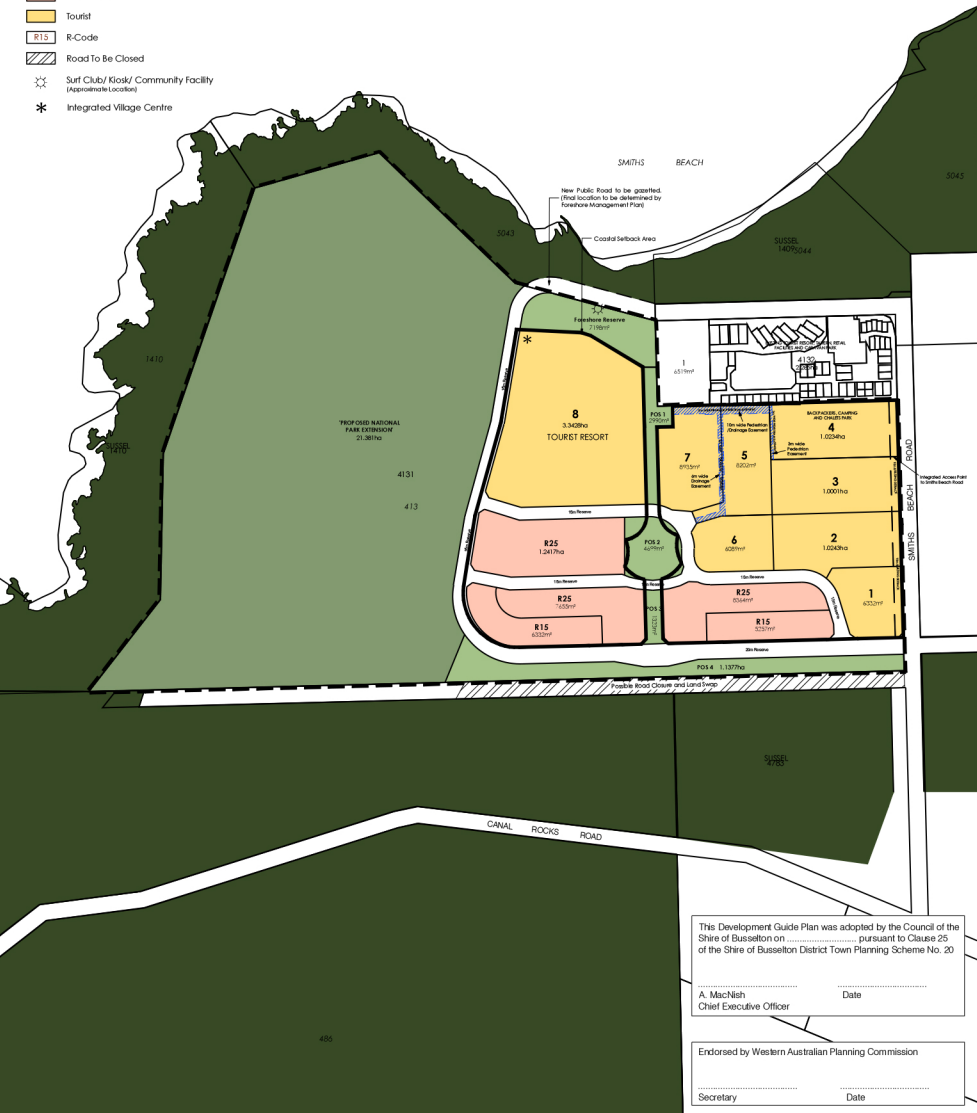


**LEGEND**

- Development Guide Plan Boundary
- Identified Development Land Area (IDLA)
- Existing Reserves
- National Park Extension
- Public Open Space and Reserves
- Residential
- Tourist
- R15 R-Code
- Road To Be Closed
- Surf Club/ Kiosk/ Community Facility (Approximate Location)
- Integrated Village Centre



INDIAN OCEAN



**PREAMBLE**

1. The objective of this Development Guide Plan (DGP) is to facilitate the planning and development of a Tourist Node of settlement at Location 413 Smiths Beach Road, Yallingup in the Shire of Busselton (the Shire), consistent with relevant provisions of the Leeuwin-Naturaliste Ridge State Planning Policy (as amended) (LNRSP) and Shire of Busselton Local Planning Scheme No. 20 (the Scheme). Residential development will be permitted on Location 413 but will be secondary to the predominant tourist function.

