained thereafter to the satisfaction of the City of Albany.

General conditions

22. This development approval is granted for a limited period and shall and shall expire upon the earliest occurrence of any one of the following events:
  - a) Shoreline retreat reaches 33m from any asset;
  - b) The most landward part of the Horizontal Shoreline Datum is within 15 metres of the most seaward part of the lot boundary;
  - c) Public road is no longer available or able to provide legal access to the property; or
  - d) Water, sewerage or electricity to the lot is no longer available as the service has been removed or decommissioned by the relevant authority due to a coastal hazard.

**Tony Arias**  
Presiding Member, Regional DAP



23. Once the development approval expires in accordance with the above, the development shall be removed and:
  - a) The land shall be rehabilitated to its pre-development condition, to the specifications and satisfaction of the City of Albany, at the landowners cost; and
  - b) The affected area (processes area and foreshore) shall be ceded to the Crown, free of cost and without any payment of compensation by the Crown; and
  - c) Should managed retreat be proposed, the landowner will need to apply to relocate the development to a safe position on the lot.
24. The landowner is to undertake monitoring and review the coastal hazards every five years as identified in the Frenchman Bay Coastal Hazard Risk Management and Adaptation Plan. The landowner is to provide reporting to the City of Albany on this matter to the satisfaction of the City of Albany.
25. The function room and other facilities and amenities associated with the tourist development shall only be capable of being booked by overnight guests of the tourist development.
26. No more than 70 persons (including staff) shall be permitted on-site at any one time unless otherwise approved by the City of Albany.
27. A suitable water supply shall be provided to service the development hereby approved in perpetuity, to the satisfaction of the City of Albany.
28. Surface and Groundwater Monitoring shall be undertaken in accordance with the Surface and Groundwater Monitoring Plan, dated 23 November 2023 by Biodiverse Solutions.
29. All land application areas must be located a minimum of 100m from the Vancouver Spring Catchment Area.
30. The City of Albany has recognised that the Frenchman Bay locality is an environmentally sensitive area that cannot reasonably be connected to a suitable reticulated sewerage service. The locality therefore requires appropriate consideration to the minimisation of nutrient inflow and contaminants to the identified sensitive areas. The on-site disposal system shall be designed for long-term usage and for processing solid and liquid waste in accordance with the requirements, and to the satisfaction, of the City of Albany's Health Department.
31. Sign(s) shall not be erected on the lot without the prior approval of the City of Albany.
32. Vehicular parking and access shall be implemented and constructed to the satisfaction of the City of Albany in general accordance with the site plan submitted with this development application.

**Tony Arias**  
Presiding Member, Regional DAP



33. The parking areas shall be illuminated when they are in use or may be sought to be used by patrons during hours of darkness, to the satisfaction of the City of Albany.
34. The bulk storage of 'high risk' materials is not permitted within the subject site unless otherwise approved by the City of Albany.
35. The development hereby approved shall be constructed in accordance with National Construction Code (NCC) requirements for 'Construction in Bushfire Prone Areas'.
36. A suitable Asset Protection Zone within lot boundaries shall be provided and maintained around the development hereby approved in accordance with the City's Fire Management Notice, to the satisfaction of the City of Albany.
37. Mounting of large satellite dishes or the like on the roof of the development is not permitted.
38. Stormwater from the lot shall be managed to the satisfaction of the City of Albany.
39. Clearing or vegetation maintenance outside of lot boundaries shall not be undertaken, unless otherwise approved by the City of Albany.
40. All significant trees on-site, as identified on the approved Local Development Plan and the Habitat Assessment and Tree Retention Report dated 8 September 2017 by Biodiverse Solutions shall be maintained in perpetuity, to the satisfaction of the City of Albany.
41. The loading and unloading of goods shall occur entirely within the site and be undertaken in a manner so as to cause minimum interference with other vehicular traffic.
42. No goods or materials shall be stored, either temporarily or permanently, in the parking or landscape areas or in access driveways, unless otherwise agreed in writing by the City of Albany.
43. The shed hereby approved shall not be used for human habitation, unless otherwise agreed in writing by the City of Albany.
44. The tourist development hereby approved shall only be used for short stay accommodation, with no single person/s permitted to stay for more than three months in any twelve month period.
45. Development within the Vancouver Springs setback area shall be undertaken in accordance with the Environmental Justification – Vancouver Springs Setback Area dated 7 December 2023 by Aurora Environmental.

**Tony Arias**  
Presiding Member, Regional DAP



## Advice Notes

1. With respect to the Construction Management Plan:  
The Construction Management Plan shall detail how the construction of the development will be managed including details of the following:
  - public safety and site security;
  - hours of operation,
  - noise and vibration controls;
  - air and dust management;
  - stormwater, groundwater and sediment control;
  - waste and material disposal;
  - Traffic Management Plans prepared by an accredited personnel for the various phases of the construction, including any proposed road closures (if relevant);
  - Parking Management Plan prepared by an accredited personnel;
  - the parking arrangements for contractors and sub-contractors;
  - on-site delivery times and access arrangements;
  - measures to mitigate impact to existing City infrastructure and property
  - measures to ensure all contractors are made aware of potential for archaeological material to be uncovered during excavation works, and a clear procedure to ensure any archaeological material is dealt with appropriately
  - the storage of materials and equipment on site (no storage of materials on the verge will be permitted); and
  - any other matters likely to impact upon the surrounding properties or road and foreshore reserves.
2. With respect to measures to clearly identify the private land from the public coastal reserve:
  - a) The City's preferred boundary treatment is bollard and chain fencing to be located on or within the boundary of the subject site.
  - b) Additional Beach Access signs are recommended to be installed at intervals along the subject section of the northern boundary to direct park visitors to the closest existing beach access
  - c) It will be the responsibility of the tenant to continue to monitor the northern boundary and remediate any breaches immediately to avoid new tracks being created.
  - d) There is potential for these bollards (or otherwise) to be funded by the percent for Art contribution subject to artist merit and approval of the City's Visual Arts Team.

