



Western
Australian
Planning
Commission

Planning and Development Act 2005
Section 171P(1)

**APPROVAL OF FORM 11B-1 SIGNIFICANT DEVELOPMENT
APPLICATION**

WAPC Ref: SD-018-24

Property Location: Lot 805 Chapman Hill Road, Bovell

Application Details: Proposed Service Commercial Development

Determination Date: 24 September 2025

That the Statutory Planning Committee resolves:

- A. to note this application is not capable of being determined under the applicable planning instrument, being the City of Busselton Local Planning Scheme No. 21, and is seeking discretion under s.171R(1)(b) of the Planning and Development Act 2005 and it has been considered and determined accordingly; and
- B. under s.171P(1) of the Planning and Development Act 2005 to approve development application reference SD-018-24 and accompanying plans (date-stamped 3 September 2025) for a Service Commercial Development at Lot 805 Chapman Hill Road, Bovell, subject to the following:

Conditions

Approval Timeframe

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

Conformity with Plans

2. The development is to be undertaken in accordance with the approved plans (date-stamped 3 September 2025) attached to this approval, subject to modifications required by any condition of this approval, final details of which are to be submitted at each working drawings stage (condition clearance stage), to the satisfaction of the Western Australian Planning Commission, on advice from the City of Busselton.
3. Prior to submission of the relevant building permit application, the approved development plans (date-stamped 3 September 2025) are to be modified, to include the following:

- (a) Revise the signage for the proposed development, to include:
 - (i) The removal of sign annotated P1;
 - (ii) Reduce the maximum height of sign annotated as P2 to 8 metres;
 - (iii) Demonstrate that sign annotated P2 is located to ensure no impact on sightlines toward the south for vehicles exiting the site; and
 - (iv) Reposition sign annotated P3 to be setback a minimum of 24 metres from the Busselton Bypass boundary.
 - (b) Revise the theme informing the 'Feature Corner Statement' from the northeastern corner of the site to reflect an immediate local context and/or historical references rather than a broader regional 'Busselton' theme, to the satisfaction of the Western Australian Planning Commission, on advice from the City of Busselton and Main Roads WA.
4. A copy of the final working drawings (prepared for submission of relevant building permit application(s)) and all associated plans, reports and information that addresses the conditions of approval are to be submitted to, and cleared by, the Western Australian Planning Commission. The final working drawings and associated documents are to comply with all conditions of development approval, as confirmed by the Western Australian Planning Commission, and any variations from the approved development plans are required to be clearly identified.

Land Use

5. This approval is for the following land uses as defined under the City of Busselton Local Planning Scheme No. 21:
- (a) Bulky Goods Showroom for all tenancies;
 - (b) Tenancy 1 - Trade Supplies, Warehouse/Storage and/or Garden Centre; and
 - (c) Tenancy 23 - Restaurant/Café.

Amenity

- 6.
- (a) Prior to submission of the relevant building permit application, a Lighting Strategy is to be provided by a suitably qualified consultant and approved by the Western Australian Planning Commission, on advice from the City of Busselton, demonstrating that lighting is to be provided to all car parking areas, building facades and the children's playground and pocket park area in accordance with the relevant Australian Standards AS1158.3.1 and AS4282 and consistent with Crime Prevention Through Environmental Design Guidelines.
 - (b) Prior to occupation of the relevant stage of development, the applicant is to provide certification from a suitably qualified consultant demonstrating the lighting has been installed in accordance with the approved Lighting Strategy, to the satisfaction of the Western Australian Planning Commission.

Construction

- 7.
- (a) Prior to submission of the relevant building permit application, a Construction Management Plan is to be submitted to and approved by the Western Australian

Planning Commission, on advice from Main Roads WA and the City of Busselton. The Plan is to address the following, but not limited to:

- (i) hours of construction;
 - (ii) temporary fencing, hoardings, gantries and signage;
 - (iii) site access and egress;
 - (iv) construction traffic management;
 - (v) pedestrian and cyclist management and any footpath obstructions;
 - (vi) parking arrangements for staff and contractors;
 - (vii) deliveries and storage of construction materials and machinery;
 - (viii) management of vibration, dust and erosion;
 - (ix) management of any site dewatering or stormwater discharge;
 - (x) management of construction noise and other site-generated noise;
 - (xi) construction waste management, recycling and removal;
 - (xii) protection of street trees and public realm infrastructure; and
 - (xiii) public communication and complaint handling procedures.
- (b) The approved Construction Management Plan is to be implemented and adhered to, to the satisfaction of the Western Australian Planning Commission.

