

# Smiths Beach Project

State Development Application



## Acknowledgment of Country

*We respectfully acknowledge the traditional custodians of the land upon which Smiths Beach stands today, the Wardandi clan of the Nyoongar Nation.*

*We honour elders past, present and emerging whose knowledge and wisdom will ensure the continuation of cultures and traditional practices.*





# Executive Summary

## *Creating a coastal village for our South West*

We are pleased to lodge this Development Application for the Smiths Beach Project. Our vision is to create a sensitively designed coastal village anchored in a unique place and culture. Guided by the landscape and its natural beauty, our philosophy is to retain, rehabilitate and create with purpose. We have brought together a team of experts in design excellence who share this vision and will deliver a sustainable village that provides tourism, community and economic benefits to the South West region.

When we purchased the site at Smiths Beach in 2014, I wanted to create something far better than the plan that had already been approved. The approved Structure Plan we inherited essentially fights with nature – if developed, there will be a suburban style subdivision with retaining walls and the permanent loss of large areas of vegetation. The approved plan simply squashes as much development as possible into an area arbitrarily defined by an existing firebreak, resulting in a higher density than we believe is appropriate for this site.

To produce a much better result, we have set aside the approved plan and started again. To start, we secured the services of Australia's acclaimed landscape designers, McGregor Coxall, along with West Australian environmental specialists. We asked them to examine the landscape closely again – its contours, water flows, orientation and significant flora and fauna.

Our approach is based on significantly reducing density and shaping the development in a way that preserves high quality vegetation. Instead of a highly visible, suburban style development; there will be widely dispersed buildings on substantially larger blocks and with extensive managed natural vegetation retained throughout the Project.

The lodgement of this Development Application represents the culmination of over 5 years of work understanding the site, understanding the tourism and community needs of the area, and working closely with the Wardandi Traditional Owners of the South West Boodjarra region. They're guiding us in planning and delivering cultural experiences, skilled employment and education opportunities for Nyoongar youth, traditional land management practices, as well as an ongoing cultural burning project to enhance bushfire management. These relationships will add great depth and value to the community and the natural environment will be better for it.

Limited private investment in tourism in the South West region, particularly short stay accommodation, has been made in the past two decades, resulting in ageing hotel stock and amenities that do not meet the expectations of contemporary tourist demand. A well-coordinated and multifaceted approach to address tourism opportunities is now required, comprised of government initiatives and facilitation, and coupled with private investment.

Blessed with a stunning array of natural assets, the main attractions for tourists in the South West region, including

adventure and nature-based activities, align with the key global trends in tourism and Tourism WA's new branding for Western Australia: "Spirit of Adventure".

I'm an avid walker and love the Cape to Cape Track, which brings people right to the boundary of the site. After much contemplation it became obvious that we have a unique opportunity to use this location to immerse visitors in the natural wonders of the track. Our proposal will enhance the visitor experience on the Cape to Cape Track, and elevate its positioning as a unique tourism attraction. We believe our past performance in delivering world class Tourism and Hospitality projects, such as the award-winning State Buildings, provides us with a unique foundation to bring this vision to reality.

At the heart of the village will be the Cape to Cape Welcome Centre providing a curated selection of experiences for all visitors on the Track and to the region, including immersive Aboriginal cultural experiences. Important new community facilities will also be provided including the Smiths Beach Surf Life Saving Club, a general store, café, bakery and reception hall. A range of accommodation options complete the village, including hotel accommodation with restaurant and wellness offerings, as well as a campground and holiday homes. The village offers something for everyone, from walkers, tourists, hotel guests and locals.

**Adrian Fini**  
**Smiths 2014 Pty Ltd**



“

*For over 20 years this privately owned land has been zoned and ready for development – now it's time for a new vision backed by contemporary thinking and planning.*

”

#### Environmentally sensitive

- Reduced density and dispersed buildings to maximise vegetation retention (larger lot sizes).
- Key habitats retained for better fauna protection.
- 41% of site transferred by owners to National Park.
- Additional 10% of site set aside as natural open space.
- Coordinated vegetation management to facilitate a sensitive, site responsive bushfire management approach.

#### Better visual response

- Buildings nestled within larger areas of retained/managed vegetation.
- Low profile and dispersed built form.
- Site specific building envelopes selected to manage visual integration.

#### Well defined, contemporary tourism offering

- Dedicated Cape to Cape Welcome Centre.
- Cultural education through immersive Aboriginal experiences.
- Diverse range of accommodation – hotel, camping, holiday homes (short stay).

#### Meaningful community assets

- New Surf Life Saving Club.
- General Store/bakery, café, hire shop.
- Rehabilitated foreshore.
- Improved pedestrian and vehicle access to Smiths Beach and Smiths Point.
- Additional public foreshore parking.



**Landscape Led Masterplan Vision**  
Refer to Section 3.0 and Appendix D - Design Report



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Appendix C – Development Plans

Appendix D – Architectural Design Report

Appendix E – Visual and Landscape Assessment

Appendix F – Landscape Report

Appendix G – Bushfire Management Plan and Bushfire Emergency Management Plan

Appendix H – Transport Impact Assessment and Parking Demand Analysis

Appendix I – Waste Management Plan

Appendix J – Noise Assessment

Appendix K – Heritage Report

Appendix L – Environmental Assessment Report

Appendix M – Foreshore Management Plan

Appendix N – Coastal Hazard Assessment

Appendix O – Engineering Report

Appendix P – Urban Water Management Plan

Appendix Q – Economic Benefit Study

Appendix R – Sustainability Strategy

Appendix S – R-Codes Assessment

Section

1.0



# INTRODUCTION



# 1.0 Introduction

On behalf of Smiths 2014 Pty Ltd, this report has been prepared in support of a Development Application (DA) pursuant to Part 17 Section 271 of the Planning and Development Act 2005, and requires determination by the Western Australian Planning Commission (WAPC).

The proposed development comprises a Tourist Development, Community Hub, Campgrounds, Holiday Homes and associated infrastructure, landscaping, public open space, car parking, movement network (vehicular, pedestrian and emergency access), National Park and Foreshore Reserve extensions (Proposal).

The Proposal has an estimated construction value of \$280 million and would create 1,106 Full Time Equivalent (FTE) direct and indirect jobs during construction and 92 FTE ongoing jobs per annum (directly and indirectly) supported by on-site operations.

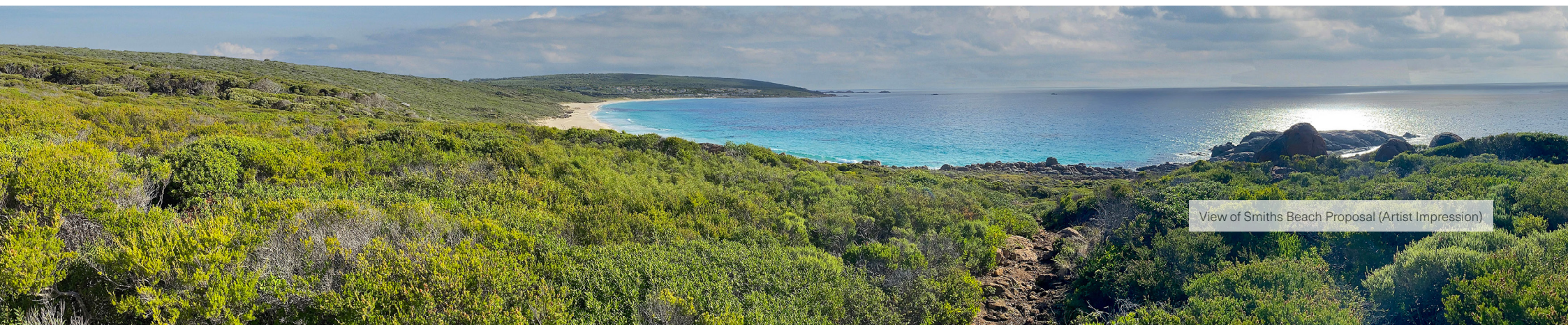
The subject site (site) is located within an approved Structure Plan (SP), formerly Development Guide Plan for Smiths Beach, and is subject to Schedule 2 – Additional Uses (Additional Use 36), Schedule 8 – Provisions applying to Sussex Location 413 Smiths Beach Road, Yallingup, and various other provisions of the City of Busselton Local Planning Scheme No. 21. (LPS 21 / Scheme). This application is generally consistent with the provisions of the Scheme and the intent of the SP; however the Proposal has sought to take an environmental and landscape led, site responsive approach, which has resulted in a Masterplan with some inconsistencies with the existing planning framework.

We (the Proponent) believe the currently approved SP facilitates an outcome that is not in keeping with the local context and character of the region. Under the SP, an intensive development can be delivered that works against the natural landform and doesn't prioritise vegetation retention. Conversely, this Proposal delivers a vastly improved outcome for the region with reduced intensity of development, allowing greater retention of vegetation whilst also respecting the site's natural landform and visual amenity requirements.

The applicant seeks the WAPC's determination under the significant development assessment provisions given:

- The value of the proposed development (more than \$20 million);
- The employment generation during and after construction (COVID-19 response);
- The site, for all intents and purposes has a planning framework in place to facilitate this development; and
- The WAPC is able to exercise discretion to resolve anomalies between the existing planning framework and the Proposal.

We are seeking the support of the relevant referral authorities and the approval of the WAPC.



View of Smiths Beach Proposal (Artist Impression)

This report includes:

- Description of the site and context;
- Description of the Proposal, including the design vision, land use and built form;
- A summary of the specialist technical inputs, and how these have informed the Proposal, with the full technical reports contained in the Appendices;
- Details of why the Proposal is considered to be a Significant Development;
- A description of the Environmental Approval Framework;
- Details of the design review process;
- Details of the Strategic and Statutory Planning Framework;
- A Performance Assessment of how the Proposal aligns with the Strategic and Statutory Planning Framework;
- Details of how the Proposal responds to the Significant Development considerations;
- Requested conditions of approval and approval timeframe; and
- A conclusion which summarises the key matters addressed, and requests the WAPC grant approval of the Proposal.

This report should be read in conjunction with the following material which also forms part of the Development Application:

- Appendix A – Application Forms and Checklist
- Appendix B – Certificate of Title
- Appendix C – Development Plans
- Appendix D – Architectural Design Report
- Appendix E – Visual and Landscape Assessment
- Appendix F – Landscape Report
- Appendix G – Bushfire Management Plan and Bushfire Emergency Management Plan
- Appendix H – Transport Impact Assessment and Parking Demand Analysis
- Appendix I – Waste Management Plan
- Appendix J – Noise Assessment
- Appendix K – Heritage Report
- Appendix L – Environmental Assessment Report
- Appendix M – Foreshore Management Plan
- Appendix N – Coastal Hazard Assessment
- Appendix O – Engineering Report
- Appendix P – Urban Water Management Plan
- Appendix Q – Economic Benefit Study
- Appendix R – Sustainability Strategy
- Appendix S – R-Codes Assessment



1.1 Key Project Parameters



## 1.2 Development Approval








This application seeks development approval for the following:

Tourist Development	<ul style="list-style-type: none"> <li>Hotel, Lounge and Bar</li> <li>Restaurant</li> <li>Swimming Pool</li> </ul>	<ul style="list-style-type: none"> <li>Tourist Accommodation</li> <li>Wellness Centre - Spa and Gym</li> <li>Bushfire Refuge (integrated component of Tourist Development and Community Hub)</li> <li>Ancillary and incidental uses</li> </ul>
Community Hub	<ul style="list-style-type: none"> <li>Cape to Cape Welcome Centre</li> <li>Surf Life Saving Club</li> <li>Café</li> <li>General Store and Bakery</li> <li>Liquor Store - Small</li> <li>Hire Shop</li> <li>Reception Hall</li> </ul>	<ul style="list-style-type: none"> <li>Artist in Residence Studio</li> <li>Community Garden</li> <li>Public amenities including showers and toilets</li> <li>Bushfire Refuge (incorporated within the Community Hub and Tourist Development)</li> <li>Promenade and associated forecourt landscaping</li> <li>Ancillary and incidental uses</li> </ul>
Campgrounds	<ul style="list-style-type: none"> <li>36 camp sites (timber platforms)</li> <li>Central facilities including toilets and showers, kitchen facilities, communal lounge spaces and BBQ areas</li> </ul>	
Retail Floorspace	1,262 NLA m <sup>2</sup> <ul style="list-style-type: none"> <li>810m<sup>2</sup> Stand Alone in the Tourist Development:               <ul style="list-style-type: none"> <li>All Day Dining – 435m<sup>2</sup></li> <li>Hotel Lounge and Bar – 332m<sup>2</sup></li> <li>Wellness Centre – 43m<sup>2</sup></li> </ul> </li> </ul>	452 m <sup>2</sup> Ancillary in the Community Hub: <ul style="list-style-type: none"> <li>Café and Bakery – 255m<sup>2</sup></li> <li>General Store – 127m<sup>2</sup></li> <li>Hire Shop – 70m<sup>2</sup></li> </ul>

Holiday Homes	<ul style="list-style-type: none"> <li>61 Holiday Homes (Grouped Dwellings up to 12 persons)</li> </ul>	
Open Space and Conservation	<ul style="list-style-type: none"> <li>Public Open Space</li> <li>Private Open Space (with public access)</li> <li>Network of Paths including public paths in Public Open Space and private paths with public access outside of the Public Open Space</li> </ul>	<ul style="list-style-type: none"> <li>Proposed Foreshore Reserve extension:               <ul style="list-style-type: none"> <li>Yarning Circle</li> <li>Rock Pool Nature Play</li> <li>Foreshore Nature Play</li> </ul> </li> <li>Proposed National Park extension (private land transferred to National Park)</li> <li>Rehabilitation and revegetation of conservation areas</li> <li>Management of vegetation to various bushfire asset protection levels</li> </ul>
Services	<ul style="list-style-type: none"> <li>Power</li> <li>Water</li> </ul>	<ul style="list-style-type: none"> <li>Aerobic Treatment Units</li> <li>Lighting</li> </ul>
Infrastructure	<ul style="list-style-type: none"> <li>Bulk Earthworks</li> <li>Access Roads</li> </ul>	<ul style="list-style-type: none"> <li>Emergency Access</li> <li>Car Park</li> </ul>
Landscape and Revegetation	<ul style="list-style-type: none"> <li>Refer draft Landscape Report at <b>Appendix F</b> (finalisation and implementation anticipated as condition of approval)</li> </ul>	
External Works (subject to separate approvals)	<ul style="list-style-type: none"> <li>Off-site road/parking upgrades required as a result of assessment</li> <li>Foreshore works as per Foreshore Management Plan (<b>Appendix M</b>)</li> <li>Southern Access road (Project reference "Leeuwin Way")</li> </ul>	



## 1.3 Project Team

Landscape Architect (Masterplan Vision and Landscape Design)	
Lead and Design Architect (Tourist Development and Holiday Homes)	<b>Kerry Hill Architects</b>
Design Architect (Community Hub, Campgrounds and Holiday Homes)	<b>spaceagency:</b> architects
Design Architect (Holiday Homes)	
Design Architect (Holiday Homes)	<b>MORQ</b>
Design Architect (Holiday Homes)	
Architect / Design Advisory	<i>Sharni Howe Architects</i>
Environmental/Bushfire	
Town Planning & Urban Design	
Civil, Hydraulic, Power, Infrastructure, Sustainability and Energy Disciplines	
Acoustic	

Coastal Engineer	
Visual and Landscape Assessment	
Aboriginal Inputs, Engagement, Bushfire	<i>Indigenous Advisor - David Collard &amp; Associates in collaboration with the Cultural Working Group of Wardandi Traditional Owners</i>
Tourism and Hospitality Advisory	<i>Anneke Brown</i>
Community Engagement	<b>ORGsight</b>
Transportation and Parking	
Public Relations	<b>clarity.</b>
Survey	<b>MNG.</b>
Hydrology	
Legal / Community Title	
Waste Management	
Economic Impact Analysis	

1.4 Community and Stakeholder Engagement

Extensive community and stakeholder consultation has informed the formulation, design and proposed Masterplan for the Smiths Beach Project.

Significant community engagement occurred during 2003 and 2005 as part of the Structure Plan and Environmental approvals process by Creating Communities for the previous landowner, to inform the planning framework that exists for the site today.

The information gathered from this previous engagement process has informed the design which has been presented to key community and stakeholder groups over the last 12-18 months, to 'close the loop' and confirm the design meets the expectations identified previously.

The Proposal does not seek to challenge or circumvent the existing planning framework, but instead seeks to utilise the existing planning framework and refine the design to achieve the best possible outcome for the site.

A summary of the pre-lodgement consultation which has informed the Proposal is included in Table 1.



Figure 1 Community and Stakeholder Engagement 2003-2007



From mid-2019, we started to formulate the overarching vision for the Smiths Beach Project, culminating in the completion of a detailed 'Cape to Cape' document which provided a vision and road map for growing sustainable tourism demand in the South West. This initiative was focused on establishing the Cape to Cape Track as an iconic tourism attraction and formed the basis of our initial engagement with key stakeholders from early 2020 and the subsequent evolution of the Proposal as detailed in this application.

Since early 2020, targeted stakeholder engagement has been conducted during the design formulation phase of the Project. The method of engagement has been a series of one-on-one meetings and small group presentations with local businesses, resident groups, community organisations, and Local and State Government Agencies.

Local and State based media articles, including advertorials in local newspapers have been activated ahead of DA lodgement. The intention of media activity is to ensure consistent messaging of the Proposal and to respond to concerns raised in the community via social media, press media and radio media.

There will be continuing communications and engagement about the Project post-DA submission with information provided via the media, digital channels and a programme of meetings.

**Table 1 Pre-Lodgement Consultation Summary**

Stakeholder Groups	Date of Consultation	Consultation Detail	
Local Residents and Resident Groups	November 2020 – ongoing	Various meetings to discuss and obtain feedback on the Proposal, including clarifications on: <ul style="list-style-type: none"> <li>• Visual impact</li> <li>• Pedestrian pathways</li> <li>• Bushfire management</li> </ul>	<ul style="list-style-type: none"> <li>• Foreshore</li> <li>• Traffic and parking</li> <li>• Servicing</li> <li>• Environmental initiatives</li> <li>• Masterplan</li> </ul>
Local Business Owners and Tourism Operators	January 2020 – ongoing	Various meetings to discuss: <ul style="list-style-type: none"> <li>• Tourism industry trends and fundamentals</li> <li>• Cape to Cape Track information</li> <li>• Tourism offering</li> <li>• Foreshore revegetation proposal</li> </ul>	<ul style="list-style-type: none"> <li>• Masterplan</li> <li>• Infrastructure services</li> <li>• Landscaping</li> <li>• Parking and access</li> <li>• Acoustic impacts</li> </ul>
Aboriginal Community	September 2020 – ongoing	Various meetings, site visits and workshops to discuss: <ul style="list-style-type: none"> <li>• Proposal consultation</li> <li>• Cultural storytelling – design and wayfinding across site</li> </ul>	<ul style="list-style-type: none"> <li>• Land management – vegetation and bushfire</li> <li>• Tourism offering and supply chain opportunities</li> <li>• Long term employment opportunities</li> </ul>
Community Groups and Local Associations	September 2020 – ongoing	Various meetings to discuss and obtain feedback on the Proposal, including discussions on: <ul style="list-style-type: none"> <li>• Bushfire management</li> <li>• Fauna habitat protection</li> <li>• Landscape and revegetation plans</li> <li>• Acoustic impacts</li> </ul>	<ul style="list-style-type: none"> <li>• Parking</li> <li>• Infrastructure</li> <li>• Tourism offerings</li> <li>• Cape to Cape Track information</li> <li>• Surf Life Saving Club design and facilities</li> <li>• Masterplan</li> </ul>
State Government and Local Authorities	January 2020 – ongoing	Various meetings to discuss and obtain feedback on the Proposal, including discussions on: <ul style="list-style-type: none"> <li>• Economic and Social Benefits</li> <li>• Cape to Cape Track significance</li> <li>• Unbeaten Tracks project</li> <li>• Tourism offerings, employment and supply chain benefits</li> <li>• Community offerings</li> <li>• DA process and program</li> <li>• Servicing requirements</li> </ul>	<ul style="list-style-type: none"> <li>• Bushfire management</li> <li>• Roads and infrastructure planning and upgrades</li> <li>• Foreshore Management Plan</li> <li>• Landscaping</li> <li>• Construction Management Plan</li> <li>• Local Biodiversity Plan</li> <li>• Future Foreshore and POS reserves management</li> </ul>

1.4.1 Key Findings and Outcomes

Our ongoing community and stakeholder consultation confirmed that the community themes and main community perceptions received between 2003-2007 remain valid today. These formed the basis of our design brief and the landscape and environmentally led Proposal, and they align in general with the Design Objectives and Strategic Drivers defined in **Section 3.1.1.1** and **Section 3.1.1.2**. We believe our Proposal captures the community sentiments and represents a substantial improvement from the approved Structure Plan in place today.