**Tony Arias**  
Presiding Member, Regional DAP



3. With respect to the restricting guest use of the historic staircase between lot 1 and the adjacent foreshore reserve:
  - a) The staircase is located on City land and is not safe for guest use. The City has no plans to redevelop or maintain the staircase at a standard appropriate for public use.
  - b) The staircase also forms part of the state heritage listed 'Frenchman Bay Whaling Station (ruin).
  - c) The proponent may consider submitting this detail in combination with the requirements of condition 5 of the development approval.
4. With respect to percent for art:
  - a) It is expected that more certainty over total development cost may be capable of being provided as the project progresses. As a result, the City of Albany will take the total project cost listed under the building permit application for the purpose of calculating the applicable percent for art contribution.
  - b) The percent for art proposal should be undertaken in accordance with *City of Albany Percent for Art Developer Guidelines*. The City recommends commencing discussions with the City of Albany's Visual Arts team as soon as possible.
  - c) The applicant may also wish to consider using the percent for art contribution to restrict guest access to the existing heritage staircase and clearly demarcate the private land from the public coastal reserve as required under conditions 5 and 6 of the development approval.
5. With respect to the final schedule of materials and colours:
  - a) The schedule should be lodged for approval prior to the building permit application and shall include details of all external elements of the development, including water tank and retaining walls.
  - b) The design direction including colour and material palate indicated on the submitted plans, is supported.
6. With respect to the Landscaping and Reticulation Plan:
  - a) The landscaping plan shall provide final levels for all landscaped areas across site. Excavation or fill should be limited in close proximity to lot boundaries.
  - b) It is noted that olive trees are proposed to be planted on-site. Given these are potential environmental weeds, these will need to be unfertile or fruitless trees.
  - c) It is recommended that the landscape designer consult the 'Native Plants for Revegetation and Landscaping Projects in Goode Beach: A Guide for Residents, the Community and the City of Albany' for advice on suitable native plantings for the area.
  - d) The direction of the landscaping schematic design submitted with this development application is generally supported.

**Tony Arias**  
Presiding Member, Regional DAP



7. With respect to verge clearance and maintenance:
  - a) The City of Albany does not permit clearance outside of lot boundaries to benefit private development proposals in accordance with the City of Albany's Bushfire Attack Level (BAL) Public Land Management Policy.
  - b) The vegetation in the reserve is also required to stabilise the significant slope of the escarpment to the north.
  - c) The presence of a critically endangered *Caladenia harringtoniae* (Harringtons spider-orchid or pink spider-orchid) has been identified to the east.
  - d) The City has indicated support for maintenance of 72m<sup>2</sup> of verge vegetation to ensure the bushfire shelter complies with (at this stage) v1.4 of the Guidelines which require on-site shelter to be subject to a BAL-rating not exceeding BAL-10.
8. With respect to the refuse storage plan:
  - a) All waste storage shall be confined to within an enclosure receptacle screened from its immediate surrounds and any adjacent public street or road by a wall not less than 1.8 m in height constructed of brick, masonry or other approved material.
  - b) Colourbond or metal sheeting is not an approved material under the City of Albany Health Local Laws.
9. With respect to the Operational Management Plan:
  - a) The Operational Management Plan references an on-site caretaker to assist in the management of the lot however the City has since been advised that the requirement for an on-site caretaker is yet to be confirmed.
  - b) Should no on-site caretaker be considered necessary, updated management measures should be provided within the operational management plan.
  - c) If it is determined that an on-site caretaker is required, no amendments to the operational management plan are necessary.
  - d) A caretaker's dwelling is capable of being considered on the lot however, if the caretaker is required within the Shed/Office the design will require modification to comply with BCA requirements. This may necessitate an increase building with little room to extend outside of BAL-40 and BAL-FZ areas.
10. With respect to the new crossover/s:
  - a) A 'Permit for Vehicle Crossover Construction' from the City of Albany is required prior to any work being carried out within the road reserve, which shall be in accordance with drawing nos. STD-05-01 – STD-05-03 (refer to the City of Albany's Subdivision and Development Guidelines).

**Tony Arias**  
Presiding Member, Regional DAP



11. With respect to the coastal time limited development approval:
  - a) Horizontal Shoreline Datum means the active limit of the shoreline under storm activity, as defined in *State Planning Policy 2.6 – State Coastal Planning Policy (2013)*.
12. With respect to surface and groundwater monitoring:
  - a) The approved surface and groundwater monitoring plan requires quarterly sampling of bores for 12 months prior to commencement to establish baseline data.
  - b) Fixed photography is required biannually prior to commencement.
13. With respect to the effluent disposal system:
  - a) A site-specific land capability assessment may be required in order to satisfy this condition. Please contact the City of Albany's Environmental Health Department on 6820 3042 for further advice on this matter.
  - b) Minimum separation of land application areas to the highest groundwater level should be applied based on soil type.
  - c) A site-specific land capability assessment may be required in order to satisfy this condition.
  - d) Any existing septic system must be decommissioned by pumping out leach drains and both septic tanks.
  - e) Effluent disposal shall generally be in accordance with the Hydraulic Services Site Plan dated 30/11/2023 by Forth.
14. With respect to signs:
  - a) Please refer to the City of Albany Local Planning Policy 1.3 – Signs for further information.
15. With respect to vehicle parking and access:
  - a) Car parking and access is to be designed in accordance with the Australian Standard 2890.
  - b) The plan shall clearly indicate the intended use of all parking bays (eg disabled bay, loading bay etc), access areas, line marking, kerbing and sealing.
16. With respect to the illumination of carparking areas:
  - a) Lighting devices are to be positioned and shielded so as not to cause any direct, deflected, or incidental light to encroach beyond the property boundaries.
  - b) To achieve the dark sky principles, new street lighting is to comply with a correlated colour temperature of 3,000 kelvins or less, and in accordance with AS4282:2010 – control of the obtrusive effects of lighting.