**CONDITIONS**

2. This DGP is comprised by the following plans:  
 Development Guide Plan No. 160-229-01 dated 23 December 2010  
 and  
 Special Height Control Area Map No. 160-230E-01 dated 23 December 2010

and includes the terms and conditions set out below and on those plans. Where the conditions specified by the DGP require preparation of a strategy, management plan, guidelines or similar plan or document, a report or plan previously prepared in explanation or support of this DGP, including as advertised, and updated or revised as appropriate may satisfy the requirement for that strategy, plan, guidelines or similar plan or document.

**Subdivision and development**

3. Subdivision and development of Location 413 shall be undertaken in accordance with the adopted DGP and shall not be commenced prior to the relevant approvals having been obtained.

**Staging of subdivision and development**

4. No staging of subdivision of Location 413 is permitted, except so as to comply with conditions 44 and 45.

**Retail floor space**

5. Stand-alone retail floor space within the Identified Developable Land Area shall not exceed 700 m<sup>2</sup> of net lettable area.  
 6. A maximum of 500 m<sup>2</sup> of ancillary retail floor space shall be integrated with the tourist and recreational facilities of the Resort and Village Centre and provide for local convenience shopping and services.

**Design and Settlement Guidelines**

7. Detailed design and settlement guidelines ("the Design and Settlement Guidelines") are required for all buildings and structures on Location 413 and must be lodged with, and if acceptable, be approved by the Shire prior to the commencement of subdivision and development. The Design and Settlement Guidelines must ameliorate the visual impact of development and:

- (a) set appropriate themes and standards for building location and orientation, built form, building heights, scale, roof pitch, external colours and materials, signage, curtilage and landscaping, including retention of significant flora, vehicle parking and access and fencing;
  - (b) with respect to proposed lot 5, provide for access and egress, and an address and entry statement portal to the road and a suitable refuse collection area that is coordinated and responsive to the design on proposed lots 6 and 7;
  - (c) provide a system of pedestrian easements across the tourist lots to facilitate permeability and access to public open space, community facilities, the village centre and public roads; and
  - (d) have regard to the matters referred to in:
    - (i) clause 27 of the Scheme and
    - (ii) the Shire's Reflective Building Materials Policy.
8. All development on Location 413 must conform to the Design and Settlement Guidelines.

9. The height of buildings must not exceed the applicable height limits in the:  
 (a) Special Height Control Area Map forming part of the DGP; or  
 (b) Design and Settlement Guidelines,  
 whichever provides the lower height limit.

**Tourist units**

10. The strata subdivision and/or development of any lot identified on the DGP for tourist use or accommodation shall be subject to common management arrangements set out in the management statement of any strata scheme to ensure the tourist units and any associated facilities are available at all times for tourists, visitors and travellers. These arrangements are not intended to preclude incidental owner use of tourist accommodation for holiday purposes of a maximum duration of 3 months in a 12 month period, however permanent owner occupation of accommodation in areas identified for tourist use is not permitted.

11. The site designated on the DGP as "Tourist Resort" shall be designed and built to include a range of recreation and function facilities and services, and is to operate under a management structure consistent with its land use designation as a resort.  
 12. Strata subdivision of the lot designated on the DGP for "Tourist Resort" development will not be considered until development of the site is substantially complete, as demonstrated through the issue of a certificate of classification for the development, or for approved stages of development, pursuant to the Building Regulations.

**Setbacks**

13. For the protection of development and safety of lives, all buildings (other than those for which an exemption is applicable under State Planning Policy No. 2.6: State Coastal Planning Policy, Schedule 1, part 6.) adjacent to the foreshore reserves shall be setback a minimum distance of 51 m from the "coastal setback datum" identified in the report entitled "May 2006 Canal Rocks Pty Ltd Lot 413 Smiths Beach: Re-assessment of coastal setback" prepared by MP Rogers and Associates Pty Ltd.

14. No buildings shall be permitted within the building setback areas abutting Smiths Beach Road identified on the DGP.

**Foreshore reserves**

15. Prior to approval to subdivide Location 413, a foreshore management plan shall be prepared under clause 5.1(d) and (iv) of State Planning Policy No. 2.6: State Coastal Planning Policy.

15A. The foreshore management plan shall be approved, if acceptable, by the Shire, with advice from the WAPC and Department of Environment and Conservation. If this requirement has not been fulfilled at the time of subdivision approval, then it shall be imposed as a condition of subdivision approval.

implementation of the foreshore management plan to the satisfaction of the Shire will be imposed as a condition of subdivision approval.