Design Objectives/Strategic Drivers

1. Enhanced foreshore with increased public amenity

<i>Foreshore Access to Smiths Point</i>	<i>Community Infrastructure</i>
<i>Tourism Precinct</i>	<i>Activity</i>
<i>Aboriginal Heritage</i>	<i>Accessibility</i>
<i>Beach Culture</i>	<i>Economic Vitality</i>
<i>Meeting Place</i>	<i>Interaction</i>
<i>Relaxed</i>	<i>Surfing</i>
<i>Community Spirit</i>	

2. Retention of natural landform and landscape character / Landscape Led / Visual integration

<i>Vegetation Retention</i>	<i>"Rotto" Feel</i>
<i>Natural Environment</i>	<i>Identity</i>
<i>National Park Extension</i>	<i>Scale and Visual Impact</i>
<i>Natural</i>	<i>Low Key</i>
<i>Blending with the Environment</i>	

3. Environmental safeguard / Vegetation management for bushfire protection

<i>Environmental Approvals</i>	<i>Coastal Protection</i>
<i>Emergency Access/Beach Ramp</i>	<i>Welcome Centre</i>
<i>Emergency Services</i>	<i>Land Management</i>
<i>Surf Life Saving Club</i>	

4. Landscape rehabilitation / Regenerate disturbed areas

<i>Natural Environment</i>	<i>Land Management</i>
<i>Visual Integration</i>	<i>Fauna Habitat</i>

Figure 2 illustrates the Vision which is expressed as the relationship between the place themes, the land uses and the experiences consistent with the role and function for the Tourism Node.

Our vision seeks to deliver a diverse range of experiences as part of the Proposal.

These experiences are generated from the various land use activities available via the Community Hub, Cape to Cape Welcome Centre and the Tourism Development and through the environmental and landscape initiatives embedded in the Masterplan across the site.

Collectively, the Proposal has carefully considered and addressed the community's aspirations for the site.

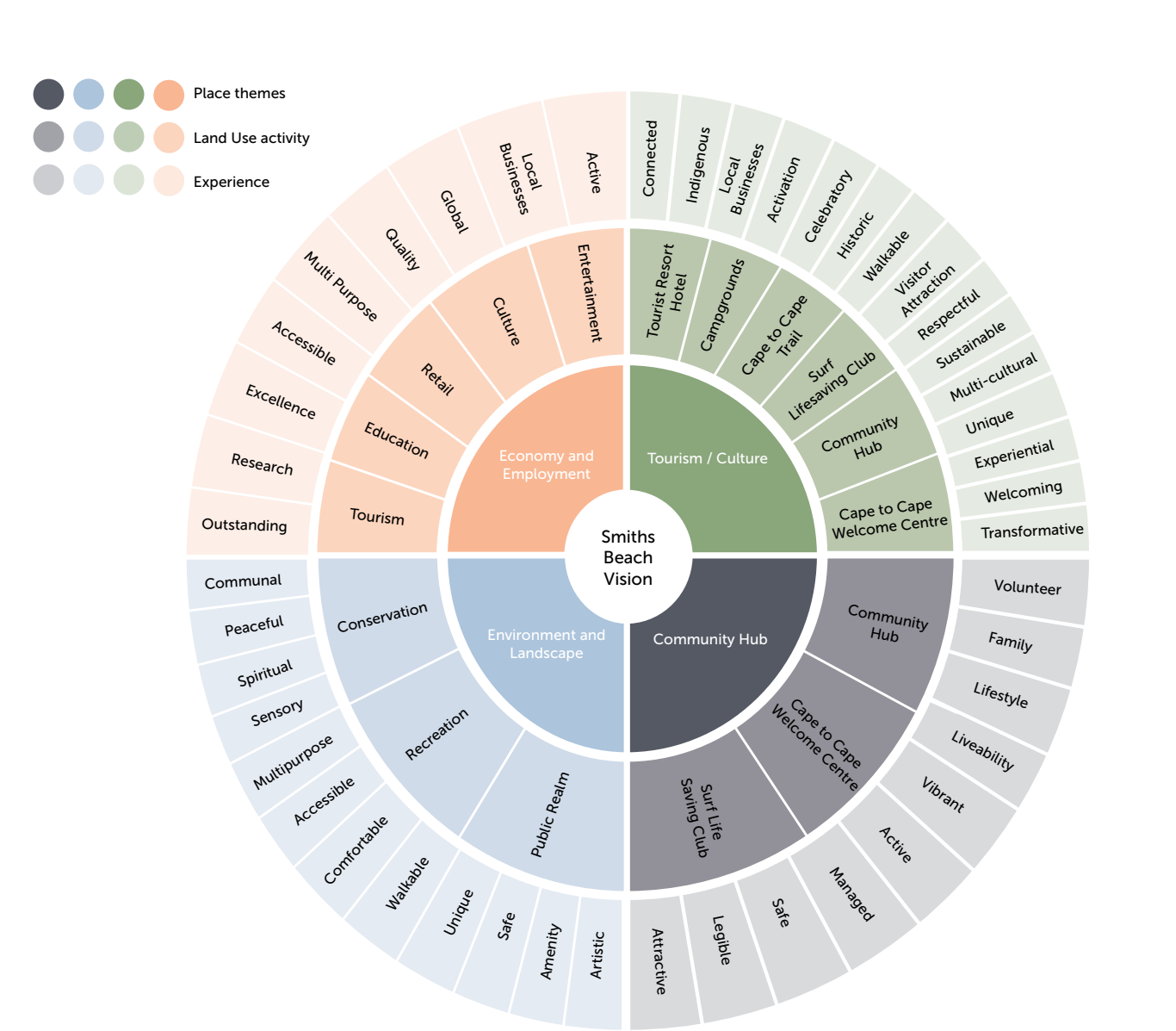


Figure 2 Coastal Village Vision  
SMITHS BEACH PROJECT - STATE DEVELOPMENT APPLICATION 17





Section

2.0

# SITE AND CONTEXT



# 2.0 Site and Context

## 2.1 Subject Site

The site, shown in **Figure 3**, comprises 40.5012 ha and is located along the Cape to Cape Track overlooking Smiths Beach in Yallingup. It is bound by Smiths Beach Road to the east, the Leeuwin-Naturaliste National Park to the south and unallocated Crown land to the north and west. The Canal Rocks Beachfront Apartments and Smiths Beach Resort abuts the north-eastern corner of the site.

The site is vacant and covered in coastal vegetation and rocky outcrops. A bushfire access track runs around the perimeter of the site (with the exception of the western boundary), and an additional access track runs north-west throughout the centre of the site.

The details of the site are included in **Table 2**.

**Table 2 Subject Site**

Lot Details	Lot 4131 on Deposited Plan 61991
Certificate of Title	2725/612
Area	40.5012ha
Land Owner	Smiths 2014 Pty Ltd



**Figure 3 Subject Site**



## 2.2 Local Context

The site overlooks the Indian Ocean and is in proximity to a range of natural and built tourist attractions (refer [Figure 4](#)). The Cape to Cape Track which runs between Cape Naturaliste and Cape Leeuwin, runs adjacent to the site. There are also two public car parks near the site, located off Smiths Beach Road which provide pedestrian access to Smiths Beach, a popular swimming and surfing beach. A natural rockpool (often referred to as the “Aquarium”), is located west of the site and is accessible via the Cape to Cape Track. Part of the Leeuwin Naturaliste National Park is located adjacent the southern boundary of the site.

Surrounding accommodation includes the Smiths Beach Resort, Chandlers Smiths Beach Villas and the Canal Rocks Beachfront Apartments. The site’s location overlooking Smiths Beach, adjacent the Cape to Cape Track, and its proximity to a range of natural and built tourist attractions emphasizes the site’s potential for a range of tourism, community and accommodation uses.

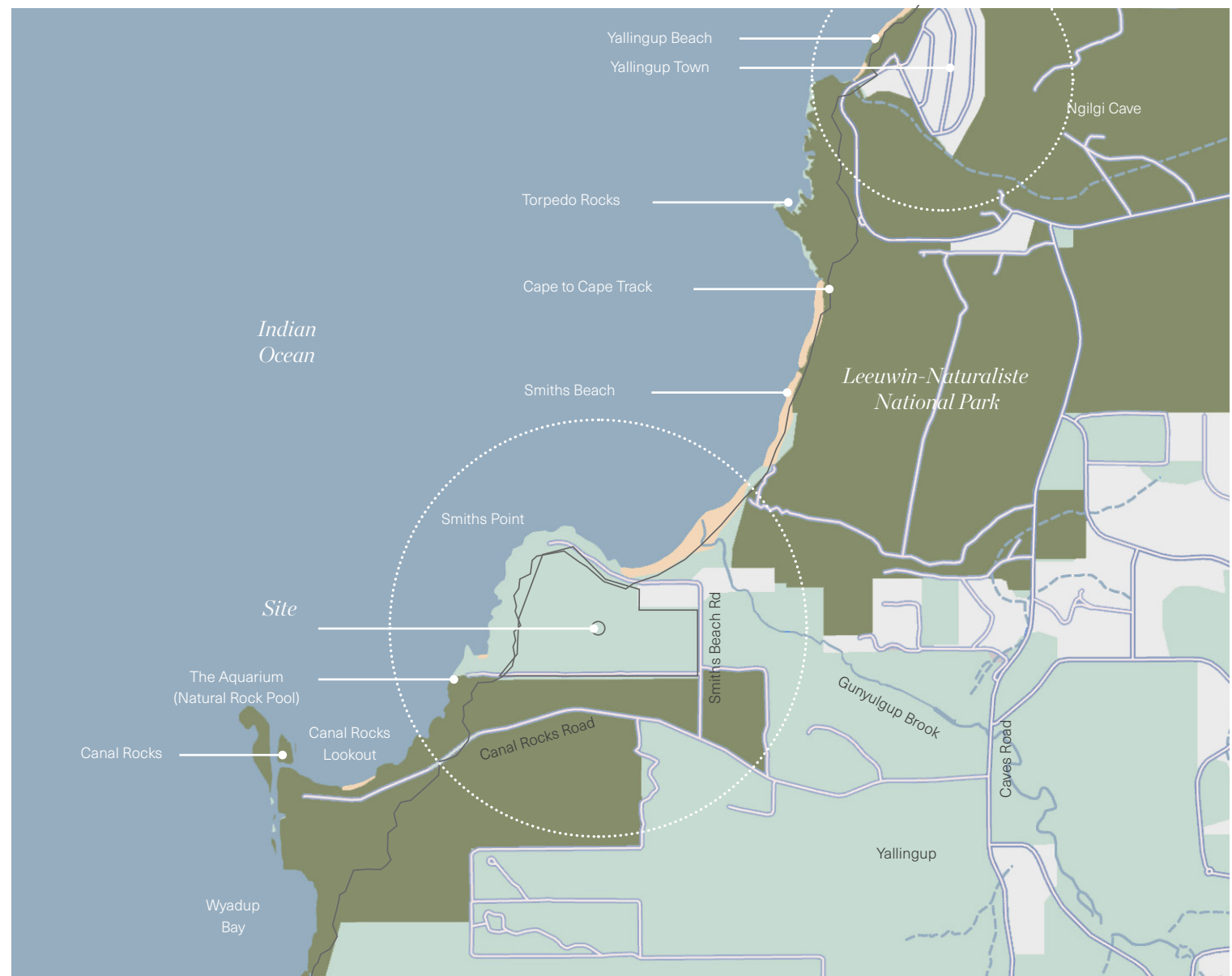


Figure 4 Local Site Content

## 2.3 Regional Context

The site is located within the South West region of Western Australia – one of the most popular tourism destinations in Western Australia, synonymous as a place rich in nature, adventure, culture, coastal, culinary and historical experiences. The South West region covers an area of approximately 24,000 square kilometres. Within the region the site is located in the City of Busselton local government area. The City of Busselton is one of the fastest growing regions in Western Australia with a significant focus on tourism that utilises the local area's connection to natural assets including beaches and national parks as well as other attractions such as wineries.

The site's location is immediately adjacent to the Indian Ocean and Cape to Cape Track, and its proximity to natural and built tourist attractions provides excellent potential for a range of tourist and accommodation facilities and community assets.

The site is situated 2.2km south-west of Yallingup, 14km south-west of Dunsborough, 37km west of Busselton and 40km north of the Margaret River town sites, all four of which have significant retail and community infrastructure (refer **Figure 5**). The site is located 44km (40 minutes' drive) from the newly upgraded Busselton Margaret River Airport which has secured additional interstate services with the intention of facilitating international services in the future to open further tourism opportunities within the region.

## 2.4 Tourism Context

Western Australia's tourism industry reached record figures in 2019, pre COVID, with the industry valued at \$11 billion. Tourism to Australia's South West pre COVID, was achieving strong growth with 2019 results up 8% in visitor nights, and up 15% in expenditure for the year ending 2019. Tourism WA place the 3-year average for annual visitors for the period 2017-2019 across the City of Busselton as 865,000. The average annual spend in the tourism industry in the City of Busselton is placed at \$501 million representing a significant market across intrastate, interstate and international tourism.

For the year ended March 2021, the South West accounted for 32% of total overnight tourist visitor nights in Western Australia (or 49% excluding visitor nights in Perth).

As expressed in the Executive Summary, the South West region offers incredible adventure and nature-based activities that align with key global trends in tourism. The South West's positioning as a significant adventure tourism destination is further supported through Tourism WA's new branding "Spirit of Adventure" and recognises the South West tourism industry's contribution to the region and the State.

The Cape to Cape Track itself attracts approximately 20,000 walkers per year, who undertake a range of short, day and multi-day walks. Iconic walking destinations around the world all have three common success factors: established infrastructure; a strategic range of walker accommodation; and welcome and interpretation centres. The TWA Cape to Cape Pre-Feasibility Study Oct 2020, notes *"the optimal positioning and point of difference that will enable the Cape to Cape to grow the supported walker market share relative to other well-known multi day walks, lies in the connection between the walk and other attributes and experiences of the destination"*.

Limited private investment in tourism, particularly short stay accommodation, has been made in the past decade, resulting in ageing hotel stock and amenities that do not meet the expectations of tourist demand today. The Smiths Beach Project is perfectly positioned to elevate the area as a destination of choice for activity and nature-based tourism, to rival the most sought-after tourist destinations in Australia and the world. Growth in tourism demand will generate considerable economic benefits and employment opportunities for Western Australia and the regional communities of the South West.



As illustrated in **Figure 5**, the Smiths Beach Project is ideally located in close proximity to a range of natural and built tourism attractions, as well as established town sites.



**Figure 5 Regional Context**





The Cape to Cape Track near Smiths Point





Section

**3.0**

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# PROPOSED DEVELOPMENT

## 3.0 Proposed Development

### 3.1 The Design Vision

#### Design Statement

The Smiths Beach Project, located on Wardandi Country of the Nyoongar Nation, is a landscape led destination that leverages the region's iconic coastline, National Park, and endemic ecology to create an authentic experience true to the Aboriginal translation of the Gunyulgup Boodja – a place to rest on Country. Working in close collaboration with the City of Busselton, Aboriginal stakeholders and the local community, a comprehensive site structure weaves vegetation-bound accommodation with traditional cultural elements and the iconic beachfront through a series of nature-embedded trails.

#### Our Design Vision has been formulated to achieve the following key objectives:

- **Landscape Led** - allowing the landscape to define the appropriate location for development on the site.
- **Visual Integration** - design and location of built form sensitively located within the landscape to minimise visual impact.
- **Environmental Safeguard** - protecting the site from bushfire risk and coastal erosion processes.
- **Landscape Rehabilitation** - regenerating degraded areas of the site with endemic species.

The Smiths Beach Masterplan (Masterplan) proposes an environmentally sensitive and landscape led design approach that prioritises the site's unique natural elements. Behind the Project is an industry-leading team of experts who share design excellence in delivering a best-practice, environmentally sensitive, development outcome. The result is a built form proposal that integrates lightly into the landscape and is sympathetic to surrounding vegetation. Overall, the Masterplan proposes a lower yield and dispersed footprint which has been shaped around vegetation classified as 'Excellent', resulting in significantly more vegetation being retained compared to what could occur under the current approved Structure Plan.

The design vision for the Proposal is to embrace a strong sense of place that respects the site and its flora and fauna, and takes a leading sustainable approach to all design and materials. The design team has been guided by the landscape and natural assets of the site, with the shared philosophy to retain, rehabilitate and create with purpose. This Project is a great example of how we can deliver a landscape led village within and around the beautiful natural assets of the region. Innovation has been at the forefront of the vision in the approach to planning, architecture and design, with the goal to deliver a benchmark tourist village that is deserving of this special site.

The vision is to establish the area as a world-renowned iconic tourism attraction and destination and deliver a Project that aligns with world's best-practices. Anchored by the Cape to Cape Track, the heart of the village will be the "Cape to Cape Welcome Centre", a highly-curated and innovative 'welcome centre' providing tourist information, facilities and amenity within a central node for all visitors to the region.

The intention is to complement and enhance the visitors and community's experience within the South West region by supporting and building on initiatives that have already been identified as key to the region (e.g. authentic/local produce; taste of Margaret River, etc). This node will strengthen; not diminish the regional Cape to Cape outcomes and allow a network of other businesses to flourish.

Aboriginal culture and traditional practices have been woven into the Project beginning with the vision and this will culminate with the creation of sustainable employment opportunities and more broadly with a supply chain in the region that supports the operation of the completed Project. Extensive engagement with the local Traditional Owners, the Wardandi people, has informed the land use and vegetation approach, design of wayfinding and storytelling throughout the site, tourism offerings and employment and Project supply chain opportunities.







### 3.1.1 Landscape Led Outcome

#### 3.1.1.1 Guiding Principles

Key guiding principles have ensured the design process retains the site's coastal authenticity whilst balancing visual amenity, environmental, bushfire, cultural and socio-economic outcomes.

The guiding principles are:



#### Enhanced foreshore with increased public amenity

Enhance the Smiths Beach foreshore with additional public amenity to ensure a greatly improved user experience within a rehabilitated and naturalised landscape.



#### Vegetation management for bushfire protection

Manage bushfire fuel loads through targeted and strategic vegetation management.



#### Retention of natural landform and landscape character

Retain the key environmental and landscape characteristics of the site whilst visually integrating built form in respect of the contextual significance of the Project.

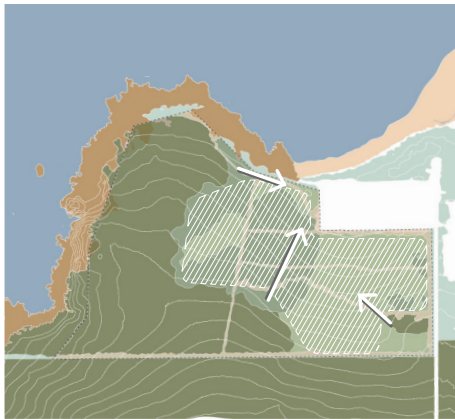


#### Regenerate disturbed areas

Rehabilitate degraded areas with naturally occurring endemic species to complement the natural features of the site.

### 3.1.1.2 Strategic Drivers

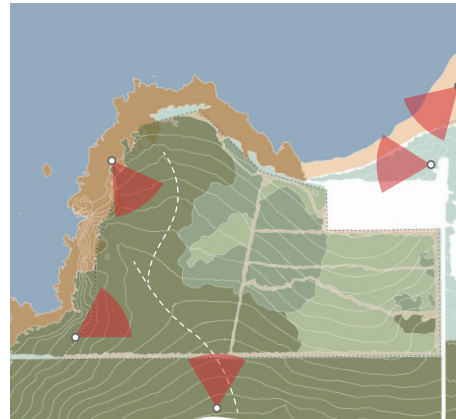
The design team has adopted the approach outlined in the Smiths Beach Combined Methodologies 2004 to complete a thorough landscape, visual and environmental assessment of the site. This assessment is outlined in the 'Site Analysis' chapter of the Design Report (Refer [Appendix D](#)) and has inspired the formation of strategic drivers used to guide the developable areas of the site.



#### Landscape Led

The Project seeks to establish a development footprint that responds to the natural assets of the site. Specifically, a key guiding factor for the envelope is the 'Excellent' quality vegetation which encompasses the western and southern portions of the site boundary.

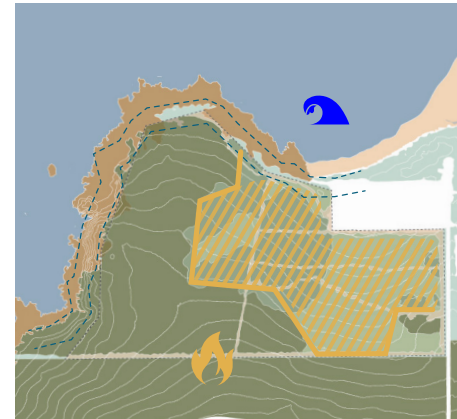
Much of this vegetation will be transferred to National Park which will provide an important ecological linkage to the existing northern and southern National Parks.



#### Visual Integration

The site contains high levels of scenic amenity - the coastal topographic ruggedness, variety of vegetation communities and ocean presence defines a landscape of aesthetic significance.

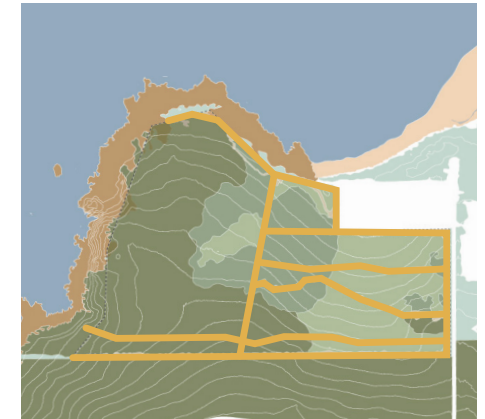
The visual amenity of the site taken from key external locations have been considered to best analyse and integrate the built form into the landscape as sensitively as possible.



#### Environmental Safeguard

The Project utilises innovative strategies to cater for significant natural events, including coastal storm surges, climate change and potential bushfires. The Project proposes a series of setbacks and nuanced modified landscapes that respond to the site-specific context of the potential threat.