Water Management & Servicing

- 8.
- (a) Prior to commencement of development, an Urban Water Management Plan, is to be prepared in accordance with the approved Water Management Summary Report (dated 18 June 2025, Rev.3), Northern Swale Section Drawing B24007_C04, and the applicable Local Water Management Strategy, and submitted to and approved by the Western Australian Planning Commission, on advice from the Department of Water and Environmental Regulation, the Water Corporation and the City of Busselton.
 - (b) Prior to occupation of each stage of the development, certification by a suitably qualified professional is to be provided to demonstrate that all relevant provisions of the approved Urban Water Management Plan have been implemented in full, to the satisfaction of the Western Australian Planning Commission.
 - (c) The approved Urban Water Management Plan is to be implemented and adhered to, to the satisfaction of the Western Australian Planning Commission.
9. Prior to occupation of the first stage of the development, the applicant/landowner is to register on the Certificate of Title(s) a notification, pursuant to section 70A of the Transfer of Land Act 1893. The notification is to be included on the diagram or plan of survey (deposited plan) and registered at the applicant/landowner's expense, to the satisfaction of the Western Australian Planning Commission. The notification is to state as follows:
- "This land may be subject to flood risk hazard, affecting people and property, in the event of a breach of the Vasse Diversion Drain".
10. The approved Mosquito Management Plan (dated 1 Oct 2024, Rev. B) is to be implemented and adhered to, to the satisfaction of the Western Australian Planning Commission, on advice from the City of Busselton.
11. Prior to occupation of the first stage of the development, suitable arrangements are to be made for the development to be connected to the Water Corporation's local sewerage

network, or as otherwise agreed, to the satisfaction of the Western Australian Planning Commission, on advice from the Water Corporation and the Department of Water and Environmental Regulation.

Bushfire

12.

- (a) Prior to submission of the relevant building permit application, the Bushfire Management Plan is to be updated to reflect the approved development inclusive of all conditions of development approval and submitted to and approved by the Western Australian Planning Commission, on advice from the Department of Fire and Emergency Services and the City of Busselton.
- (b) Prior to occupation of each stage of the development, certification by a Bushfire Consultant is to be provided to demonstrate that all relevant provisions of the approved Bushfire Management Plan have been implemented, to the satisfaction of the Western Australian Planning Commission.
- (c) The approved Bushfire Management Plan is to be implemented and adhered to, to the satisfaction of the Western Australian Planning Commission.

13. Prior to occupation of the first stage of the development, the applicant/landowner is to register on the Certificate of Title(s) a notification, pursuant to section 70A of the Transfer of Land Act 1893. The notification is to be included on the diagram or plan of survey (deposited plan) and registered at the applicant/landowner's expense, to the satisfaction of the Western Australian Planning Commission. 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".

Landscaping and Public Realm

14.

- (a) Prior to submission of the relevant building permit application an updated Final Landscaping Plan is to be prepared to the satisfaction of the Western Australian Planning Commission, on the advice of the City of Busselton. The Landscaping Plan is to include the following:
 - (i) The location, number, size and species of existing and proposed trees and shrubs;
 - (ii) Details of all planting, as per (a) above, within the landscape buffers, consistent with the additional landscaping cross-section entitled "Northern Swale Section Drawing B24007_C04" date-stamped 25 August 2025 in conjunction with:
 - a. increased vegetated screening planting to the northeastern corner of the site within the landscape buffer area adjacent to the intersection of the Busselton Bypass and Chapman Hill Road, outside of the 21m Asset Protection Zone and where the 'Feature Corner Statement' is to be located; and
 - b. increased vegetated screening planting to the northwestern corner of the site within the landscape buffer area adjacent the Busselton

Bypass bridge over the Vasse Diversion Drain, outside of the 21m Asset Protection Zone;