**Tony Arias**  
Presiding Member, Regional DAP



17. With respect to high-risk materials:
  - a) A high-risk material is considered any material, which may lead to the potential ignition, prolonged duration and/ or increased intensity of a bushfire.
  - b) For more information on what may be considered 'bulk storage' or a 'high risk material' please contact Dylan Ashboth at the City of Albany on 6820 3061.
18. With respect to stormwater management:
  - a) Stormwater management is to be designed in accordance with the 'City of Albany's Subdivision and Development Guidelines'.
  - b) Stormwater management shall be generally be consistent with the details submitted to accompany this development application and the Local Water Management Strategy prepared for the site.
  - c) Stormwater must be diverted away from the effluent disposal system.

#### General Advice

1. It is the responsibility of the landowner to ensure all relevant licences and approvals required outside of the development approval are obtained.
2. A caretakers dwelling has not been approved under this application. Should the need for a caretakers dwelling be confirmed, an amended development application will be required.
3. It is recommended that the proponents add the Goode Beach Fire Ready Group to the facility's Emergency Contact List. Membership of the group is also encouraged.
4. The applicant is advised that a fire extinguisher and approved fire blanket should be installed in each holiday accommodation unit as additional fire precautions.
5. All wastewater systems must comply with Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974. The size and location of sewage disposal areas are to be consistent with the Government Sewerage Policy. Best practice is provided in AS/NZS 1547:2012 – On-site domestic wastewater management for the soil type outlined in the wastewater report by Bio Diverse Solutions dated 7 November 2022. (Department of Health).
6. Potable water must be supplied to the quality of the Australian Drinking Water Guidelines 2011. (Department of Health).
7. All aquatic facilities used for sport, recreational, educational or therapeutic water activities must be registered and operated in accordance with the Health (Aquatic Facilities) Regulations 2007 and the Code of Practice for the design, construction, operation, management and maintenance of aquatic facilities. (Department of Health).

**Tony Arias**  
Presiding Member, Regional DAP



8. It is recommended that the proponents ensure proposed infrastructure and site works do not create additional mosquito breeding habitat as follows:
  - Changes to topography resulting from earthworks (e.g., the installation of pipelines, footpaths, roads etc) must prevent run-off from creating surface ponding as it may become mosquito breeding habitat
  - Constructed water bodies (drainage infrastructure, infiltration basins and swales, settling ponds, wetlands, and the like) must be located, designed, and maintained so they do not create or contribute to mosquito breeding
  - Constructed water bodies (drainage infrastructure, infiltration basins and swales, settling ponds, wetlands and the like) may require regular monitoring and application of herbicides and/or removal of invasive vegetation to prevent the harbourage of mosquito larvae. (Department of Health)
9. The proponents should be aware of their requirements and obligations under the Aboriginal Heritage Act. (Department of Planning, Lands and Heritage (Aboriginal Heritage))
10. The proponent should regularly check the Aboriginal Cultural Heritage Inquiry System (ACHIS) in case new Aboriginal Cultural Heritage be reported in the area. (Department of Planning, Lands and Heritage (Aboriginal Heritage))
11. It is recommended that the Department of Water and Environmental Regulation is contacted in relation to clearing permit requirements. Please contact the Department's Native Vegetation Regulation section by email (admin.nvp@dwer.wa.gov.au) or by telephone (6364 7098). (Department of Water and Environmental Regulation).

The plans provided appear to show that there may be class 2-9 buildings in excess of 500m<sup>2</sup> total floor area proposed as part of this development. If this is the case, plans will need to be submitted to DFES Built Environment Branch for assessment as per r18b of the Building Regulations 2012. (Department of Fire and Emergency Services).

### AMENDING MOTION 1

**Moved by:** Tony Arias

**Seconded by:** Neema Premji

That the preamble be amended to read as follows:

- ~~1. Endorse the Bushfire Management Plan and Bushfire Emergency Evacuation Plan prepared for the site, dated 16 May 2024 by Western Environmental.~~
- ~~2. Accept that the DAP Application reference DAP/23/2620 is appropriate for consideration as a "Tourist Development" land use and is compatible with the provisions of the Special Use Zone in accordance with Schedule 4 Special use zones in Scheme Area, Table 11 Special Use provisions of the City of Albany Local Planning Scheme No. 2~~

**Tony Arias**  
Presiding Member, Regional DAP



3. ~~Grant development approval to DAP Application reference DAP/23/2620 and accompanying plans dated being Stage One Site Plan, Glamping Tents Floor Plans 3D Views and Elevations, Lodge and Function Room Site Plan, Ground Level Floor Plan, Garage Store Plan and Elevations, Two Storey Pods Floor Plans and Elevations, Bespoke Barnyard Units Site Plan, Floor Plan and Elevations, Studio Refuge Site Plans, Floor Plans and Elevations, Albany Shed Site Plan, Ground Level Plan, Level 1 Plan and Elevations, Pump Shed Site Plan, Floor Plan and Elevations.~~

**Local Government Statement:**

Section 4.6.2 of the Guidelines for Planning in Bushfire Prone Areas states that:  
*~~'Planning approval will be informed by the BMP, including the demonstration of compliance with the bushfire protection criteria. As the BMP is a document that should apply for the life of the development, the decision-maker should require modifications to the document in the event there are discrepancies, prior to endorsement and/or approval of the planning application being granted. Conditional approval should not be granted prior to the BMP being prepared and endorsed.'~~*

It is therefore recommended that the updates to the Bushfire Management Plan (BMP) to address the following matters are undertaken prior to endorsement of the BMP and conditional development approval:

- ~~— Slope calculation to the front (north) of the lot to be updated to the satisfaction of the Department of Fire and Emergency Services and the City of Albany (outside of that required to provide a complaint shelter).~~
- ~~— All reference to vegetation clearance/maintenance outside of lot boundaries (aside from the 72m<sup>2</sup> required to provide a complaint bushfire shelter) being removed from the BMP and BAL contours being updated accordingly.~~
- ~~— Minor updates to address amended site capacity of 70 persons and new development plans.~~

However, should the Regional Development Assessment Panel be of the mind to endorse the BMP in its current form, it is recommended the following standard bushfire conditions are applied in addition to the conditions of development approval listed below:

5. ~~Firebreaks, firefighting equipment and other appropriate fire protection measures shall be maintained in accordance with the approved Bushfire Management Plan dated 16 May 2024, to the satisfaction of the City of Albany.~~
6. ~~The measures and actions identified in the Bushfire Management Plan and Bushfire Emergency Evacuation Plan dated 16 May 2024 shall be implemented and maintained in perpetuity, to the satisfaction of the City of Albany.~~

Tony Arias  
Presiding Member, Regional DAP



- ~~7. The verge clearance required to ensure the bushfire refuge is located in an area subject to a BAL rating of BAL-10 or below as set out under Appendix D – Hypothetical Refuge BAL Calculation. Verge Clearance is to be maintained by the landowner at all times and shall not exceed the 72m<sup>2</sup> indicated on the plan unless otherwise approved by the City of Albany.~~
- ~~8. On site shelter shall be provided in accordance with the approved Bushfire Management Plan and shall be designed and constructed in accordance with the National Construction Code and the ABCB Community Shelter Handbook.~~

***That the Regional DAP resolves to:***

- 1. Accept that the DAP Application reference DAP/23/02620 is appropriate for consideration as a “Tourist Development” land use and is compatible with the provisions of the Special Use Zone in accordance with Schedule 4 – Special use zones in Scheme Area, Table 11 – Special Use provisions of the City of Albany Local Planning Scheme No. 2***
- 2. Approve DAP Application reference DAP/23/02620 and accompanying plans dated being – Stage One Site Plan, Glamping Tents – Floor Plans 3D Views and Elevations, Lodge and Function Room – Site Plan, Ground Level Floor Plan, Garage Store Plan and Elevations, Two Storey Pods – Floor Plans and Elevations, Bespoke Barnyard Units – Site Plan, Floor Plan and Elevations, Studio Refuge – Site Plans, Floor Plans and Elevations, Albany Shed – Site Plan, Ground Level Plan, Level 1 Plan and Elevations, Pump Shed – Site Plan, Floor Plan and Elevations, in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, and the provisions of the City of Albany Local Planning Scheme No. 2, subject to the following conditions:***

**REASON:** To provide a DAP resolution consistent with the Planning and Development (Development Assessment Panels) Regulations 2011.

**AMENDING MOTION 2**

**Moved by:** Tony Arias

**Seconded by:** Neema Premji

*The following amendments were made en bloc:*

- i) That a new Condition No. 46 be added to read as follows:

*Prior to lodging a building permit application, the Bushfire Management Plan (BMP) is required to be updated to include the following; be added to read as follows:*

- a) Additional information/methodology on slope calculation to the front (north) of the lot.*
- b) Removal of all reference to vegetation clearance/maintenance outside of lot boundaries (aside from the 72m<sup>2</sup> to provide a compliant bushfire shelter) and modification BAL contours as required.*

**Tony Arias**  
Presiding Member, Regional DAP



- c) *Recognition of amended site capacity of 70 persons and new development plans.*
  - d) *Specifications for firebreaks, firefighting equipment and other appropriate fire protection measures.*
  - e) *The verge clearance required to ensure the bushfire refuge is located in an area subject to a BAL-rating of BAL-10 or below as set out under Appendix D – Hypothetical Refuge BAL Calculation Verge Clearance and maintenance by the landowner at all times.*
  - f) *On-site shelter shall be designed and constructed in accordance with the National Construction Code.*
- ii) That a new Condition No. 47 be added to read as follows:
- The revised and accepted Bushfire Management Plan and Bushfire Emergency Evacuation Plan, required in above-mentioned conditions 20 and 21, shall be implemented on site prior to commencement of the use and at all times thereafter to the satisfaction of the City.*
- iii) That a new Condition No. 48 be added to read as follows:
- Certification shall be provided to the City by an accredited Bushfire Consultant that all bushfire management actions detailed in the accepted Bushfire Management Plan have been implemented prior to commencement of the use to the satisfaction of the City.***

**REASON:** To address the matters raised in the RAR and in discussions with the City and applicant and provide certainty and clarity to be included in the updated Bushfire Management Plan and Bushfire Emergency Evacuation Plan. Noting that the applicant had raised no objection to these matters be addressed and reflected in an updated Bushfire Management Plan and Bushfire Emergency Evacuation Plan.

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

That the Regional DAP resolves to:

1. **Accept** that the DAP Application reference DAP/23/02620 is appropriate for consideration as a “Tourist Development” land use and is compatible with the provisions of the Special Use Zone in accordance with Schedule 4 – Special use zones in Scheme Area, Table 11 – Special Use provisions of the City of Albany Local Planning Scheme No. 2

**Tony Arias**  
Presiding Member, Regional DAP



2. **Approve** DAP Application reference DAP/23/02620 and accompanying plans dated being – Stage One Site Plan, Glamping Tents – Floor Plans 3D Views and Elevations, Lodge and Function Room – Site Plan, Ground Level Floor Plan, Garage Store Plan and Elevations, Two Storey Pods – Floor Plans and Elevations, Bespoke Barnyard Units – Site Plan, Floor Plan and Elevations, Studio Refuge – Site Plans, Floor Plans and Elevations, Albany Shed – Site Plan, Ground Level Plan, Level 1 Plan and Elevations, Pump Shed – Site Plan, Floor Plan and Elevations, in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, and the provisions of the City of Albany Local Planning Scheme No. 2 , subject to the following conditions:

### 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. All development shall occur in accordance with the stamped, approved plans, unless varied by a condition of approval or a minor amendment, to the satisfaction of the City of Albany.
3. The site is approved for the use of a tourist development and includes the following associated onsite facilities for the use of guests:
  - a) Fire refuge / studio
  - b) Function room (including sitting room, alfresco, deck and swimming pool).

### Prior to commencement of development

4. At least 14 days prior to the commencement of development, a Construction Management Plan shall be submitted to the City of Albany for approval. All construction works shall be undertaken in accordance with the approved Construction Management Plan, to the satisfaction of the City of Albany.
5. Prior to commencement of development a plan detailing measures to clearly delineate the private land from the foreshore reserve shall be submitted for approval and implemented thereafter to the satisfaction of the City of Albany.
6. Prior to the commencement of development, suitable arrangements shall be made with the City of Albany to restrict guest use of the historic staircase between lot 1 and the adjacent foreshore reserve. Prior to occupancy of the development, restriction measures shall be implemented, completed and thereafter maintained, to the satisfaction of the City of Albany.