These strategies have been endorsed as part of the design process to ensure a safe and resilient community for the years to come.



#### Landscape Rehabilitation

The introduction of firebreaks and vehicular tracks throughout the site has produced large portions of degraded habitat creating visual and environmental scars that traverse through the landscape.

The Project proposes a revegetation framework to transform these scars back to a regenerated state by using planting palettes of endemic species.

## 3.2 Land Use and Built Form

The proposed land uses are based on the four key precincts:

1. Tourist Development (Section 3.2.1)
2. Community Hub (Section 3.2.2)
3. Campgrounds (Section 3.2.3)
4. Holiday Homes - Western/Eastern (Section 3.2.4)

as shown in Figure 6.

The Masterplan illustrates the core components of the Proposal (Figure 7), with the detailed development plans contained in Appendix C and Appendix D.

### LEGEND

- Tourist Development
- Community Hub
- Holiday Homes
- Campgrounds

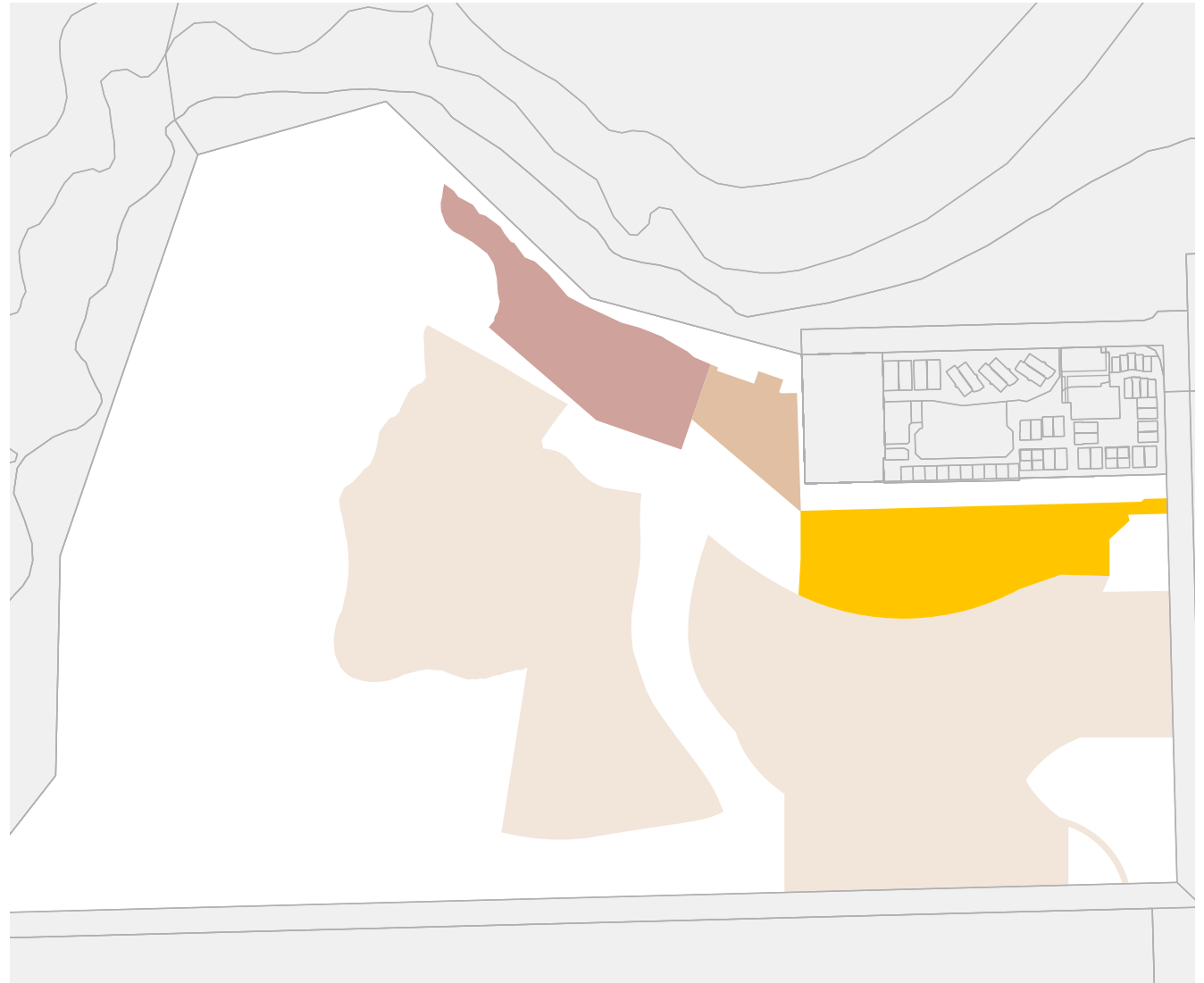


Figure 6 Smiths Beach Masterplan Precincts



## LEGEND

1. National Park Extension (transfer to Crown from private ownership)
2. Cape to Cape Track
3. Foreshore Reserve
4. Hotel
5. Hotel Drop-off
6. Restaurant
7. Universal Beach Access
8. Smiths Common
9. Cape to Cape Welcome Centre
10. Surf Life Saving Club
11. Café & General Store
12. Smiths Lane - Public Car Park & Drop Off
13. Campground
14. Communal Facilities
15. Holiday Homes Eastern
16. Park Spine
17. Holiday Homes Western
18. Proposed Public Car Park
19. Service Infrastructure
20. Leeuwinn Way
21. Cape Arrival



0 100m



Figure 7 Smiths Beach Masterplan



Existing Resort  
(Chandlers)

Campgrounds

Eastern  
Holiday Homes

Western  
Holiday Homes

Area transferred to  
National Park



Existing Resort  
(Smiths Beach)

Existing Resort  
(Canal Rocks)

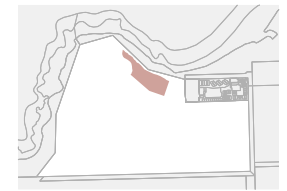
Community Hub

Tourist  
Development

Cape to Cape Track

Smiths Point





### 3.2.1 Tourist Development

The Tourist Development will be an iconic public destination strategically located to complement the Smiths Beach Foreshore, becoming an integral part of the Yallingup communal fabric. The Tourist Development provides accommodation as well as a range of dining and recreation options, and multi-functional spaces for visitors and locals to enjoy.

Land uses within the Tourist Development comprise:

- Hotel;
- Restaurant;
- Hotel Lounge and Bar;
- Wellness Centre Spa and Gym
- Tourist Accommodation;
- Swimming Pool;
- Bushfire Refuge (utilising buildings across the Community Hub and Tourist Development); and
- Ancillary and incidental uses.

The architectural response to the Smith Beach Project is elegant and understated. Natural materials and simple forms provide a strong connection to the site. Individual components have their own language but are united by a coherent architectural vision.

The Tourist Development will be open to the public, and focuses on a permeable, approachable design to entice local and day visitors to enjoy its range of facilities and offerings. Spaces are organised to optimise views and offer meaningful opportunities to engage with the surrounding landscape.

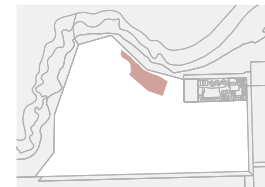
The Hotel offers numerous lounge and dining options, including a Restaurant which can accommodate up to 200 patrons. Neighbouring the foreshore and Community Hub, the Restaurant offers the public and guests an opportunity to experience the beachfront with accessible dining throughout the day. Above the Restaurant, facing north, sits the Hotel

Lounge and Bar, providing a presence and visual identity for the Tourist Development. The Hotel Lounge and Bar is open to in-house and external guests, and includes a range of spaces, seating and meeting rooms, including a “Third Space” which provides opportunities for social gatherings and business meetings.

A Wellness Centre comprising a Spa and Gym is nestled into the earth to the south of the Tourist Development, surrounded by retained significant vegetation. The Spa includes four treatment rooms and has a small retail component which will showcase a range of local gift items, clothing and spa products.

The Tourist Accommodation provides 65 rooms. The rooms are discretely situated to the west of the Hotel Lounge and Bar, in small modules to allow for vegetation corridors between the buildings to integrate with the landscape and reduce visual impact to the site and provide for improved views north towards the ocean. The rooms are designed to engage with the surrounding environment, the natural textures and neutral tones responding to the coastal lifestyle of the South West.

The buildings integrate garden, retained landscape with the surrounding vegetation and ocean views to provide a meditative quality to key spaces, offering a sanctuary from the busy urban world. The large verandah and sweeping boardwalk connects the Tourist Development public areas and protects the vegetation beneath.



## LEGEND

1. Eco Suites
2. North Hotel Wing
3. Feature Conservation Area
4. South Hotel Wing
5. Pool Deck
6. Hotel Lobby
7. Hotel Drop-off
8. Hotel Car Parking (below)
9. Shared Buggy Network
10. Alfresco Terrace
11. Public Access
12. Spa
13. Gym
14. Hotel Entry Road



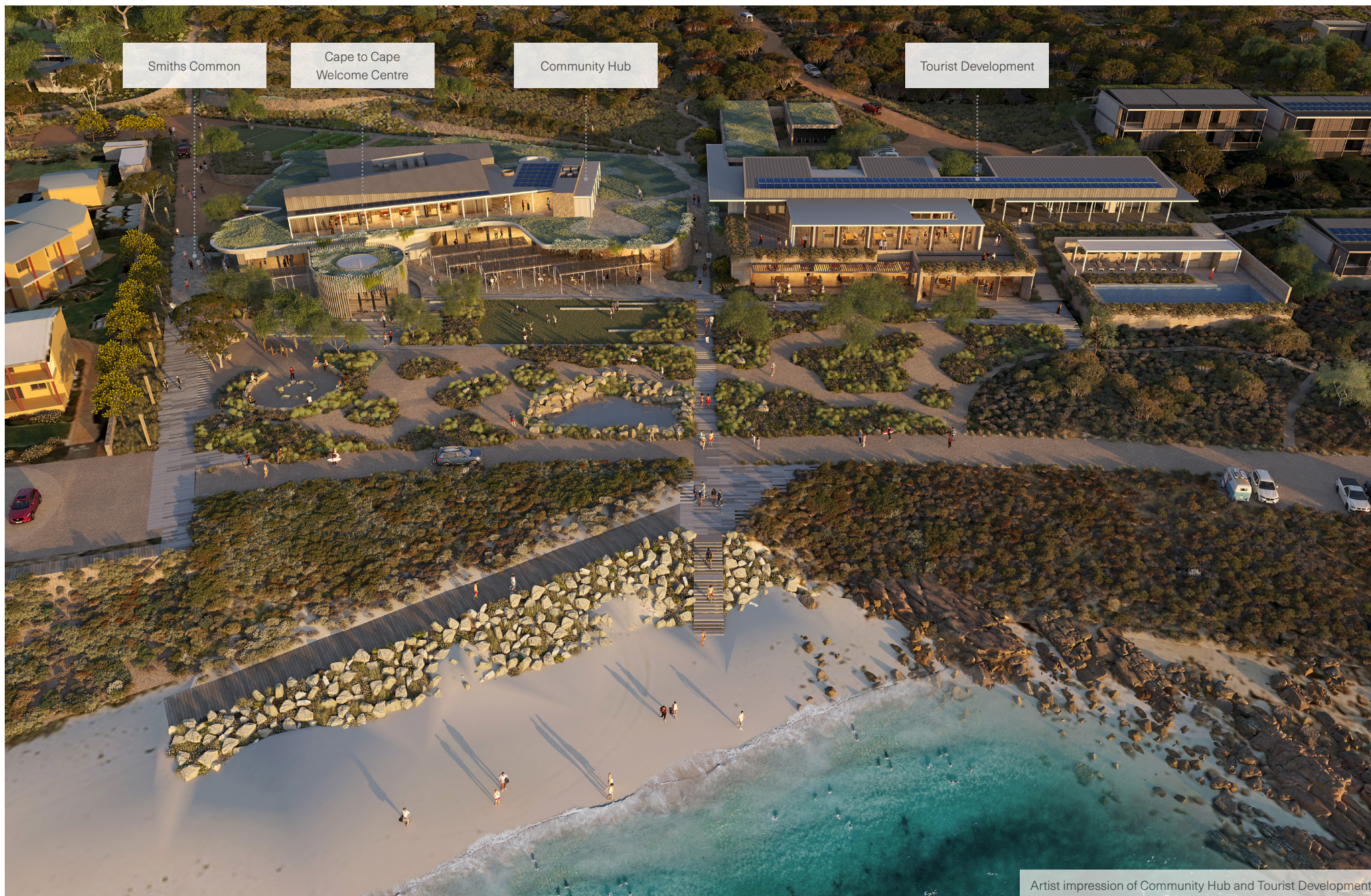
Figure 8 Tourist Development





View of Tourist Development from Smiths Beach









Artist impression of Tourist Accommodation



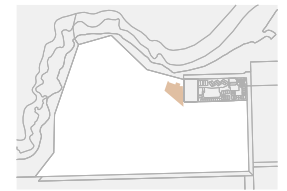


Artist impression of Tourist Development Entry





Artist impression of view from Tourist Development



### 3.2.2 Community Hub

The Community Hub provides a number of functions that deliver public amenity for the local community and important tourism infrastructure relating to Smiths Beach and the Cape to Cape Track. Land uses include:

- Cape to Cape Welcome Centre;
- Surf Life Saving Club;
- Café;
- Café Terrace;
- General Store / Bakery;
- Liquor Store – Small;
- Hire Shop;
- Reception Hall;
- Artist in Residence Studio;
- Bushfire Refuge (utilising buildings across the Community Hub and Tourist Development);
- Public Amenities including showers and toilets;
- Community Garden;
- Promenade and associated forecourt landscaping; and
- Ancillary and incidental uses.

The Community Hub consists of a number of buildings clustered together surrounded by outdoor spaces. These buildings are the interface between the existing Canal Rocks Apartments and Smiths Beach Resort to the east and the proposed Tourist Development to the west. The alignment of the proposed buildings responds to the adjacent development orientation and transitions to match the proposed orientation of the Tourist Development buildings.

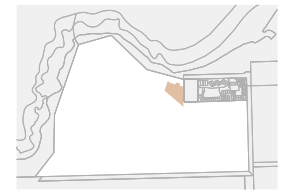
The composition of these buildings and uses creates an environment where hikers, surf club members, beach goers and Café patrons will mix together and add to the atmosphere of the place. Whether it is during quieter times in mid-winter or at capacity during summer holidays, it is anticipated that the mix of activity will be compatible and enhance the overall visitor experience.

Overall, the ground level appears embedded in the site, beneath a landscaped roof, with stone walls and stairs forming the western interface with the Tourist Development and Community Garden to the south/east. It terraces gently up from the south car park level to the upper level reducing the visual impact of the built form while allowing most of the associated service and 'back of house' facilities to be concealed from view.

Smiths Common along the eastern boundary has been carefully considered as an important connection to the beach, foreshore and café level for pedestrians from the south. As a 'shared zone', pedestrians have right of way over delivery and service vehicles accessing the back of house loading dock and the SLSC moving equipment to the beach from the boat shed. The connection is also an important emergency vehicle access route, when required, in the event of fire or another emergency.

The Community Hub buildings are designed to meet the bushfire refuge requirements; equipped with bathroom facilities, first aid equipment, and ample space to shelter a large number of people as necessary in an emergency.





## LEGEND

1. Café Terrace
2. Yarning Circle
3. Lawn Terrace
4. Nature Play
5. Cape to Cape Welcome Centre
6. Surf Life Saving Club (Ground Floor)
7. Loading Zone
8. Community Garden
9. Café (Ground Floor)
10. General Store (Ground Floor)
11. Reception Hall
12. Hotel Access
13. Smiths Common (Access to Public Car Park/Foreshore)
14. Universal Access Ramp to Hotel

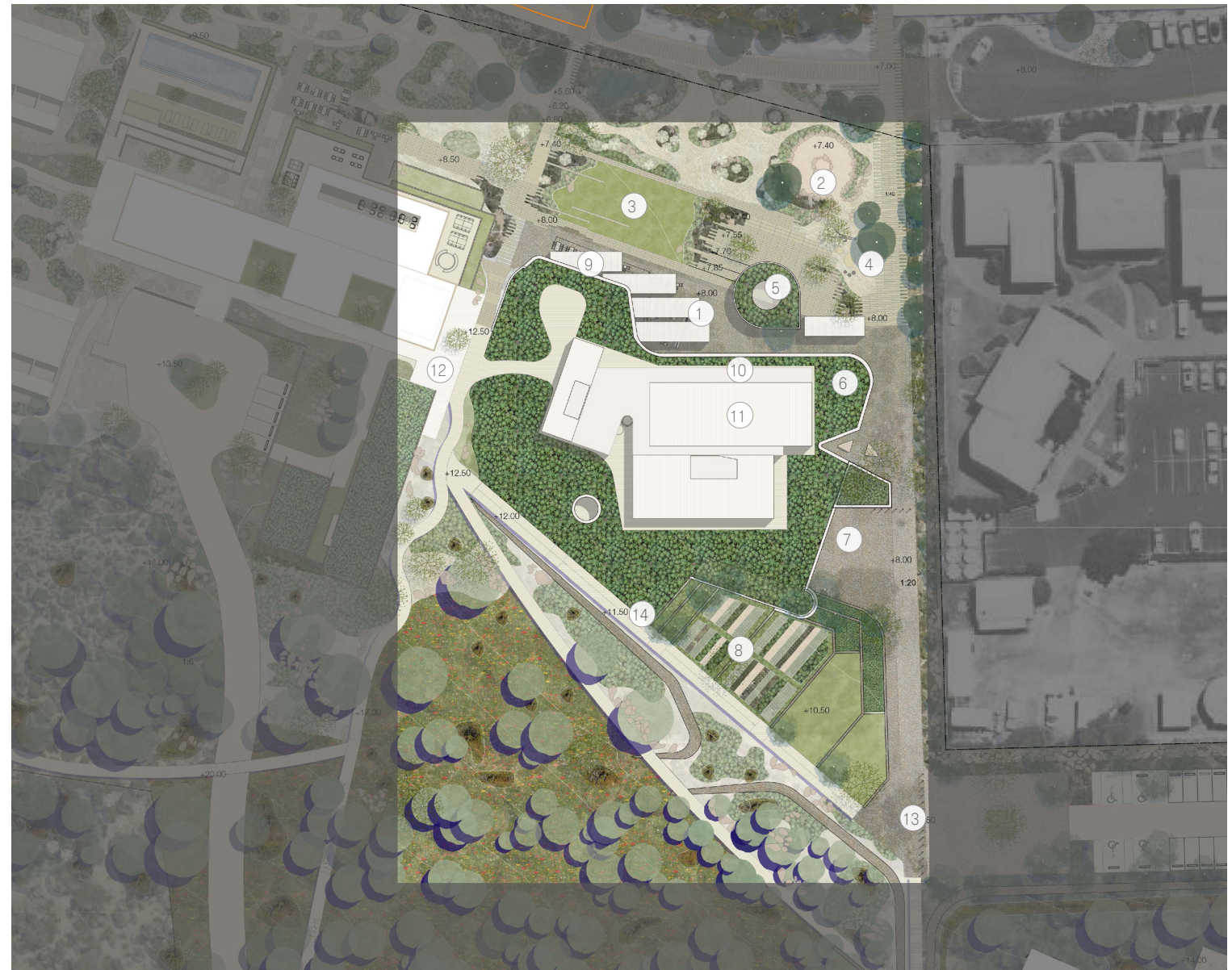


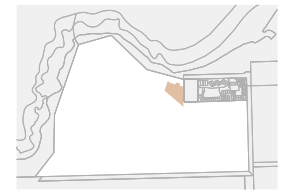
Figure 9 Community Hub





Artist impression of Foreshore Entry





### Cape to Cape Welcome Centre

The Cape to Cape Welcome Centre building stands as a foreground structure with a distinct presence and address to the north to interface with the Cape to Cape Track, maintain views to the ocean, and form a clearly identifiable landmark element of the site. The circular appearance of the Welcome Centre building, lit from above, is a reference to the lighthouses that bookend the Cape to Cape walk.

The Cape to Cape Welcome Centre will provide a curated selection of experiences for all visitors on the Cape to Cape Track and to the region, including immersive Aboriginal cultural experiences. It is intended to offer a range of information and interpretive elements that showcase Aboriginal culture, local history and environment, exhibit local artisans, provide walking track maps and guides, and become a meeting place for walking and guided groups.

### Surf Life Saving Club

The Smiths Beach Surf Life Saving Club boat shed and club rooms occupy the north east corner of the ground level with associated beach showers, public toilets and change-rooms, activating the area with club activities and providing an important patrol base during the peak season (December to January) and on Sundays from mid-November to March. The Surf Life Saving Club will provide emergency rescue equipment, and is an essential community safety asset, and will have an iconic presence on the site.

### Food and Beverage / Other

The Café, General Store, Bakery and Hire Shop make up the remainder of the ground level frontage to the north facing terrace, offering food, provisions, hire equipment and a place to stop and rest. The Café will accommodate up to 94 seats, and the Café Terrace up to 80 seats. The north lawn terrace that transitions from the Café Terrace to the foreshore reserve, is an accessible and democratic space, offering a relaxed, sandy feet experience, an iconic feature of many Australian beachfronts.

The General Store and Bakery will sell convenience goods commonly sold in supermarkets, delicatessens or newsagents, including items baked on the premises. The General Store will also sell liquor, adding to the convenience of the Community Hub. There will be a particular focus on local produce in order to showcase the South West region's food, wine and craft beer.