- (iii) Any lawns to be established;
 - (iv) Those areas to be reticulated or irrigated including any rain/grey water capture and re-use;
 - (v) Details of measures to ensure trees proposed to be planted within car park areas will successfully provide shade canopy, will not be impacted by root compaction and will not damage carpark infrastructure; and
 - (vi) Verge treatments, including hard and soft landscaping treatments.
 - (b) Prior to the occupation of the relevant stage of development, the landowner/applicant is to provide written confirmation from a suitably qualified professional confirming that all landscaping and reticulation has been undertaken in accordance with the approved landscaping plans relevant to that stage.
 - (c) Landscaping and reticulation is to be implemented in accordance with the approved Landscaping Plan and shall thereafter be maintained to the satisfaction of the Western Australian Planning Commission.
15. Prior to occupation of the development, suitable arrangements being made for the implementation of the landscaping upgrades to Chapman Hill Road as depicted on the approved development and landscaping plans at the applicant/landowner's expense, to the satisfaction of the Western Australian Planning Commission, on advice from the City of Busselton.
- 16.
- (a) Prior to submission of the relevant building permit application, a Tree Protection Plan establishing tree protection zones as per Australian Standard AS4970-2009 and detailing the protection and care of retained site and verge trees during construction, is to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Busselton.
 - (b) The approved Tree Protection Plan is to be implemented to the satisfaction of the Western Australian Planning Commission.
17. Prior to commencement of development, final details of the water pump station location are to be provided, with any infrastructure to be setback a minimum of 3.0m from the edge of the Chapman Hill Road reserve, or as otherwise agreed, to the satisfaction of the Western Australian Planning Commission, on advice from the Water Corporation and the City of Busselton.

Public Art

- 18.
- (a) Prior to submission of the relevant building permit application, a Public Art Strategy for the development to the value of 1% of the construction value is to be submitted to, and approved by, the Western Australian Planning Commission, on advice from the City of Busselton.
 - (b) Prior to occupation of the development, the approved Public Art Strategy is to be implemented to the satisfaction of the Western Australian Planning Commission, on advice from the City of Busselton.

- (c) The on-site public art is to be maintained in accordance with the approved Public Art Strategy to the satisfaction of the Western Australian Planning Commission.

Materials and Finishes

- 19.
 - (a) The development is to be constructed with high quality and durable external materials and finishes, consistent with the approved development plans and perspectives (date-stamped 3 September 2025) (other than as amended by conditions of approval), to the satisfaction of the Western Australian Planning Commission.
 - (b) Prior to submission of the relevant building permit application, the applicant is to submit final details of the materials, colours and finishes of the exterior of the building(s), to the satisfaction of the Western Australian Planning Commission.
- 20. Prior to occupation of the development, a non-sacrificial anti-graffiti coating is to be applied to the external surfaces of the ground floor building and walls, and thereafter maintained, to the satisfaction of the Western Australian Planning Commission.

Operational Management

- 21.
 - (a) Prior to submission of the relevant building permit application, the Waste Management Plan dated 8 October 2024 is to be updated to reflect the detailed design, and submitted to, and approved by, the Western Australian Planning Commission, on advice from the City of Busselton.
 - (b) The approved Waste Management Plan is to be implemented and adhered to by the landowner/applicant and/or managers of the development, to the satisfaction of the Western Australian Planning Commission.

Sustainability

- 22.
 - (a) Prior to submission of the relevant building permit application, a Sustainability Strategy detailing the development's sustainability initiatives is to be submitted to, and approved by, the Western Australian Planning Commission and is to include (but not be limited to) the provision of parking bays equipped for the charging of electric vehicles consistent with the Western Australian Planning Commission's Position Statement on Electrical Vehicle Charging Infrastructure.
 - (b) Prior to occupation of each stage of the development, documentation from a suitably qualified professional is to be provided certifying that all applicable sustainability initiatives identified in the approved Sustainability Strategy have been incorporated in the construction of that stage and the ability of the development to be thereafter occupied and operated in accordance with the final approved Sustainability Strategy, to the satisfaction of the Western Australian Planning Commission.

Transport, Access & Parking

23.