**Tony Arias**  
Presiding Member, Regional DAP



7. Prior to commencement of development, a public art proposal to the value of 1% of the estimated cost of development (or payment of cash-in-lieu) in accordance with the City of Albany Public Art Policy, shall be submitted to the City of Albany for approval. Prior to occupancy of the development, the details approved for the public art proposal shall be implemented, completed and thereafter maintained, to the satisfaction of the City of Albany.
8. Prior to commencement of development, notwithstanding the submitted detail a final schedule of materials and colours to be used on the buildings/structures hereby approved shall be submitted for approval and implemented to the satisfaction of the City of Albany. Prior to occupation, the approved schedule of materials and colours shall be implemented and maintained thereafter to the satisfaction of the City of Albany.
9. Prior to commencement of development, a Landscaping and Reticulation Plan shall be prepared, approved by the City of Albany, and fully implemented within the first available planting season after the initial occupation of the development and maintained thereafter, to the satisfaction of the City of Albany.
10. Prior to commencement of development, final details, including elevations of the proposed retaining walls and water tanks shall be provided to the City of Albany for approval.
11. Prior to the commencement of development, the Fauna Management Plan shall be updated in accordance with Department of Biodiversity, Conservation and Attractions comment, to the satisfaction of the City of Albany, in consultation with the Department of Biodiversity, Conservation and Attractions. Thereafter the approved Fauna Management Plan shall be implemented to the satisfaction of the City of Albany.
12. Prior to commencement of development, a notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate/s of title of the proposed development lot/s advising of the existence of a hazard. The notification is to state as follows:

*“VULNERABLE COASTAL AREA: 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 and is subject to conditions which require removal and rehabilitation of development to pre-development conditions at the landowners cost at the time the situations specified in the Local Development Plan and conditions of development approval occur.*

**Tony Arias**  
Presiding Member, Regional DAP



13. Prior to commencement of development, a notification pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the Certificate of Title of the proposed development lots advising of the existence of a hazard. The notification is to state as follows:

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

14. Prior to the commencement of development, a Dieback Management Plan shall be prepared for Lot 2 and submitted to the City of Albany for approval, in consultation with the Department of Environmental Regulation and the Department of Biodiversity, Conservation and Attractions and thereafter maintained to the satisfaction of the City of Albany.
15. Prior to commencement of development, an updated refuse storage plan reflecting the requirements set out under the City of Albany Local Planning Scheme No.2, *the Health (Miscellaneous Provisions) Act* and the City of Albany Health Local Laws shall be submitted for approval and implemented thereafter to the satisfaction of the City of Albany.
16. Prior to commencement of development, the Operational Management Plan shall be updated to reflect the final decision relating to the need for an on-site caretaker, submitted for approval and implemented thereafter to the satisfaction of the City of Albany.

Prior to occupation

17. Prior to final occupation of the development or within other such time as agreed to in writing by the City of Albany, lots 1 and 2 shall be amalgamated and the necessary Certificate of Title created.
18. Prior to occupation, new crossover/s shall be constructed to the specifications, levels and satisfaction of the City of Albany.
19. Prior to occupation, any existing crossovers that do not form part of the development hereby approved shall be closed and the kerb, footpath and the verge reinstated to the satisfaction of the City of Albany.
20. Prior to occupation of the development or within the next available planting season after occupancy, screening vegetation shall be planted in the area marked in red on the approved plans and maintained in perpetuity, to the satisfaction of the City of Albany.
21. Prior to occupation of the development, the measures contained within the approved Waste Management Plan shall be implemented and maintained thereafter to the satisfaction of the City of Albany.

**Tony Arias**  
Presiding Member, Regional DAP



General conditions

22. This development approval is granted for a limited period and shall and shall expire upon the earliest occurrence of any one of the following events:
- a) Shoreline retreat reaches 33m from any asset;
  - b) The most landward part of the Horizontal Shoreline Datum is within 15 metres of the most seaward part of the lot boundary;
  - c) Public road is no longer available or able to provide legal access to the property; or
  - d) Water, sewerage or electricity to the lot is no longer available as the service has been removed or decommissioned by the relevant authority due to a coastal hazard.
23. Once the development approval expires in accordance with the above, the development shall be removed and:
- a) The land shall be rehabilitated to its pre-development condition, to the specifications and satisfaction of the City of Albany, at the landowners cost; and
  - b) The affected area (processes area and foreshore) shall be ceded to the Crown, free of cost and without any payment of compensation by the Crown; and
  - c) Should managed retreat be proposed, the landowner will need to apply to relocate the development to a safe position on the lot.
24. The landowner is to undertake monitoring and review the coastal hazards every five years as identified in the Frenchman Bay Coastal Hazard Risk Management and Adaptation Plan. The landowner is to provide reporting to the City of Albany on this matter to the satisfaction of the City of Albany.
25. The function room and other facilities and amenities associated with the tourist development shall only be capable of being booked by overnight guests of the tourist development.
26. No more than 70 persons (including staff) shall be permitted on-site at any one time unless otherwise approved by the City of Albany.
27. A suitable water supply shall be provided to service the development hereby approved in perpetuity, to the satisfaction of the City of Albany.
28. Surface and Groundwater Monitoring shall be undertaken in accordance with the Surface and Groundwater Monitoring Plan, dated 23 November 2023 by Biodiverse Solutions.
29. All land application areas must be located a minimum of 100m from the Vancouver Spring Catchment Area.