The Hire Shop will provide the hiring of equipment associated with the Cape to Cape Track and beach activities.

### Reception Hall

The first-floor of the Community Hub includes a Reception Hall, outdoor terrace and Artist in Residence studio. The Reception Hall and outdoor terrace will be used to host functions, ceremonial occasions and community groups, such as weddings, conferences, yoga, artist in residence workshops, or similar communal activities, with a seated capacity of up to 150 people. The design language of the upper level Reception Hall, along with associated back of house, kitchen, bar and toilets, and an Artist in Residence studio, references a pair of rural sheds.

The first-floor buildings are situated within a landscaped roof that connects with the productive garden terraces – we envisage an opportunity for a native 'edible garden' as part of the tourism potential for the site. Aesthetically, the collection of buildings has been designed to be in keeping with the context and character of the place, suggesting a coastal/ rural vernacular while also minimising visual impact. Materials, with low contrast against the existing vegetation colours, and high shadow direction will be selected to assist in minimising visual impacts. Materials, such as weathered timber cladding and stone walls project a robust and enduring pallet which respect the visual landscape, and will age gracefully and recede into the landscape.



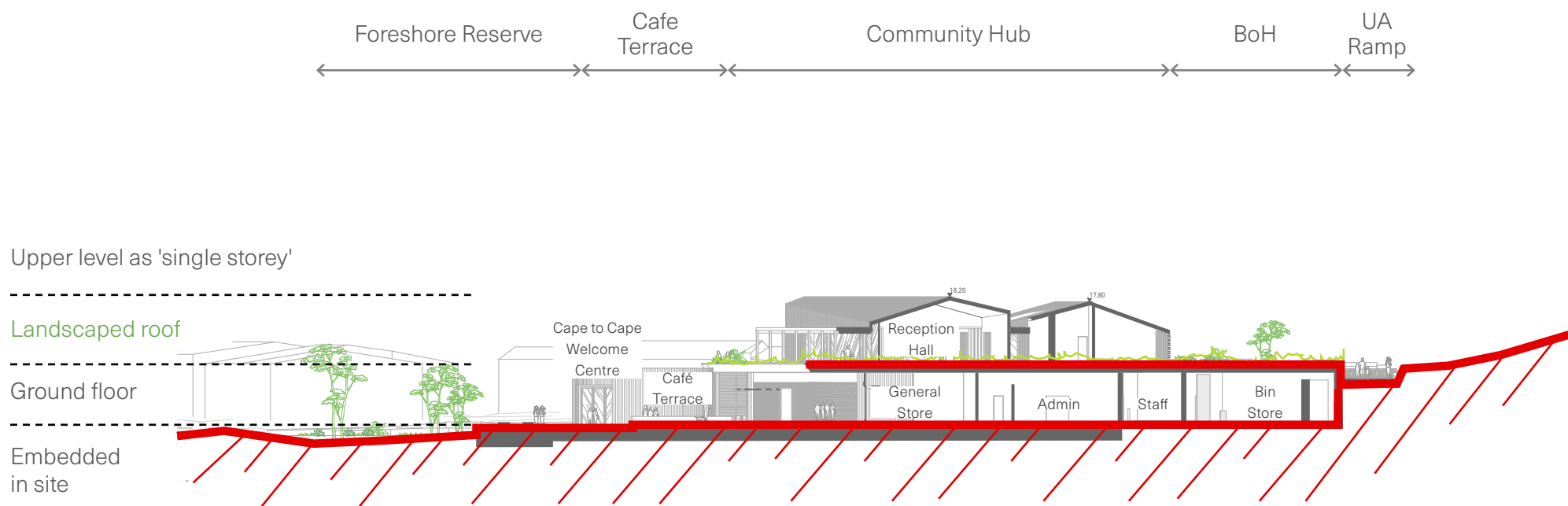
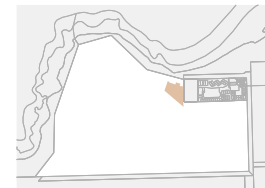


Figure 10 Community Hub Section





Cape to Cape  
Welcome Centre

Artist impression of Cape to Cape Welcome Centre and Community Hub





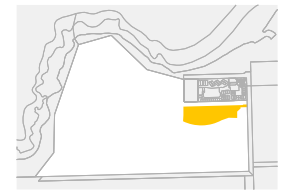
Artist impression of Smiths Common





Artist impression of Surf Life Saving Club





### 3.2.3 Campgrounds

The Campgrounds offer an alternative accommodation option for tourists, and will provide a desirable and unique experience that is closely connected with the landscape.

The Campgrounds include 36 timber platforms which tents can be pitched on, which are nestled into the existing setting of established Peppermint trees. Centralised facilities are located within the grounds, which consolidates all the campsite amenities; toilets and showers; laundry and kitchen facilities; communal lounge spaces; and BBQ areas. Campers will also have full access to the offerings in the Tourist Development and Community Hub.

The central facilities are designed as a cluster of buildings, forming an open-ended courtyard space that allows the activity to be contained, while also screening views from and into the back of Smiths Beach Resort and Canal Rocks Apartments to the north as well as the proposed Holiday Homes to the south/east. The consolidation of the central facilities also allows the rest of the Campgrounds to retain most of the natural landscape.

The built form of the central facilities maintains the reference to the rural shed / coastal vernacular and creates continuity across the site with the Community Hub buildings. The clustered courtyard arrangement provides safety for users with good passive surveillance and the general arrangement provides legible planning in the bushland setting.

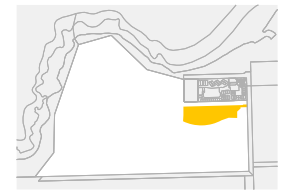
Materials, such as weathered timber cladding, galvanised metal and stone, project a robust and enduring pallet that will age gracefully and recede into the landscape.

The Campgrounds have been designed to allow for efficient servicing for cleaning, provisioning and waste collection as well as easy connectivity with the pedestrian movement network across the site for access to the beach and all other amenities.



Artist impression of Campground Communal Facilities





## LEGEND

1. Access to Smiths Common
2. Pedestrian Access Stairs
3. Public Car Park
4. Campground Communal Facilities
5. Internal Access
6. Existing Peppermint Forest
7. Tent Platform Deck (5m x 5m)
8. Amenities Block / Maintenance Shed
9. Universal Access Ramp
10. Pedestrian Access Spine
11. One-way Gravel Loop Road
12. Campground Car Parking
13. Smiths Lane (Public Access Way)
14. Landscape Buffer to Neighbouring Properties

Note: Tent platform location subject to detailed site survey. Refer **Appendix D** - Design Report for further detail.



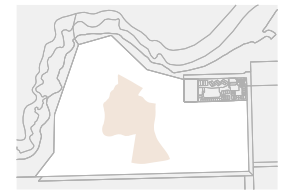
Figure 11 Campgrounds





Artist impression of Campgrounds





### 3.2.4 Holiday Homes

61 Holiday Homes (Grouped Dwellings up to 12 persons) are proposed. Holiday Homes means a grouped dwelling which may also be used for short stay accommodation for hire or reward for not more than 12 persons (but does not include a bed and breakfast, chalet, guesthouse, rural tourist accommodation or tourist accommodation). For this reason, Holidays Homes will be available for short stay accommodation to form part of the tourism offering and provide an alternative accommodation option, but may also be used by the owner as a private holiday home or for extended length of stay (i.e. second dwelling or primary residence).

The design of the Holiday Homes follows a landscape led approach, nestling into the surrounding vegetation and terrain, and have been placed to reduce earthworks impacts by generally running with the existing contours of the site.

There is an intended and natural progression across the site in a legibility sense, with larger lots located on the western side of the site adjacent to the National Park reserve, transitioning through to more compact outcomes to the east, adjacent to the existing tourist land uses.

The placement of the Holiday Homes and roads are largely dictated by significant groups of vegetation on the site and the desire to retain them. Existing fire breaks have been utilised for access roads in order to further reduce vegetation removal.

#### 3.2.4.1 Western Holiday Homes

The design of the Western Holiday Homes follow a landscape based approach, nestling into the surrounding landscape and terrain. Flanked by significant natural vegetation and the 'Moodjar' tree (Christmas tree or Nuytsia Floribunda), the single storey homes utilise stabilised earth, rendered stone, natural timber and dark materials to recess into the background.

15 large lots were established following rigorous exploration of house volumes, privacy, key views, access and the retention of landscape. With careful consideration of site placement up and along the natural contours, each lot allows for ocean views over its northern neighbour and maximises tree retention.

The proposed lot sizes of the western Holiday Homes range from 1,698sqm to 16,684sqm, with an average of 3,637sqm, achieving a density of R10, representing a significant reduction to the R25 density permitted for the site.

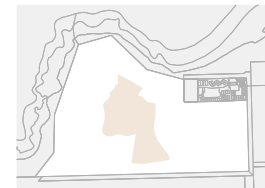
Existing significant vegetation provides 'natural' boundaries to the lots, and complements the recessive built form approach.

Three different house typologies are designed to provide flexibility over differing site conditions, but a similar material palette and architectural language provide a coherent housing community.

A cohesive and carefully controlled design language ensures the dwellings tie into the existing landscape character and minimise visual impact.

A conservation lot is located in the south-western corner of the site, to retain the "Excellent" quality vegetation in this location.





## LEGEND

1. Shared One Way Loop Street
2. Pedestrian Network
3. Cape to Cape Access Path
4. Retained Stand of 'Moodjar' trees
5. Conservation Covenant to Protect "Excellent" Quality Vegetation on Site
6. National Park Extension (transfer to Crown from private ownership)
7. Emergency Access

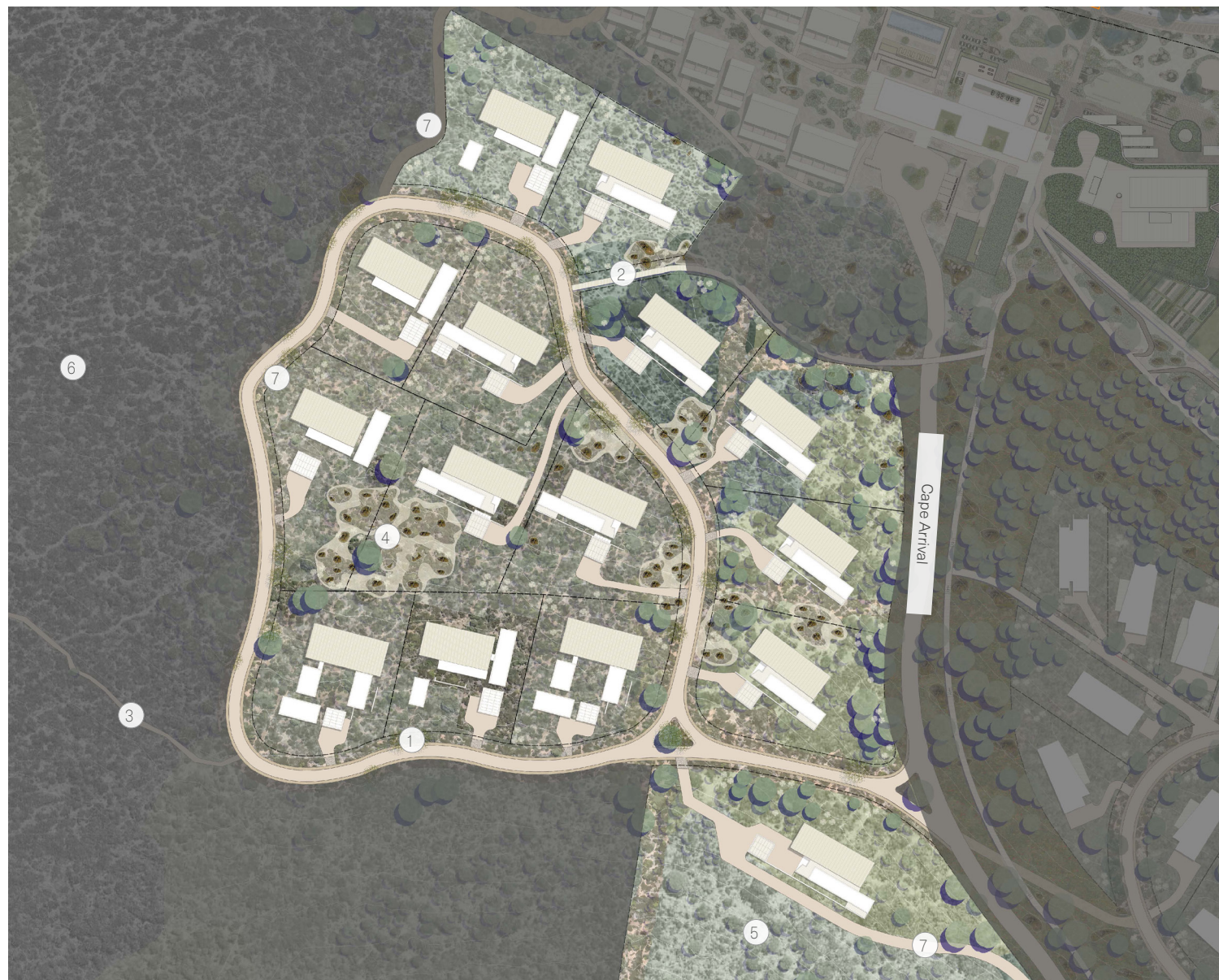


Figure 12 Western Holiday Homes



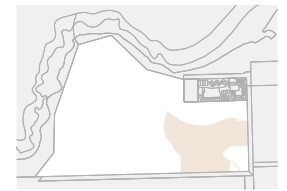


View of Western Holiday Homes from Smiths Beach





Artist impression of Western Holiday Home



### 3.2.4.2 Eastern Holiday Homes

46 lots have been established on the eastern side of the site, located to prioritise the retention of key Peppermint and Banksia communities to support Baudin's and Carnaby's Black Cockatoo, Forest Red-tailed Black Cockatoo and the Western Ringtail Possum.

The proposed lot sizes of the eastern Holiday Homes range from 1,013sqm to 1,619sqm, with an average of 1,222sqm, achieving a density of R10, representing a significant reduction to the R25 density permitted for the site.

Five different house typologies (each with two variations) are designed for the lots on the eastern side to provide flexibility over differing site conditions, but a similar material palette and architectural language provide a coherent housing community.

Primary access to the homes is from the south-east corner of the site. An additional two controlled access points are available for emergency fire access.

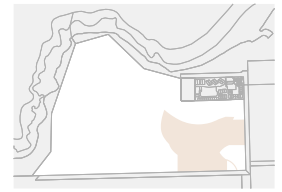
The brief has been to create a land-form responsive built form and road layout to maximize retained vegetation as the primary design driver to minimise visual impact and maintain landscape character and visual amenity.

Site planning has considered the details of Asset Protection Zones stipulated in the Bushfire Management Plan, and has arranged major and minor setback dimensions that ensures maximized tree retention between each home.

Design Guidance has been produced that place stringent controls on building location, heights, maximum building envelopes and material palettes. This Design Guidance has undergone rigorous testing by 5 architectural teams, who have all produced conforming houses. Design Guidelines will form part of the Community Development Statement and will be managed by the Community Corporation through Bylaws.

A cohesive and carefully controlled design language ensures the dwellings tie into the existing landscape character and minimise visual impact.





## LEGEND

1. Shared One Way Loop Street
2. Beach Access Path
3. Emergency Access
4. Increased Setback to Maintain Visual Separation to Leeuwin Way



Figure 13 Eastern Holiday Homes





View of Eastern Holiday Homes from Smiths Beach





Artist impression of Eastern Holiday Home

### 3.3 Landscape and Public Realm

The precinct based nature of this Proposal is supported by a highly considered landscape and public realm response that registers an existing context, landscape and cultural value as well as envisaging a unique offer at a number of levels through the site (refer [Figure 14](#)), as follows:

- National Park extension (transfer of private land to Crown reserve);
- Foreshore Reserve (existing and proposed);
- Open Space Areas (public and private);
- Tourist Development and Community Hub;
- Campgrounds;
- Holiday Homes; and
- Accessways.

The response incorporates conservation and rehabilitation (National Park/Foreshore Reserve), as well as softscapes (streets, nature play, foreshore, hotel) and hardscapes (social and public spaces) aiming to deliver an integrated landscape response.

The landscape elements of the Proposal are discussed within the Landscape Report, at [Appendix F](#), with a summary of key elements provided below.

#### 3.3.1 National Park Extension

As part of the landscape led approach for the site, a reassessment of the conservation values of the site including flora and vegetation, fauna and landform has been completed. These investigations confirmed the extent of “Excellent” quality vegetation and the Priority Ecological Communities as well as the landform and visual considerations from the Cape to Cape Track, west of the site.

A revised National Park boundary is therefore proposed in response - refer [Appendix L](#) Environmental Assessment Report. The total area of the proposed National Park extension is 16.8ha (i.e. the area to be transferred to National Park). This comprises 8.8639ha currently reserved under the Scheme, and a further 7.9ha proposed under the Masterplan extension. In addition to the National Park area, further retention of “Excellent” quality vegetation has occurred within the proposed 1.14ha Conservation Lot, which is able to retain the “Excellent” quality vegetation in its natural state without influence of the vegetation management regime associated with the bushfire requirements. Public Open Space has also been identified to optimise retention of the “Excellent” quality vegetation not contiguous with the National Park location.

Rehabilitation of existing fire breaks and unauthorised access tracks through the National Park extension will occur and have been addressed as part of the Foreshore Management Plan, refer [Appendix M](#).



## LEGEND

1. National Park Extension (transfer to Crown from private ownership)
  2. Cape to Cape Track
  3. Park Spine
  4. Service Depot
  5. Open Space
- Site Boundary  
 --- Cape to Cape Track  
 Open Space  
 'Excellent' Quality Vegetation Protected by Conservation Covenant  
 Foreshore Reserve Extension



Figure 14 Open Space Plan

### 3.3.2 Foreshore Reserve

Development of the Foreshore Reserve comprises a number of elements as detailed below.

Upgrades to existing foreshore infrastructure:

- Cape to Cape Track enhancement;
- Shared access to Smiths Point (pedestrian and vehicular) with formalised parking (18 bays);
- Shared paths with beach access;
- Rehabilitation of natural coastal landscape;
- Additional seating along the foreshore;
- Informal pedestrian access to the headland; and
- Additional on-street parking within Smiths Beach Road (51 bays) by City of Busselton.

Proposed foreshore infrastructure:

- Surf Life Saving Club comprising first aid/emergency services, storage for emergency equipment, club rooms with integrated toilet and changeroom facilities for public use;
- Cape to Cape Welcome Centre – a welcome centre providing a curated selection of experiences for all visitors on the Cape to Cape Track and region, including immersive Aboriginal cultural experiences, hire facilities and tour information;
- Continuation of a ‘hard edge’ between the private land and the foreshore via a shared path network and forecourt to the Tourist Development;
- Turf areas suitable for gatherings, picnics and other forms of passive recreation;
- Yarning Circle;
- Nature Play;
- Rock Pool (Nature Play); and
- Smiths Beach Road new formalised foreshore parking (51 bays) by City of Busselton to supplement the existing foreshore bays (64).

Proposed infrastructure adjacent the foreshore (on-site):

- Public beach/foreshore parking (92 shared bays);
- Terraces with seating to support all day dining, café, bakery etc;
- Universal Access Ramp to Smiths Beach; and
- New staired access to Smiths Beach.

The Masterplan demonstrates the ability for the proposed foreshore to:

- Maintain and enhance full public access and enjoyment of the foreshore and associated ‘beach uses’ such as the Cape to Cape Welcome Centre, café, restaurants etc;
- Provide a wide range of local and regional recreational opportunities;
- Provide a clear demarcation between the public domain and the private development;
- Protect natural features of the coast through preservation and rehabilitation of degraded areas;
- Include additional amenities such that the foreshore will be a substantial improvement on the existing foreshore; and
- Provide for complementary uses that support recreation and tourism activities at Smiths Beach.