- (a) Prior to submission of the relevant building permit application, preliminary road upgrade design plans (15% concept) for the upgrades to the Strelly Street, Busselton Bypass and Chapman Hill Road reserves, in accordance with the approved development plans, are to be submitted to, and approved by, the Western Australian Planning Commission, on the advice of Main Roads WA and the City of Busselton. The plans are to include, but are not limited to:
 - (i) service vehicle egress only at the northern site entry point;
 - (ii) a roundabout at the central site entry point;
 - (iii) a right turning lane into the site at the southern entry point;
 - (iv) a left turning lane at the northern end of Chapman Hill Road, adjacent to the Busselton Bypass intersection;
 - (v) a foot/cycle path along the Chapman Hill Road site frontage, connecting to the existing footpath on Busselton Bypass;
 - (vi) an additional lane to provide for turning from Strelly Street onto Busselton Bypass; and
 - (vii) a merge lane on Chapman Hill Road on departure from Busselton Bypass roundabout.
- (b) Prior to occupation of the first stage of the development, suitable arrangements are to be made for the implementation of the approved detailed design plans for the Strelly Street, Busselton Bypass and Chapman Hill Road reserves, at the full expense of the applicant/landowner, to the satisfaction of the Western Australian Planning Commission, on advice from Main Roads WA and the City of Busselton.

24.

- (a) Prior to occupation of the relevant stage of the development, certification is to be provided by a suitably qualified professional confirming that all car parking spaces, bicycle parking bays (racks and storage facilities) and vehicle accessways are constructed in accordance with Off-street Parking for People with Disabilities (AS/NZS2890.6 2009), Off-street Commercial Vehicle Facilities (AS2890.2:2002) and Off-street Car Parking - Bicycles (AS2890.3) and are consistent with the approved plans, to the satisfaction of the Western Australian Planning Commission, on advice from the City of Busselton.
- (b) All car parking spaces, bicycle parking bays and vehicle accessways are to be maintained by the owners and/or managers of the development, to the satisfaction of the Western Australian Planning Commission.

Advice

- a) This is a development approval only. The landowner/applicant is advised that it is their responsibility to ensure that the proposed development complies with all other applicable legislation, local laws and/or licence/permit requirements that may relate to the development. Contact the City of Busselton, Main Roads WA, Department of Fire and Emergency Services Built Environment Branch for further advice on relevant building, health, engineering and road reserve requirements.
- b) With regard to Condition 1, the term 'substantially commenced' has the meaning as set out in the Planning and Development (Local Planning Schemes) Regulations 2015 as amended from time to time. The substantial commencement date is calculated from the date the applicant receives the determination notice.

- c) With regard to Condition 2, 3 and 4, the final working drawings are to comply with all of the relevant conditions of development approval, as confirmed by the Western Australian Planning Commission (Commission), and any variations from the approved plans are required to be clearly identified.

Once the Commission is satisfied that the working drawings are consistent with the approved development plans and any reports and information submitted have adequately addressed the conditions of approval, it will provide a clearance letter and copies of the working drawings to the landowner/applicant to assist with the issuing of a building permit.

Where works and/or building permits are proposed to be staged, the Commission may agree to a staged clearance of working drawings and associated conditions of approval. In such cases a Conditions Staging Matrix will need to be completed and submitted for the Commission's approval. Interim documentation may be acceptable for the clearance of some conditions for the initial stages of the development, in accordance with an approved Conditions Staging Matrix. In an instance where interim documents or plans are accepted by the Commission, the documentation is required to identify the time or stage for the delivery of the final documents and/or plans.

The final plans and documents submitted to the Western Australian Planning Commission to satisfy the conditions of this approval will be verified by Department of Planning, Lands and Heritage officers and any other local or State Government agency, where applicable. Approval for any substantive changes to the approved plans and/or documents will need to be obtained in writing from the Commission, via an Amendment Application process (Form 11B-2).

Where works and/or building permits are proposed to be staged, the Commission may agree to a staged/phased clearance of working drawings and associated conditions of approval. In such cases a Conditions Staging Matrix will need to be completed and submitted for the Commission's approval.

- d) With regard to Condition 6, the Lighting Plan and subsequent installed lighting should demonstrate that any light spill to adjoining properties is minimised to acceptable levels and is in compliance with AS4282:1997.
- e) With regard to Condition 8, the Urban Water Management Plan is required to address the entirety of the site and draft State Planning Policy 2.9 (SPP 2.9) Planning for Water, SPP 2.9 Planning for Water Guidelines and the Better Urban Water Management Guidelines.
- f) With regard to Condition 11, the Water Corporation advises that any proposal for temporary tankering of wastewater prior to connection of the development to the sewerage network requires a Tankering Agreement. Approval of the agreement will be assessed based on the developer's eligibility and approval of a tankering strategy, after a contract has been awarded for the construction of the wastewater pump station and pressure main that are required for the development. Refer to the Water Corporation's Industrial Wastewater Pump Station Water Corporation Funded & Developer Delivered process map for further information.