**Tony Arias**  
Presiding Member, Regional DAP



30. The City of Albany has recognised that the Frenchman Bay locality is an environmentally sensitive area that cannot reasonably be connected to a suitable reticulated sewerage service. The locality therefore requires appropriate consideration to the minimisation of nutrient inflow and contaminants to the identified sensitive areas. The on-site disposal system shall be designed for long-term usage and for processing solid and liquid waste in accordance with the requirements, and to the satisfaction, of the City of Albany's Health Department.
31. Sign(s) shall not be erected on the lot without the prior approval of the City of Albany.
32. Vehicular parking and access shall be implemented and constructed to the satisfaction of the City of Albany in general accordance with the site plan submitted with this development application.
33. The parking areas shall be illuminated when they are in use or may be sought to be used by patrons during hours of darkness, to the satisfaction of the City of Albany.
34. The bulk storage of 'high risk' materials is not permitted within the subject site unless otherwise approved by the City of Albany.
35. The development hereby approved shall be constructed in accordance with National Construction Code (NCC) requirements for 'Construction in Bushfire Prone Areas'.
36. A suitable Asset Protection Zone within lot boundaries shall be provided and maintained around the development hereby approved in accordance with the City's Fire Management Notice, to the satisfaction of the City of Albany.
37. Mounting of large satellite dishes or the like on the roof of the development is not permitted.
38. Stormwater from the lot shall be managed to the satisfaction of the City of Albany.
39. Clearing or vegetation maintenance outside of lot boundaries shall not be undertaken, unless otherwise approved by the City of Albany.
40. All significant trees on-site, as identified on the approved Local Development Plan and the Habitat Assessment and Tree Retention Report dated 8 September 2017 by Biodiverse Solutions shall be maintained in perpetuity, to the satisfaction of the City of Albany.
41. The loading and unloading of goods shall occur entirely within the site and be undertaken in a manner so as to cause minimum interference with other vehicular traffic.

**Tony Arias**  
Presiding Member, Regional DAP



42. No goods or materials shall be stored, either temporarily or permanently, in the parking or landscape areas or in access driveways, unless otherwise agreed in writing by the City of Albany.
43. The shed hereby approved shall not be used for human habitation, unless otherwise agreed in writing by the City of Albany.
44. The tourist development hereby approved shall only be used for short stay accommodation, with no single person/s permitted to stay for more than three months in any twelve month period.
45. Development within the Vancouver Springs setback area shall be undertaken in accordance with the Environmental Justification – Vancouver Springs Setback Area dated 7 December 2023 by Aurora Environmental.
46. Prior to lodging a building permit application, the Bushfire Management Plan (BMP) is required to be updated to include the following; be added to read as follows:
  - a) Additional information/methodology on slope calculation to the front (north) of the lot.
  - b) Removal of all reference to vegetation clearance/maintenance outside of lot boundaries (aside from the 72m<sup>2</sup> to provide a complaint bushfire shelter) and modification BAL contours as required.
  - c) Recognition of amended site capacity of 70 persons and new development plans.
  - d) Specifications for firebreaks, firefighting equipment and other appropriate fire protection measures.
  - e) The verge clearance required to ensure the bushfire refuge is located in an area subject to a BAL-rating of BAL-10 or below as set out under Appendix D – Hypothetical Refuge BAL Calculation Verge Clearance and maintenance by the landowner at all times.
  - f) On-site shelter shall being designed and constructed in accordance with the National Construction Code.
47. The revised and accepted Bushfire Management Plan and Bushfire Emergency Evacuation Plan, required in above-mentioned conditions 20 and 21, shall be implemented on site prior to commencement of the use and at all times thereafter to the satisfaction of the City.
48. Certification shall be provided to the City by an accredited Bushfire Consultant that all bushfire management actions detailed in the accepted Bushfire Management Plan have been implemented prior to commencement of the use to the satisfaction of the City

**Tony Arias**  
Presiding Member, Regional DAP



## Advice Notes

1. With respect to the Construction Management Plan:  
The Construction Management Plan shall detail how the construction of the development will be managed including details of the following:
  - public safety and site security;
  - hours of operation,
  - noise and vibration controls;
  - air and dust management;
  - stormwater, groundwater and sediment control;
  - waste and material disposal;
  - Traffic Management Plans prepared by an accredited personnel for the various phases of the construction, including any proposed road closures (if relevant);
  - Parking Management Plan prepared by an accredited personnel;
  - the parking arrangements for contractors and sub-contractors;
  - on-site delivery times and access arrangements;
  - measures to mitigate impact to existing City infrastructure and property
  - measures to ensure all contractors are made aware of potential for archaeological material to be uncovered during excavation works, and a clear procedure to ensure any archaeological material is dealt with appropriately
  - the storage of materials and equipment on site (no storage of materials on the verge will be permitted); and
  - any other matters likely to impact upon the surrounding properties or road and foreshore reserves.
2. With respect to measures to clearly identify the private land from the public coastal reserve:
  - a) The City's preferred boundary treatment is bollard and chain fencing to be located on or within the boundary of the subject site.
  - b) Additional Beach Access signs are recommended to be installed at intervals along the subject section of the northern boundary to direct park visitors to the closest existing beach access.
  - c) It will be the responsibility of the tenant to continue to monitor the northern boundary and remediate any breaches immediately to avoid new tracks being created.
  - d) There is potential for these bollards (or otherwise) to be funded by the percent for Art contribution subject to artist merit and approval of the City's Visual Arts Team.

**Tony Arias**  
Presiding Member, Regional DAP



3. With respect to the restricting guest use of the historic staircase between lot 1 and the adjacent foreshore reserve:
  - a) The staircase is located on City land and is not safe for guest use. The City has no plans to redevelop or maintain the staircase at a standard appropriate for public use.
  - b) The staircase also forms part of the state heritage listed 'Frenchman Bay Whaling Station (ruin).
  - c) The proponent may consider submitting this detail in combination with the requirements of condition 5 of the development approval.
4. With respect to percent for art:
  - a) It is expected that more certainty over total development cost may be capable of being provided as the project progresses. As a result, the City of Albany will take the total project cost listed under the building permit application for the purpose of calculating the applicable percent for art contribution.
  - b) The percent for art proposal should be undertaken in accordance with *City of Albany Percent for Art Developer Guidelines*. The City recommends commencing discussions with the City of Albany's Visual Arts team as soon as possible.
  - c) The applicant may also wish to consider using the percent for art contribution to restrict guest access to the existing heritage staircase and clearly demarcate the private land from the public coastal reserve as required under conditions 5 and 6 of the development approval.
5. With respect to the final schedule of materials and colours:
  - a) The schedule should be lodged for approval prior to the building permit application and shall include details of all external elements of the development, including water tank and retaining walls.
  - b) The design direction including colour and material palette indicated on the submitted plans, is supported.
6. With respect to the Landscaping and Reticulation Plan:
  - a) The landscaping plan shall provide final levels for all landscaped areas across site. Excavation or fill should be limited in close proximity to lot boundaries.
  - b) It is noted that olive trees are proposed to be planted on-site. Given these are potential environmental weeds, these will need to be unfertile or fruitless trees.
  - c) It is recommended that the landscape designer consult the 'Native Plants for Revegetation and Landscaping Projects in Goode Beach: A Guide for Residents, the Community and the City of Albany' for advice on suitable native plantings for the area.
  - d) The direction of the landscaping schematic design submitted with this development application is generally supported.