## LEGEND

1. Cape to Cape Track
  2. National Park Extension (transfer to Crown from private ownership)
  3. Ocean Lookout
  4. Informal Headland Access
  5. Emergency Vehicle Access
  6. Seating and Viewing Deck
  7. Smiths Point Access & Parking
  8. Informal Foreshore Access
  9. Foreshore Revegetation Area
  10. Alfresco Terrace
  11. Outdoor Showers / Drinking Fountain
  12. Universal Access Ramp
  13. Naturalised Seawall
  14. Smiths Common
  15. Stair Access to Beach
  16. Cape to Cape Welcome Centre
- Site Boundary  
 — Cape to Cape Track

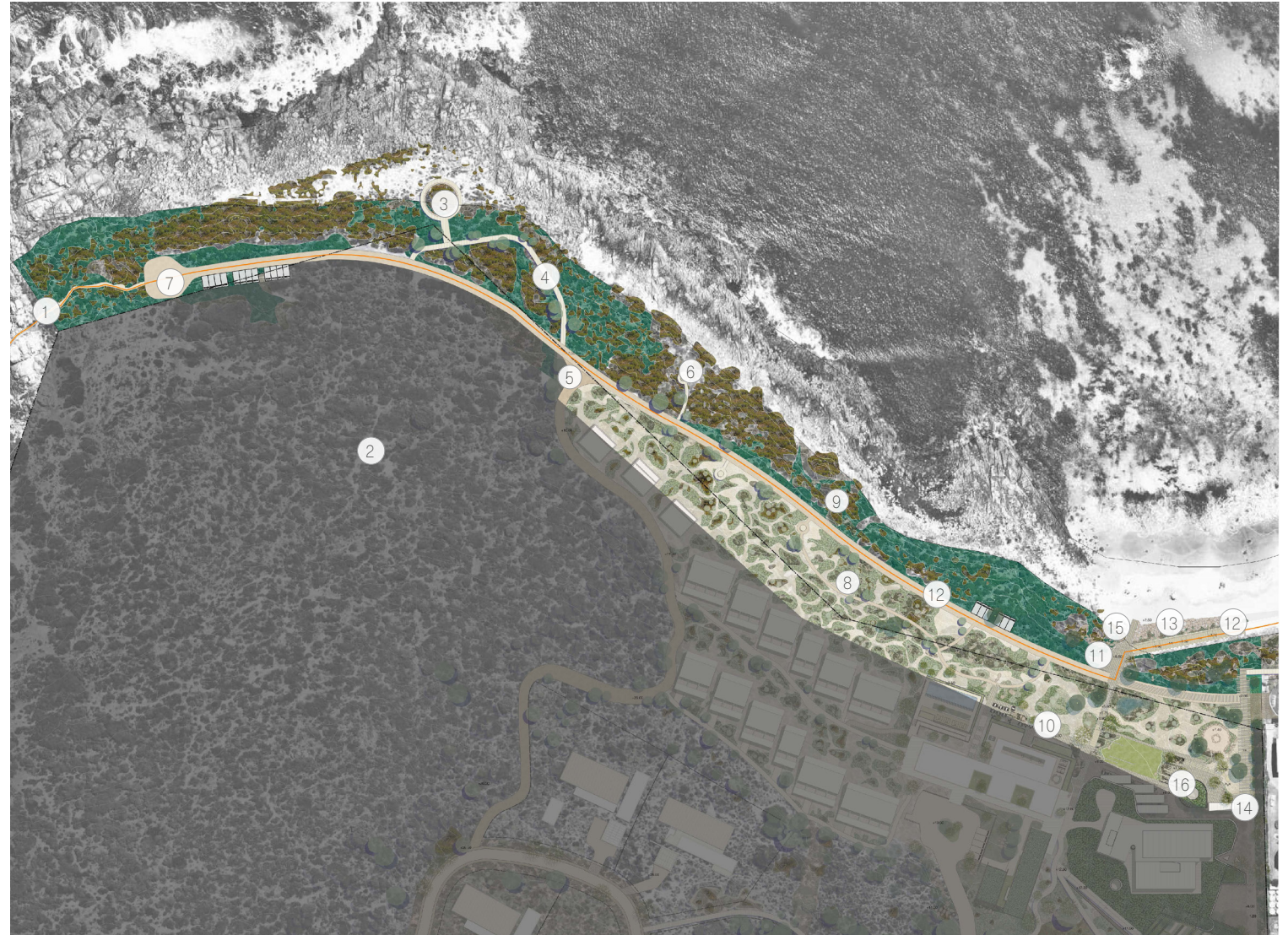


Figure 15 Foreshore Reserve Plan





Artist impression of Smiths Beach Foreshore Entry





Artist impression of Smiths Beach Foreshore



### 3.3.3 Landscaping

The proposed landscaping has been designed to retain the site's South Western Australian coastal authenticity, and strikes a balance between visual amenity, environmental, bushfire and cultural considerations.

Specifically, the landscaping design:

- Utilises endemic species to complement the natural features of the site;
- Draws inspiration from the natural systems of the site focusing on the ecological and hydrological networks to help shape this sustainable coastal community;
- Manages bushfire fuel loads through integrated cultural burning and strategic vegetation management; and
- Regenerates all disturbed areas with naturally occurring endemic species.

Importantly, the Proposal incorporates a large proportion of landscaping as retained vegetation. A total of 33.9ha (c. 83% of the site) of existing natural vegetation and managed natural vegetation is retained through the National Park extension, public open spaces and amongst buildings and infrastructure. This retained vegetation incorporates 8.09ha of Banksia and Peppermint forest which is integral to support fauna habitat.

Landscaping has been tailored for each element of the Proposal, including the Tourist Development and Community Hub, Campgrounds, Holiday Homes, Accessways and Public Open Space, as detailed in [Appendix F](#) and summarised below.



Retention of existing vegetation sensitively amongst building footprints



### 3.3.3.1 Tourist Development and Community Hub

Landscaping is integrated throughout the Tourist Development and Community Hub, and includes:

- **The Foreshore** – this is the threshold that links directly to both the Community Hub and Tourist Development as well as Smiths Beach. The Foreshore design celebrates the site's natural systems and features a sensitive balance between its authentic coastal character and its new adapted role to facilitate exploration and amenity. A planting palette selection derived from the site's existing vegetation communities helps to further express this naturalised foreshore character;
- **Community Garden** – complements the offerings of the Community Hub by providing an opportunity for the village residents, along with the Restaurant and Café chefs, to harvest and use seasonal produce and native bush foods and bush medicine, reducing the fresh food delivery requirement, and also providing a place for the community to gather and interact;
- **Smiths Lane and Smiths Common** – provides a public arrival forecourt to the Community Hub, which provides for universal compliant direct beach access, which will also be utilised by the Surf Life Saving Club; and
- **Green Roof** – the Community Hub which is nestled into the hillside will be covered in a green roof, planted with endemic plants, which will cascade down the front of the building to extend the surrounding landscaping into the roofscape. The plants will have a high moisture content, which will also assist with the bushfire mitigation of the building.

### 3.3.3.2 Campgrounds

The site has historically been used by the Traditional Owners of the land as a summer holiday destination, due to the location's access to water, food and shelter. It has been used as a place for gatherings and celebrations, in the same way this site is being used today.

The Campgrounds are located where the Traditional Owners used to camp onsite, beneath the Peppermint trees. Recognising this heritage, the Campgrounds have been designed to touch as lightly as possible on the landscape, retaining the majority of the Peppermint tree canopy. Pockets of managed endemic shrub will also be retained, which, along with the Peppermint trees provide a habitat for the Western Ringtail Possum.

All camping platforms and boardwalks are elevated to reduce the impact to the vegetation. The exact location of the camping platforms will be designated to minimise the impact to existing vegetation.

Landscaping in the Campgrounds car park and entrance will be formalised to create a suitable transition to the Peppermint forest.



### 3.3.3.3 Holiday Homes

Both the materiality and planting palettes proposed within the Holiday Homes have been selected to reinforce the character and identity of their respective locations in the eastern and western portions of the site. The materials and planting in the eastern Holiday Homes have been selected to integrate with the existing Peppermint trees in this location, through the use of softer materials such as timber, as well as new planting which will be specific to this vegetation community.

The Holiday Homes in the west are more exposed, with a reduced soil profile, so require more robust materials and species sympathetic to the existing environment, including the use of stone as opposed to timber and shrubs as opposed to trees.

### 3.3.3.4 Accessways

Accessways are integrated across the landscape in a clear, safe, and sensitive manner. Pathways have been elevated where possible to keep pedestrians off the landscape whilst providing a direct relationship with the vegetation. The pathways will provide a legible pedestrian network throughout the site, facilitating direct connections to key locations, whilst also allowing visitors, locals and tourists alike, to traverse and explore the site and experience the natural features the site has to offer.

Like the pathway network, a considered approach has been taken to integrate the streetscape and entries harmoniously within the site's natural systems. Careful consideration has been made to minimise any potential impacts to existing vegetation, and topography and to ensure a coherent, legible, and sensitive outcome is achieved.

### 3.3.3.5 Vegetation Management

41% of the site will be ceded to National Park. The National Park and Public Open Space (POS) offer has been a leading driver in defining the development footprint, and surrounding environmental fabric.

POS has been designed to protect the visual amenity of the site as well as provide vegetated buffers between different land uses within the site, as detailed in the Landscape Report contained in [Appendix F](#). The POS has also been carefully designed in conjunction with the Bushfire Management Plan to achieve a site-specific and layered response to the vegetation management strategy.

A POS calculation has been prepared in accordance with 'Liveable Neighbourhoods', as detailed in [Table 3](#) with the POS areas illustrated on [Figure 16](#). The Proposal provides 23.1% Public Open Space, and will form Common Property under the Community Scheme (refer [Section 3.8](#)). The POS maintains existing natural and managed natural vegetation, and where necessary will be revegetated and rehabilitated to form part of the flora network, support fauna habitat outcomes and the pedestrian network of the site.

The tenure and management of the open space will be confirmed following further discussions with the City of Busselton, and provided as private open space managed by the Community Scheme with public access guaranteed.

### 3.4 Public Open Space

The development is supported by a network of open space, which has been positioned to retain the existing landscape character including high quality vegetation, whilst enhancing the amenity of the locality. Refer **Figure 16**.

A defined vegetated corridor is located through the heart of the development and is a key landscape feature that aims to improve the visual integration of the Project. The ‘park spine’ remains a public offer connecting not only the landscape but local community from the southern to the northern ends of the site, and connecting ‘bush to bay’ (POS 4).

LEGEND

<div></div> National Park Extension	16.804ha
<div></div> Foreshore Reserve	0.5504ha
<div></div> POS Common Property (CP) (with identification number)	4.2147ha
<div></div> Tourist Development	2.6382ha
<div></div> Campgrounds	1.8967ha
<div></div> Holiday Homes (short stay accommodation)	14.4236ha



Figure 16 Public Open Space Provision



Retention of existing vegetation throughout the park spine will be maximised where possible, supplemented through revegetation if necessary. Planting in the park spine will prioritise ground covers and shrubs, with wildflowers located through the heart of the spine. The species will be selected through collaboration with the Cultural Working Group, to ensure a meaningful environment is provided through the spine.

POS also extends west from the park spine, providing a vegetated buffer between the Tourist Development and Holiday Homes, connecting back into the National Park (POS 5). The POS will provide an endemic landscape that the Holiday Homes can sit within, whilst enhancing the visual landscape of this area when viewed from the beach. This POS will also provide a key pedestrian access route from the western side of the site to the beach.

POS areas 1, 2, 3 and 4 have been positioned to prioritise high quality vegetation for retention, in conjunction with maintaining the character along Smiths Beach Road, and Leeuwin Way. In particular POS 1 and POS 2 have been positioned to retain pockets of existing "Excellent" quality vegetation, with POS 3 and 4 retaining "Very Good to Good" quality vegetation.

**Table 3 Public Open Space Schedule**

PUBLIC OPEN SPACE			(ha)
Gross Site Area			40.5012
DEDUCTIONS			
National Park Extension			16.8046
Tourist Development and Campgrounds			4.5349
Drainage (assumes 2%)			0.8100
Foreshore Reserve			0.5504
<b>Total Deductions</b>			<b>22.6999</b>
Net Subdivisible Area			17.8013
<b>Creditable Public Open Space Required @ 10%</b>			<b>1.78001</b>
Public Open Space Requirements			
Unrestricted Public Open Space - minimum 80%			1.4241
Restricted Public Open Space - maximum 20%			0.3560
<b>Total</b>			<b>1.7801</b>
PUBLIC OPEN SPACE PROVISION			
Unrestricted Public Open Space:			
POS 1	0.7331	POS 2a	0.9388
POS 2b	0.1309	POS 3	0.2694
POS 4	1.6184	POS 5	0.5241
<b>Total Unrestricted POS</b>			<b>4.2147</b>
Restricted Public Open Space:			
<b>Total Restricted POS</b>			<b>0.0000</b>
<b>Total Credited Unrestricted POS</b>			<b>4.2147</b>
<b>Total Credited Restricted POS</b>			<b>0.0000</b>
<b>Total Credited Restricted and Unrestricted POS</b>			<b>4.2147</b>
<b>PUBLIC OPEN SPACE PROVISION</b>			<b>23.7%</b>

## 3.5 Movement

### 3.5.1 Access

Access to the site is currently available via Smiths Beach Road to the north/east and Canal Rocks Road to the south. The development proposes a new internal road network throughout the site, as follows:

- Two residential loops are proposed to function in a one-way clockwise direction, to allow for a minimal road cross-section geometry and maintain a consistent environment suitable for low-speed shared use;
- A central spine road connecting to Smiths Beach Road via construction of the unmade road reserve south of the site;
- A new access is proposed from Smith Beach Road immediately south of the existing Smiths Beach Resort and this will provide access to a shared public parking area that will service the Tourist Development, Community Hub, foreshore and Smiths Beach visitors as well as the Campgrounds; and
- An upgrade to the existing access to Smiths Point is proposed, with associated parking, as a shared space to optimise pedestrian access and safety.

### 3.5.2 Parking

A Parking Demand Analysis has been undertaken by Cardno to accompany this Development Application, contained in [Appendix H](#), with a summary of the demand and supply associated with the development outlined in [Table 4](#).

Whilst beach use will increase due to the presence of the development, it is not anticipated that this will generate additional parking demand from that observed through the parking survey undertaken in December/January 2021. This is due to the reciprocity principle whereby additional beach use will come from those people who are already in the area at the Hotel, Holiday Homes or other land uses as opposed to being generated purely from increased external visitors.

Table 4 Parking Summary

		Parking Supply	Parking Demand	Comment
Offsite:	Current Public Parking	64	130	<ul style="list-style-type: none"> <li>• Current formal parking supply comprises existing beach parking (refer 'F' in <a href="#">Figure 17</a>).</li> <li>• Parking analysis indicates that there is a current parking shortfall of 66 bays during peak periods (Christmas holiday weekend period).</li> <li>• Cars are currently parking informally throughout the Smiths Beach Road reserve and Smiths Point (refer Aerial image of Smiths Beach 10.01.2020), however this is not considered sustainable unless formalised (refer 'B' and 'G' in <a href="#">Figure 17</a>).</li> </ul>
	Potential New Public Bays (City of Busselton)	69		
	Total	133	130	
Onsite:	Smiths Beach Project (Proposal)	197	168	<ul style="list-style-type: none"> <li>• The Smiths Beach Project is anticipated to generate a parking demand during peak periods for onsite uses of 168 bays.</li> <li>• Our Proposal delivers an onsite parking supply of 197 bays comprising locations 'A,C,D,E' in <a href="#">Figure 17</a>.</li> <li>• Parking for Holiday Homes will be provided onsite in accordance with the City of Busselton's requirements and are therefore not included in this summary.</li> <li>• The Smiths Beach Project appropriately caters for parking demand associated with its onsite uses.</li> </ul>



The parking demand modelling, described in **Appendix H**, shows that the proposed supply will be more than sufficient to accommodate peak demands, as a result of time-of-day and reciprocal use effects.

#### 3.5.2.1 External Car parking considerations

Notwithstanding **Section 3.5.2**, it is recognised that there is a general undersupply of public parking in the broader Smiths Beach precinct and therefore there is an opportunity to consider options for additional public parking. Whilst not subject of this current application, the traffic consultant has considered the public parking demand and identified the opportunity for the City of Busselton to reconfigure the existing Smiths Beach Road Reserve to accommodate an additional 51 parking bays. These areas are already used by the public as informal parking in peak periods as evidenced in the adjacent photograph. Formalising current parking in the existing road reserves does not require any development in the dunes, or beyond the existing reservations.

Whilst this opportunity has been investigated to quantify the existing public parking shortfall, it will ultimately be an action, and decision, of the City of Busselton.

Therefore, a total of 133 public parking bays (comprising 51 new parking bays, 18 bays at Smiths Point and 64 existing parking bays) are available to sufficiently meet the public parking demand as observed during the peak demand periods.

#### 3.5.3 Pedestrians and cyclists

The development includes an extensive public path network through the site to support safe, convenient connection by foot from all areas to the Tourist Development and beach. The road cross-sections chosen are designed for slow-speed shared use, and connect legibly to pedestrian paths.





## LEGEND

<span style="color: orange;">■</span>	A - Campgrounds Parking (Private Use)	(25)
<span style="color: purple;">■</span>	B - Smiths Point Parking (Public Use)	(18)
<span style="color: green;">■</span>	C - Hotel Guest Parking (Private Use)	(44)
<span style="color: blue;">■</span>	D - Leeuwin Way Parking (Public Use)	(36)
<span style="color: red;">■</span>	E - Smiths Lane Parking (Public Use)	(92)
<span style="color: yellow;">■</span>	F - Existing Beach Parking (Public Use)	(64)
	G - New Public Beach Parking	(51)
	(Location in existing Smiths Beach Road Reserve - to be determined and provided)	



Figure 17 Parking Plan



## 3.6 Site Servicing

The Proposal includes the following servicing arrangements, which are illustrated in the servicing concept plans contained in the Architectural Design Report ([Appendix D](#)) and further detailed in the Engineering Report ([Appendix O](#)).

Site servicing will be managed via a commitment to:

- Careful on-site management including ensuring the Cultural Working Group are involved through regular inspections and notifications;
- Pre-tagging/protective fencing of vegetation;
- Coordinating trenching;
- Retaining top soil/material that is cleared and harvesting seed and stockpiling for use on the site;
- Contract management;
- Controlled and coordinated site access; and
- Site works.

### 3.6.1 Earthworks

Given the Project's focus on minimising clearing and earthworks, no general earthworks are proposed. A balance of cut to fill will be adopted to minimise soil movements to and from the site. Earthworks will require stabilisation and management and this will be undertaken in conjunction with rehabilitation and landscaping works. The Proposal has been designed to minimise the need for stabilisation and retaining.

### 3.6.2 Water

The Project will be serviced by a fully reticulated potable water supply. This is intended to be sourced from existing Water Corporation infrastructure in Yallingup. The off-site water main route will be carefully selected during detailed design to minimise disturbance to existing vegetation. Dedicated storage for fighting bush fires and for fire protection of buildings will be provided and sourced from the potable water supply.

### 3.6.3 Sewer

It is proposed that the Project will be serviced via onsite wastewater treatment and land application systems. The eastern Holiday Homes and Campgrounds will treat and dispose of effluent within their own lot areas in accordance with minimum requirements for the Project as identified through the 'Site and Soil Evaluation'. The western Holiday Homes, Tourist Development and Community Hub are characterised by near-surface rock in some areas, potentially making on-site disposal impractical. Where practicable, based on final geotechnical investigations, each western Holiday Home will dispose of treated wastewater within its own lot in accordance with the minimum requirements defined by the Project Site and Soil Evaluation and as approved by the relevant Authorities. For those Holiday Homes that cannot dispose within their lot, a piped reticulation and pumping station is proposed to connect the relevant western Holiday Homes with the commercial treatment system and effluent would be treated and disposed on site within POS.

### 3.6.4 Power

The development will be serviced by the existing Western Power network surrounding the site. This will be complemented by an innovative renewable energy microgrid system that combines high reliance on renewable energy combined with energy storage to dramatically reduce emissions and have a positive impact on the grid.

### 3.6.5 Gas

To support sustainability initiatives of reducing energy supply from fossil fuels, gas reticulation will not be provided for the development. Facilities within the Tourist Development and Community Hub that require gas use will access gas in the form of replaceable/refillable LPG cylinders within the back of house service zone. Holiday Homes that wish to utilise gas may also do so through the installation of gas cylinders.

### 3.6.6 Telecommunications

Existing NBN service within the area is via a satellite service. The Proponent will be required to fund and install a pit and pipe system to accommodate NBN requirements. The ownership of this infrastructure is to be transferred to NBN via a Developer's Agreement.

### 3.6.7 Lighting

The lighting to the new internal roadways and car-parking will be designed to meet the relevant levels of performance outlined in Australian 1158.3.1:2020 Lighting for Roads and Public Spaces. LED street lighting will be provided consistent with the pedestrian focus of the network and will be selected to minimise light spill and any direct effect on wildlife.

## 3.7 Subdivision Approval

Subdivision approval was obtained, issued by the State Administrative Tribunal on 7 June 2013, which was valid for a period of four years and expired in June 2017. The approval provided for approximately 61 single residential lots, 4 grouped dwelling sites and 8 lots for tourism purposes in accordance with the approved Structure Plan. In contrast to this Proposal, the prior subdivision approval does not provide any detailed plans or vision for the development of the tourist sites, or provide for any tourist or community facilities.

A Community Development Statement (CDS) and Community Scheme subdivision will be progressed as part of the implementation strategy of this Project. Refer [Section 3.8](#).



## 3.8 Land Tenure - Community Titles Scheme Proposal

### 3.8.1 Proposed Community Scheme Arrangement

This Development Proposal requires a unique management response to facilitate the vision for this site. Strata titling is currently available to most developments requiring a similar management outcome, however with the recent introduction of the Community Title Scheme, the development will be delivered through a Community Scheme (CS) in accordance with the CT Act, CT Regulations, OP 1.11 and the Community Scheme Guidelines. A Community Development Statement (CDS) will be submitted to the WAPC to seek approval to facilitate the application of a CS arrangement, following the determination of the Development Application. The CDS will detail how the site will be subdivided and developed (including restricting any further subdivision), including staging, management and implementation. It is anticipated the structure of the CS arrangement will comprise the Tourist Development, Community Hub and Holiday Homes each forming one lot within the Tier 1 Scheme, and further subdivision of the Community Hub, Holiday Homes (Western), and Holiday Homes (Eastern) forming Tier 2 Schemes (Refer [Figure 18](#)).

This approach will facilitate a coordinated management approach across all aspects of the development, including:

#### Tier 1 Community Corporations as follows:

1. Tourist Development
2. Community Hub
3. Holiday Homes
4. Tier Common Property

#### Tier 2 Community Corporations as follows:

1. CC3 Holiday Homes (Land Scheme) and Common Property
2. CC2 Community Hub (Building Scheme) and Common Property

The Community Scheme will be governed by a management structure that includes: a Community Corporation (CC) for each of the community titles schemes (the sub-schemes within a Community Scheme). A CC is the body corporate that manages the scheme by-laws, common property and finances of each community titles scheme. The CC may engage a Scheme Manager (equivalent to a strata manager) to perform specified scheme functions under a scheme management contract.