In addition, the Department of Water and Environmental Regulation advises that due to the potential risks to the local environment, including potential wastewater spills entering the Vasse Wonnerup Wetlands, any proposed tankering would require a detailed risk

assessment and contingency measures to be developed and approved before tankering could be supported.

- g) With regard to Condition 18, a monetary contribution may be accepted in lieu of providing public art on site in accordance with the City of Busselton's Local Planning Policy 4.4 - Percent for Public Art.
- h) With regard to Condition 23, the detailed road works plans should address:
 - (i) relevant Austroads standards;
 - (ii) relevant Main Roads WA policies and design standards;
 - (iii) relevant City of Busselton policies and design standards;
 - (iv) truncations/ceding of land to the road reservation for the vehicle entry points; and
 - (v) include any associated necessary upgrades to kerbing, pedestrian crossings, drainage, stormwater management, landscaping, footpaths, and street lighting.
- i) Main Roads WA advises that any signage visible from Busselton Bypass is subject to a separate assessment and approval from Main Roads WA under the Main Roads (Control of Advertisements) Regulations 1996. Refer to the Main Roads WA Policy and Assessment Guidelines for Static/Digital Advertising Signs, which can be found on the Main Roads website.
- j) The Department of Water and Environmental Regulation advises:
 - (i) a clearing permit may be required under Part V of the Environmental Protection Act 1986 (EP Act), unless the clearing is exempt in accordance with Schedule 6 of the EP Act and the Environmental Protection (Clearing of Native Vegetation) Regulations 2004. It is the applicant's responsibility to ensure the necessary approvals are in place before commencing development. If clarification on compliance is required, contact the Department of Water and Environmental Regulation's Native Clearing section on 9724 6109.
 - (ii) as the site is located within the Busselton-Capel Sub-area proclaimed under the Rights in Water and Irrigation Act 1914, a section 26D Licence to Construct a Bore and section 5C Licence to 'Take' Groundwater will be required if the development landscaping is to be irrigated by groundwater.
- k) The Water Corporation advises formal building approval will be required for the development. An application can be submitted via the Water Corporation online portal BuilderNet.
- l) The Department of Biodiversity Conservation and Attractions advises that any trees identified with suitable hollows for black cockatoo breeding that are to be removed as part of this development should be felled outside of the birds' breeding period. If trees with suitable hollows are to be cleared within the breeding period, they should first be inspected by a suitably experienced fauna specialist to ensure that nesting is not occurring. If the inspection identifies nesting birds, a Section 40 authorisation under the Biodiversity Conservation Act 2016 will be required. Where nesting is occurring, trees should be demarcated and avoided until after the cockatoos have naturally completed nesting.
- m) The City of Busselton advises that in accordance with the requirements of the Local Government (Uniform Local Provisions) Regulations 1996, any vehicle access from the land to a road or other public thoroughfare must be in accordance with the City of Busselton's adopted Crossover Policy and Vehicle Crossovers technical specifications.

- n) Any handling of food intended for sale, or sale of food at this facility will need to comply with the Food Act 2008, Food Regulations 2009 and any relevant standards of the Australia New Zealand Food Standards Code. This includes the requirement to notify or register the food business under the Food Act 2008 with the appropriate enforcement agency (local government where the business is located) prior to commencing operating.
- o) All drinking water provided on site is required to meet the health-related requirements of the Australian Drinking Water Quality Guidelines 2011. Any non-drinking water must be managed to ensure it cannot be confused with or contaminate the drinking water supply. This requires satisfactory labelling of non-drinking water taps and, depending on system configuration and suitable backflow prevention arrangements in accordance with Australian/New Zealand Standards AS3500 – Plumbing and Drainage.
- p) Western Power advises a load connection request/application for electricity transmission services for the development will be required to be submitted and approved.
- q) If the landowner/applicant is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with Part 11B of the Planning and Development Act 2005.