**Tony Arias**  
Presiding Member, Regional DAP



7. With respect to verge clearance and maintenance:
  - a) The City of Albany does not permit clearance outside of lot boundaries to benefit private development proposals in accordance with the City of Albany's Bushfire Attack Level (BAL) Public Land Management Policy.
  - b) The vegetation in the reserve is also required to stabilise the significant slope of the escarpment to the north.
  - c) The presence of a critically endangered *Caladenia harringtoniae* (Harringtons spider-orchid or pink spider-orchid) has been identified to the east.
  - d) The City has indicated support for maintenance of 72m<sup>2</sup> of verge vegetation to ensure the bushfire shelter complies with (at this stage) v1.4 of the Guidelines which require on-site shelter to be subject to a BAL-rating not exceeding BAL-10.
8. With respect to the refuse storage plan:
  - a) All waste storage shall be confined to within an enclosure receptacle screened from its immediate surrounds and any adjacent public street or road by a wall not less than 1.8 m in height constructed of brick, masonry or other approved material.
  - b) Colourbond or metal sheeting is not an approved material under the City of Albany Health Local Laws.
9. With respect to the Operational Management Plan:
  - a) The Operational Management Plan references an on-site caretaker to assist in the management of the lot however the City has since been advised that the requirement for an on-site caretaker is yet to be confirmed. Should no on-site caretaker be considered necessary, updated management measures should be provided within the operational management plan.
  - b) If it is determined that an on-site caretaker is required, no amendments to the operational management plan are necessary.
  - c) A caretaker's dwelling is capable of being considered on the lot however, if the caretaker is required within the Shed/Office the design will require modification to comply with BCA requirements. This may necessitate an increase building with little room to extend outside of BAL-40 and BAL-FZ areas.
10. With respect to the new crossover/s:
  - a) A 'Permit for Vehicle Crossover Construction' from the City of Albany is required prior to any work being carried out within the road reserve, which shall be in accordance with drawing nos. STD-05-01 – STD-05-03 (refer to the City of Albany's Subdivision and Development Guidelines).

**Tony Arias**  
Presiding Member, Regional DAP



11. With respect to the coastal time limited development approval:
  - a) Horizontal Shoreline Datum means the active limit of the shoreline under storm activity, as defined in *State Planning Policy 2.6 – State Coastal Planning Policy (2013)*.
12. With respect to surface and groundwater monitoring:
  - a) The approved surface and groundwater monitoring plan requires quarterly sampling of bores for 12 months prior to commencement to establish baseline data.
  - b) Fixed photography is required biannually prior to commencement.
13. With respect to the effluent disposal system:
  - a) A site-specific land capability assessment may be required in order to satisfy this condition. Please contact the City of Albany's Environmental Health Department on 6820 3042 for further advice on this matter.
  - b) Minimum separation of land application areas to the highest groundwater level should be applied based on soil type.
  - c) A site-specific land capability assessment may be required in order to satisfy this condition.
  - d) Any existing septic system must be decommissioned by pumping out leach drains and both septic tanks.
  - e) Effluent disposal shall generally be in accordance with the Hydraulic Services Site Plan dated 30/11/2023 by Forth.
14. With respect to signs:
  - a) Please refer to the City of Albany Local Planning Policy 1.3 – Signs for further information.
15. With respect to vehicle parking and access:
  - a) Car parking and access is to be designed in accordance with the Australian Standard 2890.
  - b) The plan shall clearly indicate the intended use of all parking bays (eg disabled bay, loading bay etc), access areas, line marking, kerbing and sealing.
16. With respect to the illumination of carparking areas:
  - a) Lighting devices are to be positioned and shielded so as not to cause any direct, deflected, or incidental light to encroach beyond the property boundaries.
  - b) To achieve the dark sky principles, new street lighting is to comply with a correlated colour temperature of 3,000 kelvins or less, and in accordance with AS4282:2010 – control of the obtrusive effects of lighting.

**Tony Arias**  
Presiding Member, Regional DAP



17. With respect to high-risk materials:
  - a) A high-risk material is considered any material, which may lead to the potential ignition, prolonged duration and/ or increased intensity of a bushfire.
  - b) For more information on what may be considered 'bulk storage' or a 'high risk material' please contact Dylan Ashboth at the City of Albany on 6820 3061.
18. With respect to stormwater management:
  - a) Stormwater management is to be designed in accordance with the 'City of Albany's Subdivision and Development Guidelines'.
  - b) Stormwater management shall be generally be consistent with the details submitted to accompany this development application and the Local Water Management Strategy prepared for the site.
  - c) Stormwater must be diverted away from the effluent disposal system.

#### General Advice

1. It is the responsibility of the landowner to ensure all relevant licences and approvals required outside of the development approval are obtained.
2. A caretakers dwelling has not been approved under this application. Should the need for a caretakers dwelling be confirmed, an amended development application will be required.
3. It is recommended that the proponents add the Goode Beach Fire Ready Group to the facility's Emergency Contact List. Membership of the group is also encouraged.
4. The applicant is advised that a fire extinguisher and approved fire blanket should be installed in each holiday accommodation unit as additional fire precautions.
5. All wastewater systems must comply with Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974. The size and location of sewage disposal areas are to be consistent with the Government Sewerage Policy. Best practice is provided in AS/NZS 1547:2012 – On-site domestic wastewater management for the soil type outlined in the wastewater report by Bio Diverse Solutions dated 7 November 2022. (Department of Health).
6. Potable water must be supplied to the quality of the Australian Drinking Water Guidelines 2011. (Department of Health).
7. All aquatic facilities used for sport, recreational, educational or therapeutic water activities must be registered and operated in accordance with the Health (Aquatic Facilities) Regulations 2007 and the Code of Practice for the design, construction, operation, management and maintenance of aquatic facilities. (Department of Health).