The scheme by-laws, which are the rules established by the CC to regulate itself, are likely to include the following:

- Arrangements for the day-to-day control and management of common property, including vegetation management;
- Requirements for the taking of particular safety or security measures by members of the CC and occupiers of lots within the Community Scheme;
- Provide for parking arrangements, keeping of pets, smoking, short term rental accommodation arrangements;
- Provide for, and make rules about, the provision of services or amenities to owners or occupiers of lots in the community titles scheme or in a related community titles scheme, including for the payment of fees and charges for the services or the use of the amenities;
- Prohibit or regulate the construction or modification of buildings or improvements on a lot or common property in the community titles scheme;
- For the management, control, use or enjoyment of a lot or common property in the community titles scheme;
- Specify arrangements for the day-to-day control and management of utility services, vegetation etc; and
- Specify arrangements for the day-to-day control and management of the common property.

This approach will facilitate a coordinated management regime across all aspects of the Proposal as detailed in [Table 5](#).

Table 5 Community Scheme Arrangement Management Considerations

	Bylaws which impact the Community Corporation	Bylaws which impact the Owners/Occupiers and visitors
<b>Bushfire</b> The ongoing implementation of the Bushfire Management Plan and Bushfire Emergency Management Plan.	<ul style="list-style-type: none"> <li>Implement Bushfire Management Plan and Bushfire Emergency Management Plan: <ul style="list-style-type: none"> <li>Precinct wide vegetation management requirements (common and private property);</li> <li>Maintenance of emergency access routes and associated infrastructure (ie gates, hydrants, water source);</li> <li>Enforcement of bylaws in relation to owners/occupiers' obligations</li> <li>Bush fire education;</li> <li>Refuge maintenance and ensuring ongoing compliance etc; and</li> <li>Engage a Scheme Manager to oversee a specialist contractor who will undertake Bushfire Management and Emergency Management responsibilities.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Obligations of Bushfire Management Plan and Bushfire Emergency Management Plan imposed on owners/occupiers at a Precinct and individual lot scale.</li> <li>Vegetation management by Community Corporation and enables appropriate access to be guaranteed to Community Corporation over private property lots within the Scheme, as required.</li> <li>Limitations of owners/occupiers to undertake vegetation management/ adaptation except for in specified areas of the building envelope (to be defined).</li> </ul>
<b>Vegetation and Fauna Management</b> The ongoing implementation of Vegetation and Fauna Management Plans.	<ul style="list-style-type: none"> <li>Rehabilitation and vegetation management by CC (in accordance with approved Management Plan(s)) across Common Property, Foreshore Reserve (extent to be determined), and individual lots.</li> <li>Vegetation management as it relates to fuel loads associated with Bushfire Management Plan and conservation in relation to visual impact.</li> <li>Undertake Fauna Management (in accordance with approved Management Plan) across Common Property, Foreshore Reserve (extent to be determined), and lot level.</li> <li>Manage domestic pets.</li> <li>Enforce bylaws in relation to owners/occupiers obligations for vegetation management/ adaptation.</li> <li>Engage a Scheme Manager to oversee a specialist contractor who will undertake Vegetation and Fauna Management responsibilities.</li> </ul>	<ul style="list-style-type: none"> <li>Vegetation and fauna management by Community Corporation and enables appropriate access to be guaranteed to Community Corporation over private property lots within the Scheme.</li> <li>Keeping of domestic pets.</li> <li>Vegetation management/adaptation except for in specified areas of the building envelope (to be defined).</li> </ul>
<b>Sustainability</b> The ongoing implementation of Sustainability Strategy.	<ul style="list-style-type: none"> <li>Undertake ongoing education, monitoring and reporting of systems (for both common property and private property) comprising: <ul style="list-style-type: none"> <li>Renewable energy;</li> <li>Consolidated waste management; and</li> <li>Centralised energy management (solar/battery) etc.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Ongoing education, monitoring and reporting of systems (for both common property and private property) by Community Corporation and owner/ occupier obligations and requirements.</li> </ul>



Table 5 Community Scheme Arrangement Management Considerations (continued)

	Bylaws which impact the Community Corporation	Bylaws which impact the Owners/Occupiers and visitors
<b>Infrastructure</b> The ongoing maintenance and management of infrastructure.	<ul style="list-style-type: none"> <li>Undertake management and maintenance of infrastructure for both common property and private property comprising: <ul style="list-style-type: none"> <li>Vehicle and pedestrian paths and accessways .</li> <li>Parking areas – shared parking (public/private).</li> <li>Service infrastructure including: <ul style="list-style-type: none"> <li>ATU's</li> <li>Lighting</li> <li>Waste collection (private and public)</li> <li>Water</li> <li>Power</li> </ul> </li> <li>Other miscellaneous: <ul style="list-style-type: none"> <li>Signage</li> </ul> </li> </ul> </li> <li>Engage a Scheme Manager to oversee specialist contractors to undertake infrastructure maintenance and management responsibilities.</li> </ul>	<ul style="list-style-type: none"> <li>Infrastructure management and maintenance by Community Corporation.</li> <li>Obligations for owner/occupiers with respect to infrastructure for both common property, private property and off-site infrastructure, as required.</li> </ul>
<b>Central Facilities</b> The ongoing maintenance and management of Central Facilities and Holiday Homes.	<ul style="list-style-type: none"> <li>Management of Holiday Homes.</li> <li>Management for Campgrounds (including central facilities).</li> <li>Management of Community Hub including: <ul style="list-style-type: none"> <li>Cape to Cape HQ</li> <li>Public Amenities</li> <li>Reception Hall</li> <li>Hire Shop</li> <li>General Store/Bakery</li> <li>Liquor Store</li> <li>Café</li> <li>Kitchen Garden</li> </ul> </li> <li>Manage public spaces (i.e. common property) within the Community Hub.</li> <li>Engage a Scheme Manager to oversee specialist contractors to undertake maintenance and management responsibilities of Central Facilities.</li> </ul>	<ul style="list-style-type: none"> <li>Management of Holiday Homes by Community Corporation/Scheme Manager.</li> <li>Management of central facilities by Community Corporation/Scheme Manager.</li> </ul>

Table 5 Community Scheme Arrangement Management Considerations (continued)

	Bylaws which impact the Community Corporation	Bylaws which impact the Owners/Occupiers and visitors
<b>Common Property</b> The ongoing maintenance and management of Common Property.	<ul style="list-style-type: none"> <li>Undertake maintenance, management and curation of: <ul style="list-style-type: none"> <li>Public realm</li> <li>Public and private open space</li> <li>Public Foreshore Reserves (where management agreement with City of Busselton)</li> </ul> </li> <li>Engage a Scheme Manager to undertake maintenance and management responsibilities of Common Property.</li> </ul>	<ul style="list-style-type: none"> <li>Management and maintenance of common property including public realm, open space, and public foreshore reserves by Community Corporation.</li> <li>Owner/occupier obligations and requirements in relation to Common Property.</li> </ul>
<b>Built Form</b> The ongoing management of Built Form controls.	<ul style="list-style-type: none"> <li>Control and regulate the construction or modification of buildings or improvements in accordance with the built form guidance as provided for within the CDS.</li> <li>Engage a Scheme Manager to oversee a specialist contractor who will undertake management of Built Form during and post construction.</li> </ul>	<ul style="list-style-type: none"> <li>Owner/occupier in relation to built form, including: <ul style="list-style-type: none"> <li>Built form guidance;</li> <li>Limiting modification without the prior approval of the Community Corporation/Scheme Manager or relevant determining authority; and</li> <li>Role of Scheme Manager.</li> </ul> </li> </ul>
<b>Place Management and Activation</b>	<ul style="list-style-type: none"> <li>Place management and engagement requirements.</li> <li>Undertake place management and programming of Community Hub.</li> <li>Engage a Scheme Manager to oversee a specialist contractor who will undertake place management and activation.</li> </ul>	
<b>Administration</b>	<ul style="list-style-type: none"> <li>Administer and implement: <ul style="list-style-type: none"> <li>Community Development Statement;</li> <li>Conditions of Development approval; and</li> <li>Management Plans (various).</li> </ul> </li> <li>Engage a Scheme Manager to oversee a specialist contractor(s) in relation to a variety of activities including: <ul style="list-style-type: none"> <li>Place Management</li> <li>Built Form Management</li> <li>Flora and Fauna Management</li> <li>Bushfire and Emergency Management Plan(s)</li> <li>Common Property</li> <li>Central Facilities</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Owner/occupier obligations and requirements in relation to: <ul style="list-style-type: none"> <li>Conditions of Development approval;</li> <li>Management Plans (various);</li> <li>Community Development Statement; and</li> <li>Scheme Managers.</li> </ul> </li> </ul>



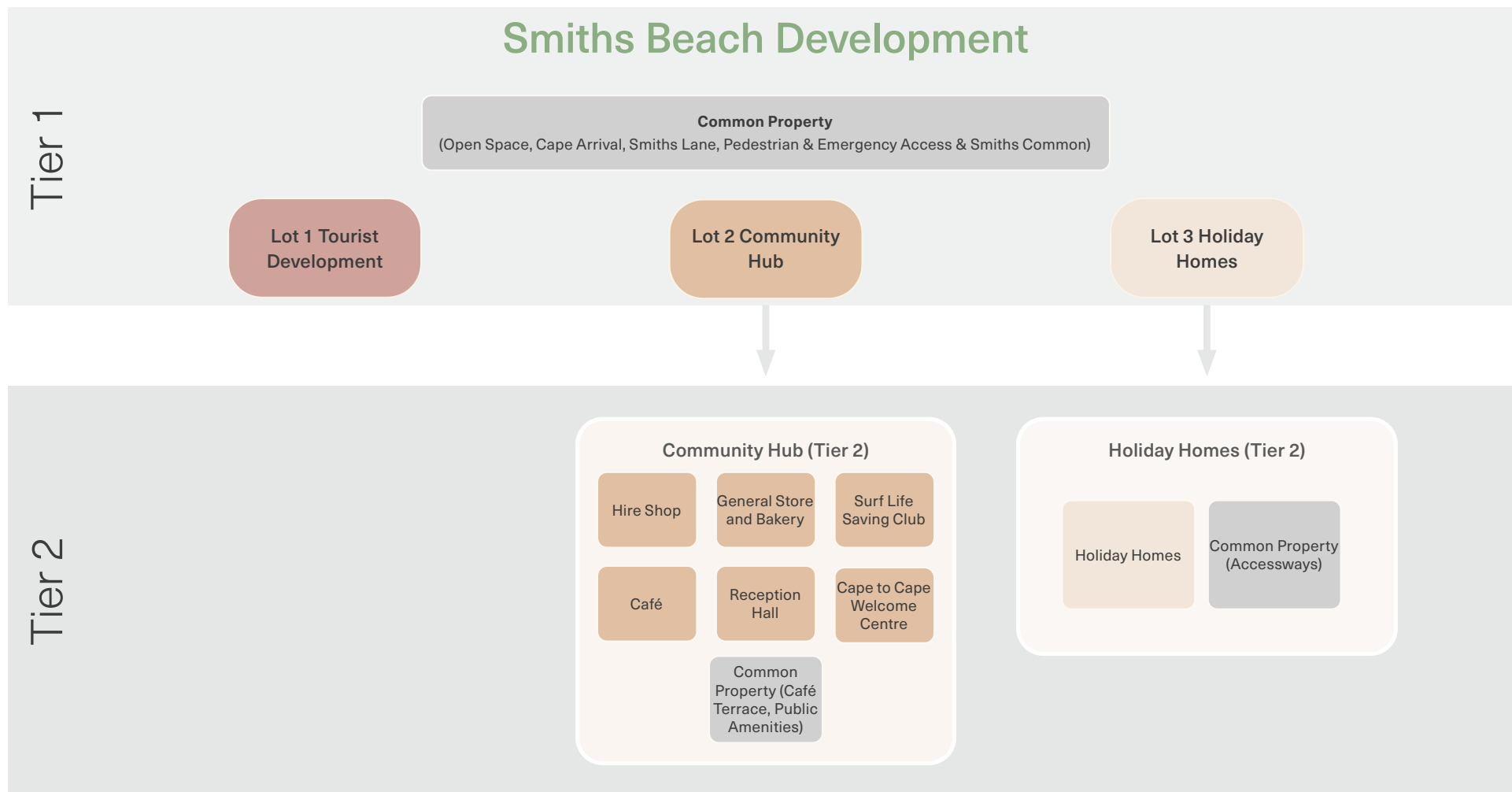


Figure 18 Community Title Indicative Framework  
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### 3.9 Staging - Tenure

#### 3.9.1 Stage 1 - Freehold Subdivision

Stage 1 proposes the creation of two freehold lots as follows:

**Lot 1** - the subject of Community Title Scheme

**Lot 2** - Campgrounds. Unable to form part of the Community Title Scheme due to Caravan and Camping Regulations.

Stage 1 will also result in the creation and vesting of the National Park Extension and Foreshore Reserve extension.

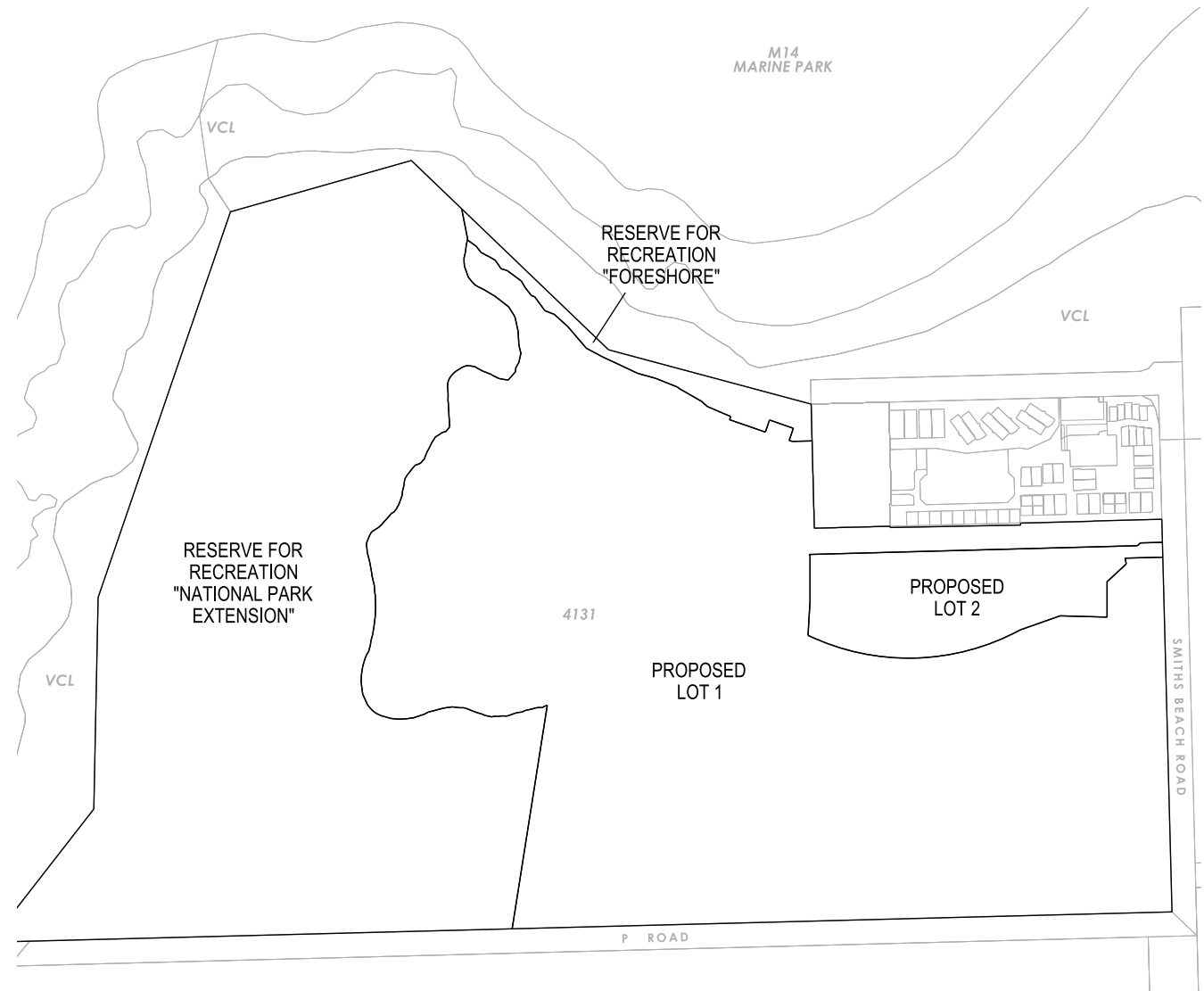


Figure 19 Stage 1 Plan



### 3.9.2 Stage 2 - Community Title (Land) Scheme

Following approval of the Community Development Statement, the first Community Title Scheme Plan can be prepared and approved.

This Plan proposes the creation of the 3 Tier 1 Lots and associated common property, as follows.

**Lot 1** - Tourist Development is not proposed to be further subdivided (CC1)

**Lot 2** - Community Hub (CC2)

**Lot 3** - Holiday Homes (CC3)

Common Property will comprise key pedestrian, vehicle and emergency accessways, all open space areas, and shared infrastructure sites.

Open Space will form part of Tier 1 of the Community Title Scheme, consistent with the requirements of Clause 5.1.23 of OP 1.11, to ensure management and maintenance of the Open Space in accordance with the requirements of the BMP and Vegetation Management Plans. This Open Space also forms part of the POS contribution for the site (and is proposed in accordance with 5.1.22 of OP1.11).

#### Legend

##### COMMUNITY CORPORATIONS (TIER 1)

- CC1 Tourist Development
- CC2 Community Hub
- CC3 Holiday Homes

##### COMMON PROPERTY (TIER 1)

- a Infrastructure
- b Access 1 - Cape Arrival
- c Open Space / Public Access Easement to City of Busselton
- d Access 2 - Smiths Lane
- e Access 3 - Smiths Common
- f Emergency Access

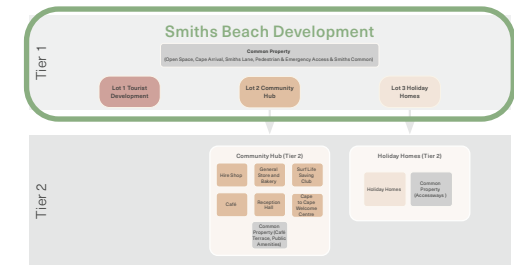
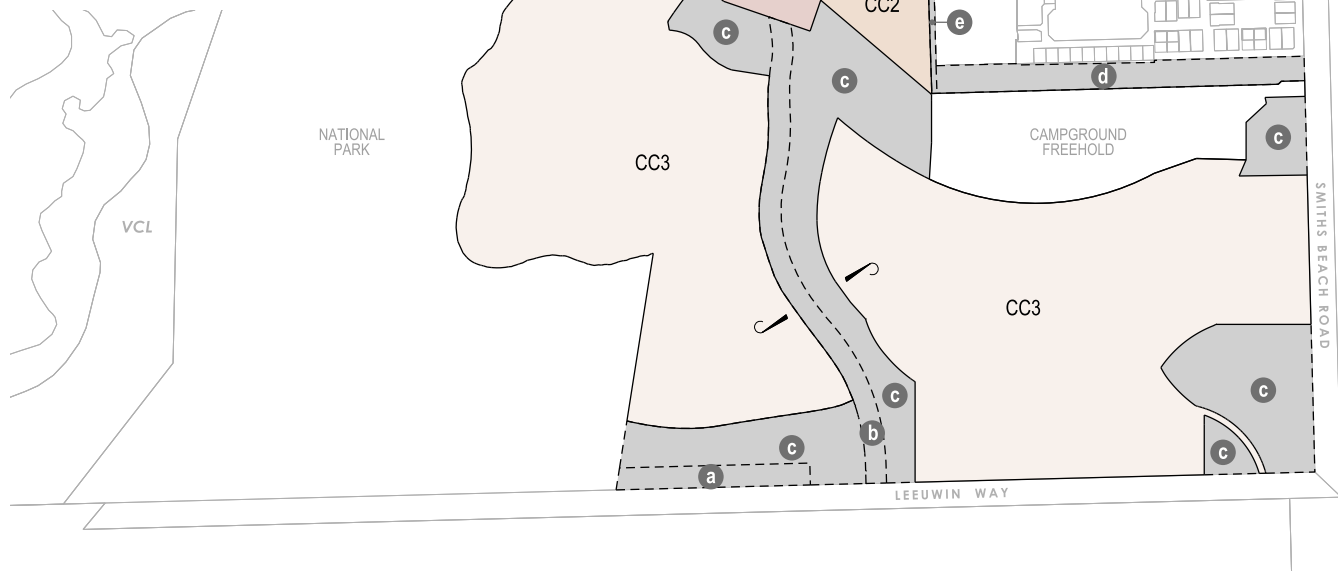


Figure 20 Stage 2 Plan

3.9.3 Stage 3 - Community Title (Land) Scheme

Following creation of the Tier 1 Community Titles Scheme, additional tiers of Community Titles Schemes can be created in sequence.

The proposed Tier 2 Community Titles Scheme subdivides the Tier 1 Holiday Home Lot into a Tier 2 Scheme comprising 61 Holiday Home Lots and associated common property comprising vehicular, pedestrian and emergency accessways .