**16. The foreshore management plan must:**

- (a) include Crown allotments 5043 and 1410, and the area designated in the DGP for national park extension that is adjacent to the coast;
- (b) contain a schedule of works, public facilities, infrastructure and amenities provision and implementation schedule;
- (c) identify appropriate scale, design and siting of the proposed multi-purpose surf club building and to include suitable arrangements for the funding and implementation of the building;
- (d) identify those locations for implementation of the plan;
- (e) provide for the appropriate upgrading of the Cape to Cape Walk Trail within and adjacent to Location 413;
- (f) identify required works to be fully implemented prior to the Shire's clearance of the conditions of any subdivision approval granted for Location 413.

17. The foreshore reserve is not to be used for any drainage works or functions, excluding absorption structures and subsurface stormwater drainage and that do not diminish the capacity of the area for public use.  
 18. The foreshore reserve as shown on the DGP together with all that land in the west of the site identified by this DGP for national park extension must be transferred to the Crown free of cost and without any payment of compensation at subdivision or the first stage of development of Location 413 as a reserve for conservation purposes.

**Management Plan - Western Ringtail Possum**

19. Prior to the commencement of any works associated with the implementation of any approved development, subdivision or strata-subdivision, a management plan for Western Ringtail Possums shall:  
 (a) be prepared and submitted to the Department of Environment and Conservation for approval prior to implementation of the plan; and  
 (b) once approved, be implemented to the satisfaction of the Department of Environment and Conservation.

**Remnant vegetation**

20. Remnant vegetation (i.e. native vegetation remaining once clearing consistent with the revegetation, rehabilitation and landscaping and landscape strategy plans has occurred) on Location 413 that is to be retained in the development is to be protected in perpetuity by covenant or another similar measure which shall be established to the satisfaction of the Shire.

**Diaback hygiene management plan**

21. A diaback hygiene management plan shall be prepared and submitted for approval by the Shire, which:  
 (a) proposes measures to ensure that diaback disease is not spread from, or to, Location 413 during development;  
 (b) conforms with the Department of Environment and Conservation's publication entitled: "Best Practice Guidelines for the Management of *Phytophthora cinnamomi*"; and  
 (c) conforms with the diaback requirements contained in section 3 of the Shire's publication entitled "Engineering Technical Standard's Specifications".

22. Work associated with the implementation of any approved development, subdivision or strata-subdivision must not commence until the diaback hygiene management plan is approved by the Shire.

**Fire management plan**

23. A fire management plan must be prepared and implemented to the satisfaction of the Shire and the Fire and Emergency Services Authority.

24. Development must be undertaken in compliance with:

- (a) Part 3.7.4 (Bushfire Areas) of the Building Code of Australia; and
- (b) Australian Standard 3959.

25. A memorial is to be placed on the Certificate of Title for those lots affected by the fire management plan advising of the requirement to comply with the approved fire management plan and the owner's responsibility to maintain fire protection measures and emergency access to an appropriate standard.

**Community facilities**

26. A comprehensive community facilities infrastructure contribution plan shall be:

- (a) prepared, which identifies the basis for determination of contributions to be made to fund community facilities and infrastructure within the locality required as a direct result of the development of the land;
  - (b) submitted to, and approved by, the Shire prior to the lodgement of an application for planning approval or building licence and prior to the clearance of any subdivision or strata subdivision of land within Location 413; and
  - (c) implemented to the satisfaction of the Shire.
27. A community purpose facility with a minimum floor area (GFA) of 200 m<sup>2</sup> shall be provided in association with the village centre or as part of the proposed multi-purpose surf club building. Suitable arrangements will be made as a condition of subdivision for the implementation of the building.

**Revegetation, rehabilitation and landscaping**

28. A revegetation, rehabilitation and landscaping plan for the Identified Developable Land Area (IDLA) shall be:

- (a) prepared and submitted to the Shire for approval as part of any application for planning consent; and
- (b) implemented in conjunction with subdivision and development to the satisfaction of the Shire.

**Landscape strategy**

29. A landscape strategy plan for the road reserves including Smiths Beach Road, where it adjoins Location 413, and public open space areas shall be prepared, which:

- (a) indicates the location and species of all trees to be removed and/or retained;
- (b) indicates the location and type of fencing to be installed, including where appropriate to clearly delineate open space and prevent informal vehicle access, parking on and use of open space and adjacent national park and foreshore reserves;
- (c) indicates the location and type of reticulation to be installed; and
- (d) indicates the location and type of paving to be installed; and

(e) includes a plant schedule nominating each species, the spacing of species, the numbers of plants required, the size of each plant to be used at the time of planting and the anticipated height of each plant at maturity.