**Tony Arias**  
Presiding Member, Regional DAP



8. It is recommended that the proponents ensure proposed infrastructure and site works do not create additional mosquito breeding habitat as follows:
  - Changes to topography resulting from earthworks (e.g., the installation of pipelines, footpaths, roads etc) must prevent run-off from creating surface ponding as it may become mosquito breeding habitat
  - Constructed water bodies (drainage infrastructure, infiltration basins and swales, settling ponds, wetlands, and the like) must be located, designed, and maintained so they do not create or contribute to mosquito breeding
  - Constructed water bodies (drainage infrastructure, infiltration basins and swales, settling ponds, wetlands and the like) may require regular monitoring and application of herbicides and/or removal of invasive vegetation to prevent the harbourage of mosquito larvae. (Department of Health)
9. The proponents should be aware of their requirements and obligations under the Aboriginal Heritage Act. (Department of Planning, Lands and Heritage (Aboriginal Heritage))
10. The proponent should regularly check the Aboriginal Cultural Heritage Inquiry System (ACHIS) in case new Aboriginal Cultural Heritage be reported in the area. (Department of Planning, Lands and Heritage (Aboriginal Heritage))
11. It is recommended that the Department of Water and Environmental Regulation is contacted in relation to clearing permit requirements. Please contact the Department's Native Vegetation Regulation section by email (admin.nvp@dwer.wa.gov.au) or by telephone (6364 7098). (Department of Water and Environmental Regulation).

The plans provided appear to show that there may be class 2-9 buildings in excess of 500m<sup>2</sup> total floor area proposed as part of this development. If this is the case, plans will need to be submitted to DFES Built Environment Branch for assessment as per r18b of the Building Regulations 2012. (Department of Fire and Emergency Services).

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

**REASON:** The subject site is zoned 'Special Use Zone' under the provisions of the City's TPS No.2, 'tourist development' is a discretionary land use and capable of approval. The subject site has historically been used for tourism purposes, by the former Frenchman Bay Caravan Park and was approved for Holiday Accommodation (24 units) and a Caretakers Dwelling by the JDAP in 2018. The Panel considered that the proposed development is generally consistent with the amended Local Development Plan (LDP1), approved for the site in 2023, which was intended to facilitate and guide development of the site and reflected historical use and approvals for the site.

The Panel noted that the site was complex with unique characteristics. It was evident to the Panel the proposal had been comprehensively designed and developed by the proponent, as well as thoroughly considered by the City and agencies, and in response to the submissions received.

**Tony Arias**  
Presiding Member, Regional DAP



The Panel discussed the key issue in detail, with the applicant and the City, which related to the bush fire assessment. This focussed on bushfire risk the methodology requirements under the Bushfire Guidelines which all Panel members considered a critical consideration, including in relation the proper assessment of slope and impact on BAL ratings and the ability to evacuate the site during a bushfire event.

The Panel noted that the Bushfire Guidelines do provide performance solutions where a single access is the only access. There are numerous precedents where an on-site shelter as alternative way of achieving the Vehicular Access provisions, where provision of two access routes in two directions is unable to be achieved. The applicant has provided a shelter with appropriate capacity. The Panel considered on the advice of a Level 3 assessor, and relative to the site-specific measures incorporated into the development and the conditions being imposed (as amended), that the development was consistent with SPP 3.7.

Advice from the Level 3 assessor, based on relevant technical expertise, that the slope calculation as submitted complies with the methodology requirements under the relevant Australian Standard and the Bushfire Guidelines. The methodology is consistent with the previously approved assessment in 2018. The Panel considered that the Bushfire Management Plan (BMP) and Bushfire Emergency Evacuation Plan (BEEP) could be relied upon, subject to the amendments proposed in the Bush Fire Management conditions and would be consistent with the requirements and consistent with SPP 3.7.

#### **4. Form 2 DAP Applications**

Nil.

#### **5. Section 31 SAT Reconsiderations**

Nil.

**Tony Arias**  
Presiding Member, Regional DAP



## PART D – OTHER BUSINESS

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

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

Current SAT Applications*				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DP/14/00039 DR65/2020	Shire of York	Lots 4869 (2256), 5931, 9926 (2948) and 26934 Great Southern Highway, St Ronans	Construction and Use of Allawuna Farm for the purposes of a Class II Landfill	28 July 2020
DAP/21/02063 DR241/2021	Shire of Dardanup	Lot 2 Banksia Road, Crooked Brook	Cleanaway Dardanup Landfill Facility	5 November 2021
DAP/23/02506 DR199/2023	Shire of Augusta-Margaret River	Lot 11 & 12 Fearn Avenue, Margaret River	Proposed Hotel and Restaurant	22 December 2023
DAP/23/02510 DR84/2024	Shire of Harvey	Lot 28 (No.79) Tredrea Place, Myalup	Workforce Accommodation	13 June 2024

Finalised SAT Applications*				
File No.	LG Name	Property Location	Application Description	Date Finalised
DAP/23/02479 DR146/2023	Shire of Capel	Lot 148 (No.168) Skippings Road, Boyanup	Extractive Industry Development Proposal	9 August 2024
DAP/23/02561 DR56/2024	Shire of Yilgarn	Lots 231, 640, 620 and 622 in Southern Cross	Proposed Renewable Energy Facility	11 September 2024

\* Matters finalised during the last meeting cycle.

### 2. General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2024 a DAP member must not publicly comment on any action or determination of a DAP.

Tony Arias  
Presiding Member, Regional DAP



### 3. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 11:32am.

A handwritten signature in black ink that reads "Tony Arias".

**Tony Arias**  
Presiding Member, Regional DAP