A conservation covenant is proposed on Lot 7 in relation to securing protection of the “Excellent” classified vegetation on site.

An access easement is also proposed on Lot 7 in favour of emergency services for bushfire and vegetation management purposes.

Legend

COMMUNITY CORPORATIONS

CC1

 Tourist Development

CC2

 Community Hub

CC3

 Holiday Homes

PROPOSED LOTS (TIER 2)

1-61

 Holiday Home Lots

COMMON PROPERTY (TIER 2)

a

 Access Ways (vehicular)

b

 Emergency Access

c

 Pedestrian Access

OTHER

==

 Access Easement (Emergency Services)

\*

 Conservation Covenant - Protection of "Excellent Vegetation"



Figure 21 Stage 3 Plan



### 3.9.4 Stage 4 - Community Title (Building) Scheme

The proposed Tier 2 Community Titles Scheme subdivides the Tier 1 Community Hub Lot into a Tier 2 Building Scheme comprising 6 Lots and associated common property.

The infrastructure/services area will also accommodate the needs of the Tourist Development. This will be addressed through the Tier 1 Community Corporation arrangement.

#### Legend

##### COMMUNITY CORPORATIONS (TIER 1)

CC1 Tourist Development

CC2 Community Hub

##### PROPOSED LOTS (TIER 2)

1 Cape to Cape Welcome Centre

2 Cafe

3 General Store / Bakery

4 Hire Shop

5 Surf Life Saving Club (SLSC)

6 Reception Hall

##### COMMON PROPERTY (TIER 2)

a Access Easement to CC1

b Staff / Public Amenities / BOH Reception

c Infrastructure / Services

d Public Realm / Terrace

e SLSC Access

f Loading Zone

g Community Garden

h Pedestrian Access



Figure 22 Stage 4 Plan



Section

4.0

# SPECIALIST TECHNICAL REPORTS



## 4.0 Specialist Technical Reports

A summary of key technical inputs into the Proposal are included below, with full reports provided as appendices:

### 4.1 Landscaping

A Landscape Report has been prepared by McGregor Coxall to accompany this Development Application which details the landscaping proposed both within the private and communal areas of the development, as well as the proposed Foreshore Reserve and public open spaces.

Landscaping is proposed as follows:

- Revegetation and rehabilitation;
- Foreshore Reserve (existing and proposed);
- Open Space Areas (public and private);
- Tourist Development and Community Hub;
- Campgrounds;
- Holiday Homes; and
- Accessways.

The key landscape strategies for the development are explained in [Section 3.3.3](#), with a full copy of the Landscape Report provided at [Appendix F](#).

### 4.2 Visual and Landscape Assessment

A Visual and Landscape Assessment has been prepared by EPCAD to examine the potential for impact on the current landscape and visual values of the area. The Visual and Landscape Assessment complies with Visual Landscape Planning in Western Australia, 2007 WAPC, referencing “the Combined Methodologies”.

The following key visual and landscape elements are noted:

- The contextual landscape is of high landscape value and falls into two major landscape character units;

- SW of the site the landscape has wilderness like characteristics. NE of the site the landscape has a naturalistic character;
- Significant landscape features include the ridge, the spurs, rocky headland, sweeping bay;
- Visual management objectives are to ensure no visibility from the SW and to ameliorate impacts through integration from the NE through integration with the landscape; and
- Visual change from the NE is addressed by dispersing development, retention of vegetation, material colour and texture rather than creating consolidated dense development.

A copy of the Visual and Landscape Assessment is contained at [Appendix E](#).

### 4.3 Transportation and Parking

A Transport Impact Assessment (TIA) and Parking Demand Analysis (PDA) have been undertaken to review the traffic and parking components of the Proposal. This includes vehicle access, car parking, and external car parking upgrade opportunities. The key components of the TIA/PDA are explained within [Section 3.5](#) of this report, with a full copy of the TIA/PDA provided at [Appendix H](#).

Overall, the following key traffic and parking elements are noted:

- The Proposal provides ample parking on-site for the Tourist Development and Holiday Homes.
- Consistent with the principles of reciprocity, car parking for non-residential uses has been discounted to 50% on the basis that:
  - Peak demands are complementary for the beach and Tourist Development users; and
  - Given the multiple activities available at Smiths Beach, it is likely that visitors will visit multiple destinations during the single visit.
- The development is likely to generate approximately 169 vehicle trips during the peak hour period – the impact of these trips on adjacent development is considered acceptable.

- Upgrades to on-street parking within Smiths Beach Road reserve have been considered to account for current public parking shortfalls. These are likely to be considered by the City of Busselton as they are not generated by the development.

## 4.4 Site Servicing and Earthworks

An Engineering Report has been prepared by Stantec to accompany this Development Application. The engineering strategy and concepts have been developed with the Project vision front of mind namely by ensuring a light ecological footprint. The Engineering Report details the following elements of the Proposal:

- Earthworks;
- Water;
- Sewer;
- Power;
- Telecommunications; and
- Lighting.

A full copy of the Engineering Report can found at [Appendix O](#).

## 4.5 Hydrology

An Urban Water Management Plan (UWMP) has been prepared by Hyd2O Hydrology to support this Development Application. The UWMP has been prepared in accordance with the WAPC Better Urban Water Management Guidelines. As a Development Application, the UWMP also contains details normally addressed in a Local Water Management Strategy (LWMS) to ensure overall water management requirements for the site are addressed.

Hydrological solutions for the site are strongly influenced by the topography and geology of the landform, which have been considered in detail in arriving at the recommendations in the report. The key findings and recommendations include:

**Sustainability:** Water efficiency and sustainability will be promoted through the use of waterwise practices including water efficient fixtures and fittings. Planting and landscape rehabilitation areas together with waterwise public open spaces design and nature planting will further assist with water conservation.

**Stormwater:** Biofiltration areas and swales in specified locations are designed throughout the development to capture stormwater runoff at a street scale. For individual sites, soakwells are to retain and infiltrate the first 15mm rainfall whilst water-wise landscaping will be used to minimise run-off. Rainwater tanks may also be utilised where possible.

**Groundwater and Environment:** Minimal earthworks and retention of existing vegetation mean that no imported fill or subsoil drainage will be required to control groundwater on the site. This outcome is assisted by the stormwater management strategy for the site which has considered the variable surface geology of the site in developing its approach.

A detailed implementation programme including designation of roles and responsibilities will enable the UWMP to be followed on an ongoing basis.

A full copy of the UWMP can found at [Appendix P](#).



## 4.6 Sustainability Strategy

A Sustainability Strategy has been prepared by Stantec to support this Proposal. The Sustainability Strategy details the ambitious approach the Project has towards ecological and sustainability outcomes, which are summarised in [Figure 23](#).

A full copy of the Sustainability Strategy is contained in [Appendix R](#).

## 4.7 Waste Management

A Waste Management Plan (WMP) has been prepared by Encycle Consulting to support this Development Application. Bins will be collected from the loading dock of the Community Hub, and serviced by private contractors. The private contractor will enter the site from Smiths Beach Road, and park in the loading bay adjacent to the bin store. Bins will be collected from each Holiday Home via kerbside collection, serviced by the City of Busselton.

A full copy of the WMP is contained in [Appendix I](#).

## 4.8 Noise Assessment

A Noise Assessment has been prepared by Lloyd George to support this Development Application. The key acoustic considerations are noise from the car park, Reception Hall and other dining spaces and the potential noise impact on existing and proposed accommodation.

The report concludes noise from the car park is deemed compliant at all times subject to the inclusion of a 2.6m high wall alongside the existing short stay units. A series of construction and operational management measures have been recommended for the Reception Hall and dining spaces to ensure compliance with the *Environmental Protection (Noise) Regulations 1997*. A full copy of the Noise Assessment Report is contained in [Appendix J](#).



Figure 23 Sustainability Strategy





Members of the Cultural Working Group



## 4.9 Aboriginal Heritage

The Smiths Beach Project provides a unique opportunity to embrace the local and regional culture, referencing its inhabitants thousands of years ago to the local community today. We formed our Cultural Working Group in 2020 with the Traditional Owners of the Wardandi community and through a series of workshops and site visits, together we have prepared a Cultural Strategy for the Smiths Beach Project. The Strategy outlines the tangible opportunities and meaningful outcomes for Wardandi Traditional Owners – including traditional land management, employment and supply chain opportunities, cultural tourism and an overarching commitment to storytelling across the site in the form of wayfinding, site naming and immersive experiences.

Ethnographic consultation together with an archaeological inspection of the site has been conducted by Ethnoscience with the findings provided within a Heritage Report. Refer Consultation and Archaeological Inspection Report in [Appendix K](#). The Traditional Owners did not identify any new Aboriginal sites within the proposed development area. However, a potential soak was identified adjacent to Smiths Beach Road, which the Traditional Owners suggest would have been used traditionally. The Heritage Report recommends the soak be incorporated into the foreshore design, which has been achieved in the submitted drawings (refer Landscape Report in [Appendix F](#)).

The Heritage Report also recommends the proponent engage with the Cultural Working Group to monitor initial ground disturbance to ensure that any burials, skeletal materials or artefacts unearthed during initial ground disturbance are handled in accordance with Wardandi customs and traditions and the relevant legislation.

Aboriginal Site ID 15801 is located within the site. A Section 18 (S.18) notice and ministerial consent has been issued for the site to the previous landowners. However, a new S.18 notice is required for Smiths 2014 Pty Ltd, which is currently being considered by the Department of Planning, Lands and Heritage. The Development Application will address any requirements that may result from the S.18 Consent.

## 4.10 Bushfire Management

The site is located within a bushfire prone area under the State Map of Bush Fire Prone Areas, and as such this Development Application is supported by a Bushfire Management Plan (BMP) and Bushfire Emergency Management Plan (BEMP) to address the requirements of State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7), the Guidelines for Planning in Bushfire Prone Areas (the Guidelines), and the WAPC's Position Statement: Tourism Land Uses in Bushfire Prone Areas (December 2019) (Tourism Land Use Position Statement). The Proposal is also considered to be a 'vulnerable land use', so requires a Bushfire Emergency Management Plan (BEMP) to detail the emergency management measures for all occupants in a bushfire emergency.

Given the Project objectives of vegetation retention and environmental excellence to create a sensitively designed Tourism Node, and the need to create adequate asset protection zones to protect property and life, the BMP applies Performance-Principle Based Solutions, underpinned by the Tourism Land Use Position Statement, as well as an assessment of the Intent and Performance Principles of the relevant element/s of the Guidelines to address any permanent residents in the proposed Holiday Homes.

The Community Scheme arrangement, through the Community Development Statement and subsequent Community Corporation, Scheme Manager and the Scheme Bylaws, will ensure vegetation management and rehabilitation for environmental, landscape and habitat values is balanced with bushfire management requirements. This arrangement provides for a central and coordinated whole of site approach across individual properties, common property and open space.

The BMP and BEMP is contained in [Appendix G](#), and a summary of the findings of the BMP are discussed in [Section 7.3.4](#).



## 4.11 Economic Benefits Study

The State Development Assessment Unit Guidelines (SDAU Guidelines) state that an application must clearly demonstrate the need for the development in response to the economic effects of the COVID-19 pandemic. In response, an Economic Benefit Study (EBS) has been prepared by Urbis to assess the economic benefits of the Proposal and respond to the matters outlined in the SDAU guidelines. The report assesses the following key outcomes:

### Construction phase:

- The Proposal will support 1,106 FTE construction job years (directly and indirectly) during construction of the development.
- The construction will add a total of \$201 million to the WA economy over the construction phase.

### Ongoing:

- The Proposal will support 92 FTE ongoing jobs per annum (directly and indirectly).
- There will be an estimated \$12.5 million value-added per annum in the Western Australian economy attributable to operations on-site.
- The Tourist Accommodation and Holiday Homes are estimated to accommodate 54,531 visitor nights per year with an estimated total operational expenditure of \$20.5 million per year (including food and beverage, General Store, Café, etc).

The Proposal will therefore offer significant economic benefits to the local area, the region and the state more generally. A full copy of the EBS is contained in [Appendix Q](#).

## 4.12 Coastal Hazard Assessment

A Coastal Hazard Assessment has been prepared by MP Rogers & Associates to support this Development Application. The scope of this report includes a review of the City of Busselton's draft Coastal Hazard Risk Management and Adaptation Plan (CHRMAP), wave modelling and calculation of the Horizontal Shoreline Datum (HSD) for the Proposal and a coastal hazard assessment against the requirements of the State Coastal Planning Policy.

A universal access ramp to the beach is proposed in order to provide access for service and emergency vehicles to the beach and a much-needed opportunity for people with disabilities or mobility issues to access the beach. The armouring of the upgraded ramp has been taken into consideration in the assessment of the coastal hazards and the impact on the proposed development.

Consistent with the findings of the Coastal Hazard Assessment, the Proposal incorporates a 50m foreshore reservation (measured from the HSD) in order to provide suitable protection for development.

The requirements of the State Coastal Planning Policy are discussed further in [Section 7.3.2](#). Refer [Appendix N](#) for a copy of the Coastal Hazard Assessment.



Section

**5.0**

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# ENVIRONMENTAL OVERVIEW



## 5.0 Environmental Overview

### 5.1 Existing Approval Framework

#### 5.1.1 Federal

Approval, subject to various conditions was obtained under the EPBC Act on 3 March 2011 to develop tourist and residential uses over the subject site. The approval is valid until 31 December 2031.

#### 5.1.2 State

A statement was issued by the Appeals Convenor in June 2010 to detail the conditions that should apply to the development of the subject site, based on a proposal to:

- Extend the Leeuwin-Naturaliste National Park into the western part of Sussex Location 413; and
- Develop the eastern part of Sussex Location 413 for tourism and residential purposes with associated POS and foreshore reserves, generally depicted on the Structure Plan.

The statement identifies it will be void within ten years after the date of this statement, and as such expired in June 2020.

The existing EP Act approval is subject to an application by Smiths 2014 Pty Ltd to extend the period of approval to December 2031.

### 5.2 Proposed Environmental Framework

The Proposal will also be re-referred under the EP Act and EPBC Act, seeking an accredited assessment process, concurrently with the Development Application. An Environmental Assessment Report has been prepared by Strategen JBS&G in support of this application and can be found in [Appendix L](#).

The following technical reports and surveys will be collated for provision to the EPA and Commonwealth as part of the referrals, which have been developed concurrently with the Proposal:

- Flora and Fauna Survey;
- Visual and Landscape Assessment;
- Coastal Risk Assessment;
- Bushfire Management Plan; and
- Hydrology and Waste Water Management.

### 5.3 Environmental Conditions

The following provides an overview of the Conditions of Approval for the Site in relation to the Section 45a(3) of the Environmental Protection Act 1986 (refer [Table 6](#)) under Ministerial Statement 831, June 2010 and the EPBC Conditions of Approval (refer [Table 7](#)) for the previous proposal. This information is provided to communicate the environmental approvals framework and its context against the approved Structure Plan, and the rationale for the proposed Masterplan.

Table 6 S45a(3) of the Environmental Protection Act 1986 – Ministerial Statement 831 (June 2010)

	Condition	Comment in relation to Approved Structure Plan	Response
4 Development			
4-1	Development of Sussex Location 413 shall be generally in accordance with the Smiths Beach – Development Guide Plan (Mediated Plan) Plan No. 160-60k dated 18 June 2009 (DGP)	DGP 160-60k has been superseded by the Approved Structure Plan (SP) (WAPC, February 2011).	The Approved SP has been used to inform the proposed Masterplan.
4-2	There shall be no development of Sussex Location 413 outside the Identified Development Land Area (12.8ha) shown on the Smiths Beach DGP – IDLA Plan. 160-73G dated 18 June 2009, other than development of public infrastructure such as public works, public facilities, infrastructure and amenities within foreshore reserves; community facilities, landscape works; stormwater and drainage infrastructure; and utilities and services.	The Approved SP identifies an IDLA of 14.8ha.	<p>A revised IDLA has been formulated following a landscape and environmental led analysis to inform a revised Design response. Refer <a href="#">Section 8.1.2</a>.</p> <p>The revised IDLA comprises an area of 18.14ha and considers the following:</p> <ul style="list-style-type: none"> <li>• Optimised to retain “Excellent” quality vegetation.</li> <li>• Visual and Landscape Assessment Outcome.</li> <li>• A further 1.14ha of “Excellent” Vegetation is protected within a Conservation Lot and 0.91ha within a new area of proposed Open Space.</li> <li>• Conservation of vegetation to be enforced through Community Scheme and centralised Community Corporation.</li> <li>• Reduced built form density within a more dispersed footprint.</li> </ul>
4-3	Development of Sussex Location 413 shall not exceed the heights indicated on the Smiths Beach – Development Guide Plan-Special Height Control Area Map Plan. No. 160-61M 18 June 2009.	The Approved Structure Plan (SP) (WAPC, February 2011) is supported by a Special Height Control Map.	The proposed Masterplan has been guided by the approved Special Height Control Map, and only minor variations are sought associated with the Tourist Development and Community Hub. Refer <a href="#">Section 8.2.5.1</a> .



Table 6 S45a(3) of the Environmental Protection Act 1986 – Ministerial Statement 831 (June 2010) (continued)

	Condition	Comment in relation to Approved Structure Plan	Response
<b>5 National Park Extension</b>			
5-1	The 20.97ha depicted as “National Park Extension” in the DGP shall be incorporated into the Leeuwin Naturaliste National Park prior to any subdivision of Sussex Location 413 (other than subdivision or development undertaken for the sole purpose of transferring that land to the Crown for incorporation into the National Park).	The Local Planning Scheme Reserves 8.8639ha for National Park. A further 12.51 ha of National Park is identified in the approved Structure Plan, equating to a total National Park area of 21.38ha.	<p>The Proposal Masterplan retains the Reserved portion of the National Park as per the scheme (8.8639ha).</p> <p>A further 7.9361ha of National Park is proposed to be vested in the Crown, bringing the total National Park area to 16.8ha.</p> <p>The revised IDLA and National Park Extension considers the following:</p> <ul style="list-style-type: none"> <li>• Optimised to retain “Excellent” quality vegetation.</li> <li>• Visual and Landscape Assessment Outcome.</li> <li>• A further 1.14ha of “Excellent” Vegetation is protected within a Conservation Lot and 0.91ha within a new area of proposed Open Space.</li> <li>• Conservation of vegetation to be enforced through Community Scheme and centralised Community Corporation.</li> <li>• Reduced built form density within a more dispersed footprint.</li> </ul> <p>Refer <a href="#">Section 8.1.2</a>.</p>
5-2	The Fire Management Plan referred to in Figure 1 shall be to the requirements of the Department of Environmental and Conservation in relation to impacts on the Leeuwin-Naturaliste National Park and the extension to the Leeuwin-Naturaliste National Park.	In accordance with the requirements of SPP 3.7 a BMP would be required to be prepared in support of Development in accordance with the approved SP, and address DBCA's requirements as detailed in this condition.	A BMP has been prepared in accordance with SPP 3.7, the Guidelines and the WAPC's Tourism Land Use Position Statement. The BMP assumes vegetation management is to be excluded from the existing National Park and the National Park extension.
5-3	Public access from the development to the Leeuwin-Naturaliste National Park extension shall be managed to the requirements of the Department of Environment and Conservation in order to protect granite heath vegetation.	No information is available on this aspect in relation to the approved SP.	Limited public access is proposed through the National Park and this has been detailed in the Foreshore Management Plan which addresses the management of this area by the DBCA.
<b>6 Revegetation</b>			
6-1	Within five years from the date of the Minister for Environment's first notice under section 45A(2) of the Environmental Protection Act 1986, the proposal shall revegetate 20 hectares of the 'Mt Duckworth Site' (shaded area in Figure 4) and 2.4 hectares of the 'Gunyulgup Site' (shaded area in Figure 5) to meet the criterion of 2000 plants per hectare using the species and proportions as listed in Attachment 1 of this statement.		A revised offsets strategy will be provided through new environmental approvals processes based on the new Proposal and current offsets policies.

Table 7 EPBC Approval

	Condition	Response
1	The person taking the action must ensure that the action is taken in a manner consistent with the preliminary documentation and the Development Guide Plan (DGP) (23 December 2010) Annexure 1.	Noted.
2	To protect the Western Ringtail Possum ( <i>Pseudocheirus occidentalis</i> ), Baudin's Black Cockatoo ( <i>Calyptrorhynchus baudini</i> ), and the Chuditch ( <i>Dasyurus geoffroii</i> ) the person taking action must ensure the action does not include any clearing of vegetation outside the DGP Boundary or within the National Park Extension (NPE) as identified in Annexure 1, except within the area identified by the white line in Annexure 2.	Our Proposal will lead to an increase in the amount of habitat retained for these species within the development footprint and land set aside for conservation/ National Park.
3	To protect the Western Ringtail Possum, Baudin's Black-Cockatoo and the Chuditch the person taking the action must manage 22.4 ha of habitat for these threatened species in accordance with the Operational Plan – Revegetation Programme, Mt Duckworth and the Gunyulgup Site (18 March 2008) see Annexure 3.	A revised offsets strategy will be provided through new environmental approvals processes based on the Proposal and current offsets policies.
4	To protect the Western Ringtail Possum, Baudin's Black-Cockatoo and the Chuditch the person taking action must cede no less than 21.3 ha identified as NPE in the DGP (see Annexure 1) to the Crown for incorporation into the Leeuwin-Naturaliste National Park prior to creation of titles for the first stage of subdivision.	Our Proposal will lead to an increase in the amount of habitat retained for these species within the development footprint and land set aside for conservation/ National Park.
5	To protect the Western Ringtail Possum, Baudin's Black-Cockatoo and the Chuditch the person taking action must cede no less than 91 Peppermint ( <i>Agonis flexuosa</i> ) trees within the Central Public Open Space and Reserve (POS) and no less than 250 Peppermint trees within the southern POS and road reserve (see Annexure 1) for habitat for these threatened species.	Our Proposal will lead to an increase in the amount of habitat retained for these species within the development footprint and land set aside for conservation/ National Park.
6	If the person taking action wishes to carry out any activity otherwise than in accordance with the DGP and the Operational Plan – Revegetation Programme, Mt Duckworth and Gunyulgup Site referred to in conditions 1, 2, 3, 4 and 5 the person taking the action must submit for the Minister's approval a revised version of any such plan. The varied activity shall not commence until the Minister has approved the varied plan in writing. If the Minister approves such a revised plan, that plan must be implanted in place of the plan originally approved.	Noted.
7	If, at any time after five years from the date of this approval, the Minister notifies, in writing, the person taking the action that the Minister is not satisfied that there has been substantial commencement of the action, the action must not thereafter be commenced without the written agreement of the Minister.	Noted.