- 30. The landscape strategy plan shall be:
  - (a) submitted to and, if acceptable, approved by the Shire with advice from the Department of Environment and Conservation;
  - (b) the subject of a management agreement between the owner and the Shire; and
  - (c) implemented to the satisfaction of the Shire with advice from the Department of Environment and Conservation.

**Construction management plan**

31. Prior to commencement of any works on Location 413, a construction management plan shall be:

- (a) prepared, which details the technical, physical and contractual measures to minimise environmental impacts during construction and post-construction phases of subdivision and development;
- (b) submitted to and, if acceptable, approved by the Shire; and
- (c) implemented to the satisfaction of the Shire.

**Stormwater and drainage**

32. A stormwater and drainage management plan shall be:

- (a) prepared, which identifies the locations and dimensions of all proposed pump stations, infiltration basins and sumps;
- (b) submitted to and, if acceptable, approved by the Shire and the Department of Water; and
- (c) implemented to the satisfaction of the Shire.

**Dust management**

33. A dust management plan is to be:

- (a) submitted to and, if acceptable, approved by the Shire;
- (b) implemented at subdivision and each and every stage of development to the satisfaction of the Shire.

34. Work associated with the implementation of any approved development, subdivision or strata-subdivision must not commence until a Dust management plan, a Construction management plan and a Stormwater and Drainage management plan are approved by the Shire.

**Utilities and services**

35. All subdivision and development is to be connected to underground power, telecommunications and reticulated water and sewage services. Alternatives to conventional reticulated water and sewerage, such as an integrated black and grey water re-use scheme for the overall development, and the use of rainwater tanks, are to be considered as part of the servicing strategy for the project.

36. All utilities and services on Location 413 are to be contained within the IDLA or where outside the IDLA within a public road reserve, Shire managed reserves or easements specifically created for that purpose.

37. These connections are to occur at the first stage of development at the full cost to the owner/developer and to the satisfaction of the Shire and, in relation to water and sewage, the Water Corporation.

38. Installation of services between Location 413 and external connection points shall be undertaken in accordance with a construction plan approved by the Shire, the primary objective of which is to ensure that landscape values of the road reserves, declared rare flora and remnant vegetation and the road pavements of the proposed service routes are not degraded by installation of service connections off site.

39. Where the installation of services within the road reserve is constrained as a consequence of the presence of remnant vegetation or declared rare fauna, the owners of land adjoining the service route should be consulted to ascertain whether an alternative alignment of the servicing can be provided.

**Traffic management and parking**

40. A traffic and parking strategy shall be:

- (a) prepared by a suitably qualified traffic engineer, which:
    - (i) shows the required upgrading works for the local road system, including Canal Rocks Road, Smiths Beach Road and the intersection of Canal Rocks Road and Caves Road;
    - (ii) shows the staging of these works relative to the staging of the development and identify provision of or contribution to those works by the developers of the respective stages;
    - (iii) assesses the future public, private residential and tourist car park requirements generated by the development proposed in the DGP; and
    - (iv) demonstrates that sufficient foreshore parking or alternative access is provided for tourist and residential development as well as the demands of visitor and the general public;
  - (b) submitted to the Shire and, if acceptable, approved by the Shire and Main Roads WA; and
  - (c) implemented to the satisfaction of the Shire prior to the Shire's clearance of any condition of any approval granted for the subdivision or strata subdivision of land within Location 413.
41. All residential lots are to contain on-site car parking in accordance with the Residential Design Codes.

**Fencing**

42. Covenants are to be placed on all lots to prohibit boundary fencing except those boundaries common with public accessways and public open space where open style fencing only may be permitted where consistent with the design and settlement guidelines required under paragraph 7 above.

43. Fencing of courtyards and private open space within the curtilage of residential dwellings will be permitted.

**Further subdivision**

44. Except as provided in Condition 45 subdivision of the residential lots depicted on the DGP will only be permitted in accordance with the Residential Design Codes.

45. It is permissible to create minor access roads and/or "battlement" lot landles through the R25 coded area to service lots to be created in the subdivision of the R15 coded area, so as to minimise the number of access crossings from the primary access road on the southern perimeter of the development.

# SMITH'S BEACH - DEVELOPMENT GUIDE PLAN

LOCATION 413 SMITHS BEACH ROAD, YALLINGUP

SHIRE OF BUSSELTON