Table 7 EPBC Approval (continued)

	Condition	Response
8	The person taking the action must maintain accurate records substantiating all activities associated with or relevant to the above conditions of approval, including measures taken to implement the DGP and the Operational Plan – Revegetation Programme, Mt Duckworth and Gunyulgup Site required by this approval, and make them available upon request to the Department. Such records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act, or used to verify compliance with the conditions of approval. Summaries of audits will be posted on the Department's website. The results of audits may also be publicised through the general media.	Noted.
9	Upon the direction of the Minister, the person taking the action must ensure that an independent audit of compliance with the conditions of approval is conducted and a report submitted to the Minister. The independent author must be approved by the Minister prior to the commencement of the audit. Audit criteria must be agreed to by the Minister and the audit must address the criteria to the satisfaction of the Minister.	Noted.



Section

6.0

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# STRATEGIC PLANNING FRAMEWORK



## 6.0 Strategic Planning Framework

### 6.1 South West Regional Planning and Infrastructure Framework (December 2015)

#### 6.1.1 Overview

The South West Regional Planning and Infrastructure Framework (Framework) provides an overall strategic context for land-use planning in the South West. The Framework identifies that the population of the South West Region is expected to grow from 165,985 in 2011 to nearly 210,000 people in 2026, requiring supporting accommodation and key infrastructure to cater for the predicted growth.

The Framework notes the WAPC will support tourism proposals which broaden opportunities for the tourism sector to provide experiences derived from the region's natural, cultural and economic resources and attractions, where this can be achieved through:

- Identifying strategically or locally significant tourism areas in local tourism planning strategies;
- Identifying other key tourism sites and precincts that maximise the economic benefit to the region or sub-region, while minimising adverse impact on the environment and local amenity; and
- Identifying ancillary facilities for camping and caravans including black waste dump points in appropriate areas.

#### 6.1.2 Alignment of Proposal

The approved SP has refined these elements and reflects a camping and chalet park. The Proposal aligns with the intent of the Framework, and proposes Campgrounds and associated amenities, and will broaden the diversity of accommodation options to support the expected population growth in the locality on a site identified for tourism development in the City of Busselton Local Planning Strategy. The Proposal will have minimal adverse impacts on the environment and will improve the local amenity.

### 6.2 Leeuwin-Naturaliste Sub-Regional Planning Strategy (May 2019)

#### 6.2.1 Overview

The Leeuwin-Naturaliste Sub-Regional Planning Strategy (Strategy) is an overarching strategic land use planning document that outlines the WAPC's approach to future planning and development with the City of Busselton and Shire of Augusta-Margaret River.

#### 6.2.1.1 Guiding Principles

The guiding principles of the Strategy are:

- Promote growth in accordance with sustainable development principles;
- Acknowledge the cumulative impacts of development within rural and landscape areas on the environment, agricultural productivity, tourism attractions and other employment generators, and ensure planning decision makers take this into account when considering future development;
- Focus development in the larger settlements in a manner that will support existing facilities, services and infrastructure and minimise low-density urban sprawl and environmental impacts of new development;
- Balance the development pressures of the sub-region in a manner that will retain and enhance landscape character, remnant vegetation and manage coastal access and the increasing pressure on key coastal sites;
- Promote existing and new industries and the efficient use of land and infrastructure;
- Facilitate improved transport and infrastructure for the sub-region; and
- Manage the opportunities that will retain and enhance the sub-region's unique landscape, environment and important agricultural and food production areas.

### 6.2.1.2 Vision

The vision for the Leeuwin-Naturaliste sub-region is for the area to continue to develop and be managed in a manner consistent with the character, amenity and value of the natural and built environments, and the efficient use and equitable distribution of resources.

### 6.2.1.3 Smiths Beach Tourist Node

The Strategy identifies Smiths Beach as a Tourist Node (refer [Figure 24](#)), and defines Tourism Nodes as:

*“Tourism nodes contain a negligible population base and as such the functions they provide cater exclusively for the needs of tourists; and like tourism centres they experience significant seasonal population fluctuations.*

*Tourism nodes primarily accommodate overnight visitors and generally contain the necessary infrastructure to facilitate this function. They can also offer some basic retail facilities that are secondary to the core function of accommodation.”*

The Strategy recognises that the site is subject to the Smiths Beach Structure Plan, which provides for tourism and residential uses in accordance SPP 6.1. The prospect of any development expansion is also constrained by remoteness to water and waste water servicing infrastructure and consequent challenges of implementing innovation and alternative solutions. These constraints have been resolved as demonstrated in the approved SP, and further detailed in [Section 4.4](#) and [Section 7.3.5](#).

### 6.2.2 Alignment of Proposal

The Proposal is consistent with the principles and vision of the Strategy, identifying Smiths Beach as a Tourism Node. The Proposal prioritises the retention of existing vegetation, albeit in a managed form to accommodate bushfire requirements, and the landscape character of the site, and includes revegetation where required to enhance the landscape character. The Proposal also addresses the bushfire risk identified as a constraint on the subject site in order to accommodate Holiday Homes.

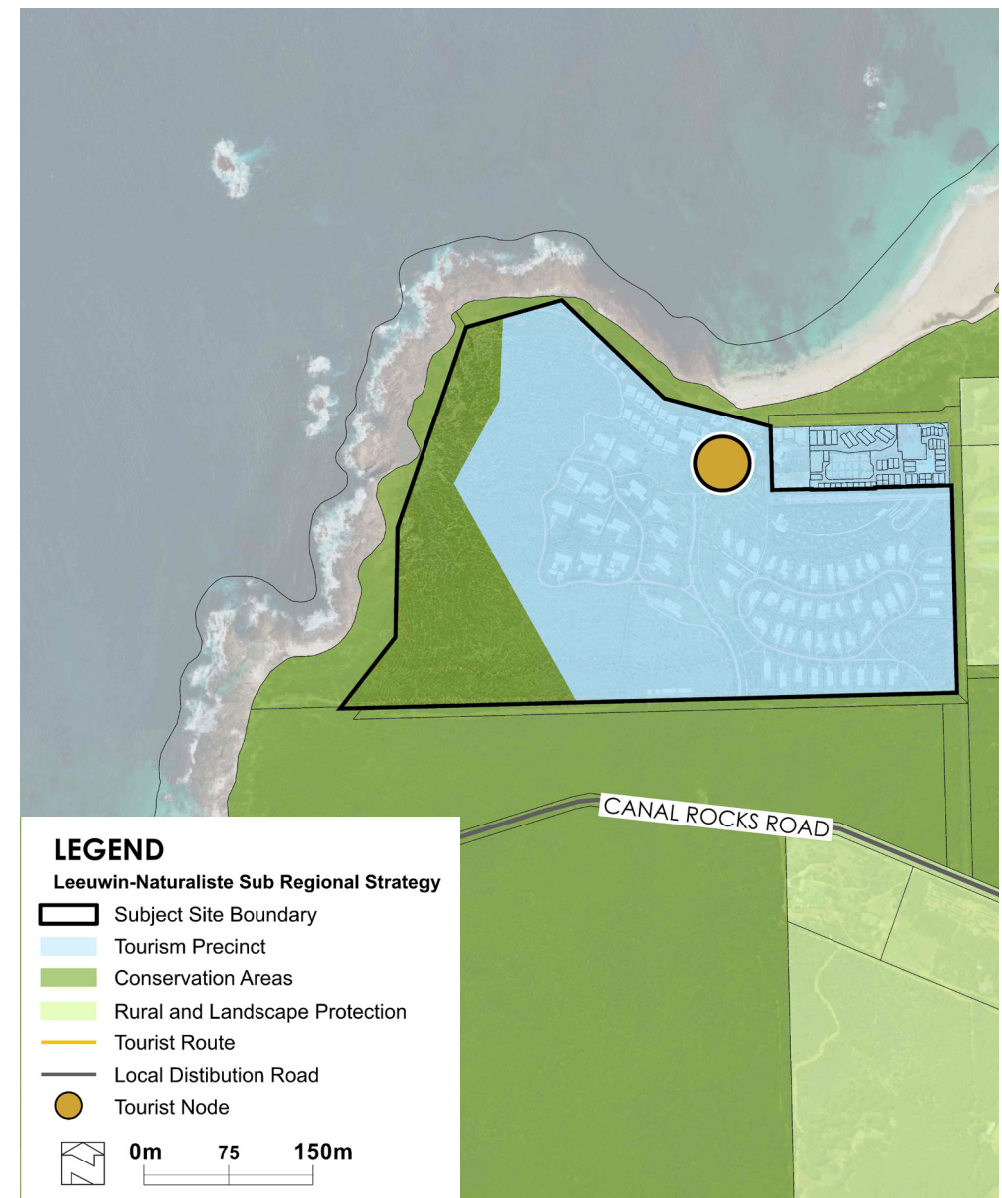


Figure 24 Leeuwin Naturaliste Sub-Regional Planning Strategy



## 6.3 Planning Bulletin 83 Planning for Tourism (July 2011)

### 6.3.1 Overview

Planning Bulletin 83: Planning for Tourism (PB 83/2013) provides a policy position to guide decision making by the WAPC and local government for subdivision, development and scheme amendment proposals for tourism purposes and implement the recommendations of the Tourism Planning Taskforce (TPT) Report. PB 83/2013 has five main objectives, namely:

- To highlight the importance of strategic planning for tourism;
- Recognise local and regional variations in tourism demand and development pressures and their impacts on the viability of tourism development in assessing and determining tourism proposals;
- Provide guidance to local government in planning for tourism development to be undertaken as part of the local planning strategy process;
- Provide guidance on the development of non-tourism uses on tourism sites; and
- Provide for flexibility in the design and assessment of tourism and mixed use development.

Of relevance to the Proposal, the Bulletin identifies the need for Tourism Sites to be identified in Local Planning Strategies, which may facilitate the long-term protection of land for tourism purposes, with the relevant land use and development parameters included in the Local Planning Scheme.

### 6.3.2 Alignment of Proposal

In accordance with the Planning Bulletin, Smiths Beach is identified as a Tourist Node in the City of Busselton's Local Planning Strategy (refer [Section 6.7](#)), which the Proposal is consistent with.

## 6.4 Planning Bulletin 99 Holiday Homes Guidelines (September 2009)

### 6.4.1 Overview

Planning Bulletin 99: Holiday Homes Guidelines (PB 99) acknowledge that Holiday Homes are an important aspect of the mix of tourism accommodation, particularly in popular tourist destinations within Western Australia. PB 99 sets out the interim position of the WAPC in relation to planning and regulation of Holiday Homes in Western Australia, and provide guidance to local governments when dealing with issues associated with Holiday Homes in the local government planning framework.

The objectives of PB 99 are:

- To facilitate a consistent, equitable and efficient planning process for the regulation of Holiday Homes in Western Australia.
- To support the tourism industry by the promotion of voluntary accreditation of Holiday Homes.
- To encourage good quality, well managed Holiday Homes for use by short-term visitors generally in locations that will enhance the tourism experience while minimising potential impacts on adjoining residents.
- To support the role of Holiday Homes as part of the tourism industry.

PB 99 recommends Holiday Homes be formalized as a land use within local planning schemes, supported by local planning policies.

PB 99 also recommends Holiday Homes should be located in areas of high tourism amenity, and close proximity to key tourism attractions such as beach, town centre, or rural areas but may not be appropriate in suburban locations.

#### 6.4.2 Alignment of Proposal

The recommendations of PB 99 have been adopted by the City of Busselton, through the inclusion of Holiday Homes in the City's LPS 21, and through Local Planning Policy 4.1 – Holiday Homes, which have been addressed in [Section 7.1](#) and [Section 7.4.2](#).

The Proposal is also consistent with the objectives of PB 99, in that it includes Holiday Homes which are good quality, and will be well managed through a Community Scheme arrangement. The Holiday Homes are also in a location with high tourism amenity, which will have minimal impacts on adjoining residents.

### 6.5 Planning guidelines – Holiday Homes – short stay use of residential dwellings (September 2009)

#### 6.5.1 Overview

The WAPC's Planning Guidelines – Holiday Homes – short stay use of residential dwellings (Holiday Homes Guidelines), provide guidance for the short stay use of Holiday Homes for tourism accommodation in Western Australia.

The Holiday Home Guidelines address:

- **Location:** Holiday Homes should be within preferred areas identified either by a local planning strategy of local planning policy, and are most appropriate in areas of high tourism amenity and in close proximity to key tourism attractions.
- **Amenity:** Holiday Homes should not adversely impact on residential amenity currently enjoyed by residents in surrounding properties.
- **Building Standard:** dwellings should comply with the Building Code of Australia and local government policy and standards.
- **Grouped or multiple dwellings:** the use of grouped or multiple dwellings will generally not be supported, given the impacts on adjoining residents, unless all owners are in agreement.
- **Approval conditions:** conditions of approval may relate to management, fire and emergency response plans, and approval period.
- **Holiday Home register:** register of approved Holiday Homes should be maintained by the local government.



### 6.5.2 Alignment of Proposal

The Proposal is consistent with the Holiday Homes Guidelines, by locating Holiday Homes where they are capable of being approved within the Additional Use 36 area under the City's LPS 21 (refer [Section 7.1](#)), and in a location which has been identified as a Strategic Tourism Site in the City's Local Tourism Planning Strategy (refer [Section 6.8](#)), and a Tourism Node in the City's Local Planning Strategy (refer [Section 6.7](#)).

The Holiday Homes are not located in proximity to any existing permanent residents and will not impact the amenity of adjoining landowners, with the closest landowner being the Smiths Beach Resort, which is located a minimum of 75m from the proposed Holiday Homes, and also provides for short stay accommodation.

The proposed Holiday Homes are classified as grouped dwellings, which the Holiday Homes Guidelines do not generally support, however, it is considered the definition of grouped dwelling is linked historically to a style of grouped dwelling and does not contemplate the Community Title Scheme arrangement and nature of the development proposed, which is single residential in nature, as expressed in [Section 8.2.2.1](#).

It is also expected the Development Approval will be subject to a number of conditions, as recommended by the Holiday Homes Guidelines, and addressed in [Section 10.0](#).

## 6.6 Tourism Planning Guidelines (June 2014)

### 6.6.1 Overview

The Tourism Planning Guidelines (the Guidelines) provide a guide to preparing the tourism component of a local planning strategy in Western Australia. The Guidelines aim to clarify expectations on the scope and detail required as part of a planning assessment, to enable considered decision-making around tourism uses at the state, regional and local levels. The Guidelines state the following criteria can be applied when giving consideration to suitable future tourism accommodation development sites:

- The site has been identified in a report/study as having the potential to accommodate a tourism facility; and/or
- The site contains an existing tourist accommodation development; and/or
- The site is located in an area of high tourist amenity and is of an adequate size to accommodate a tourism facility.

### 6.6.2 Alignment of Proposal

The subject site's existing Tourism zoning, approved SP, amenity and size reflects the site's potential to accommodate tourist uses.

## 6.7 City of Busselton Local Planning Strategy (2019)

### 6.7.1 Overview

The City of Busselton's Local Planning Strategy (LPS) was endorsed by the WAPC in March 2020. The LPS sets out the long-term planning direction for the City of Busselton and provides the overarching strategic rationale for decisions relating to planning and development.

The LPS identifies Smiths Beach as a Tourism Node, with development potential as per the endorsed SP. It also recognises the planned Local Centre on the site identified in the SP, and identifies the importance of local centres to remain vital, viable and sustainable in the long term.

### 6.7.2 Alignment of Proposal

The Proposal will create a Tourist Node, including a range of accommodation types, as well as supporting infrastructure and commercial uses generally consistent with the endorsed SP, and therefore the City's LPS. The Proposal has been refined as a result of the environmental, landscape and visual assessments of the site, resulting in a number of departures from the approved SP, which is addressed in [Section 8.3](#).

## 6.8 City of Busselton Local Tourism Planning Strategy (2011)

### 6.8.1 Overview

The City of Busselton Local Tourism Planning Strategy (2011) focuses on identifying locations and sites that are important for sustainable tourism industry growth within the City. This document informed the overarching Local Planning Strategy (2019), and will be reviewed now that the Local Planning Strategy (2019) has been endorsed. The document identifies the subject site as "Strategic Tourism Precinct 4 – Smiths Beach", based on meeting the following criteria for Strategic Tourism Sites:

- **Sustainability:** the site is required to be developable without compromising the sustainable use of the area's natural and cultural resources, have regard for existing social structures and be part of the delivery of diversified and balanced tourism opportunities.
- **Planning Context:** a site, location or precinct identified in a regional planning strategy or a region plan as having high tourism potential and value or may be part of a development area recognised in the State planning framework as having high tourism value.
- **Accessibility:** the site has high accessibility appropriate to the nature of the facility/ attraction.
- **Uniqueness:** the site may contain, or be in the vicinity of an attraction of landmark value, or itself be of landmark value.
- **Setting:** the site may have an aspect and outlook that facilitates recreational tourism activities and/or the creation of a tourism character and ambience. This site appeal should be such that it demonstrates a high level of tourism demand or has an inherent potential for such and is highly marketable.
- **Tourism Activities and Amenities:** the site provides, or has easy access to, supporting activities and amenities such as tours, fishing, historic sites, walk trails, environmental interpretation, Cafés, restaurant, shops and the like.



- **Alternative Sites:** the site has an element of scarcity in that it may be the only opportunity, or one of a limited number of opportunities, to achieve a significant tourism development in an area, at a particular place or as it may demonstrate a particular function or characteristic.
- **Size:** the site should be of a size adequate to accommodate a sustainable tourism facility of the appropriate type for the location, with consideration of future expansion, and exhibit potential for the necessary level of services to be provided.
- **Suitability:** the site is located within a land use context that will not overly limit the extent of activities of guests within the resort due to amenity impacts on adjoining residents or where the adjoining uses will detract from the tourism character of the site.
- **Capability:** the site has the capacity to be developed for tourism purposes and accommodate the associated services in a manner that does not detract from the natural attributes of the site or result in environmental degradation.
- **Function:** Strategic tourism sites may perform a specific function, such as a traditional social or cultural role, and/or serve a particular clientele, where that may not be replaced readily.

See **Figure 25** for the assessment of the Strategic Tourism Precinct 4 – Smiths Beach.

### 6.8.2 Alignment of Proposal

The Proposal provides for a Strategic Tourism Site, in accordance with the criteria demonstrated in the City's Local Tourism Planning Strategy.

Strategic Tourism Site Criteria	
Power to site/close by	✓
Scheme Water to site or close by	✓
Deep Sewerage to site or close by	x
Sustainability	✓
Built Heritage Issues	
Competing land uses for same site	✓
Accessibility	✓
Uniqueness	✓
Setting	✓
Tourism Activities/Amenities	✓
Alternative Sites	✓
Suitability	✓
Compatibility	✓
Size	✓
Function	✓
Legend	
Positive Criteria	✓
Neutral Criteria	-
No Impact	x

(Source: City of Busselton Local Tourism Planning Strategy)

Figure 25 Strategic Tourism Sites Criteria Assessment



Section

7.0

# STATUTORY PLANNING FRAMEWORK



## 7.0 Statutory Planning Framework

### 7.1 City of Busselton Local Planning Scheme No. 21

#### 7.1.1 Overview

##### Zoning

Of the 40.5ha site, 31.6644ha (78%) is zoned for Tourism, under the City of Busselton's Local Planning Scheme No 21 (LPS 21). The western portion of the site is reserved for Recreation (8.8639ha/22%).

The site is also affected by the following considerations under LPS 21 where a range of development requirements apply (refer [Figure 26](#)):

- Additional Use Site No. 36 which provides for residential development in accordance with the Residential zone;
- Landscape Value Area; and
- Rural Remainder.

##### Objectives

The objectives of the Tourism Zone contained in clause 3.2 of LPS 21 are:

- a. To promote and provide for tourism opportunities.
- b. To provide for a variety of holiday accommodation styles and associated uses, including retail and service facilities where those facilities are provided in support of the tourist accommodation and are of an appropriate scale where they will not impact detrimentally on the surrounding or wider area, or on the commercial primacy of the Regional Centre and Centre zones.
- c. To allow limited residential uses where appropriate.
- d. To encourage the location of tourist facilities so that they may benefit from existing road services, physical service infrastructure, other tourist attractions, natural features and urban facilities.

#### 7.1.2 Alignment of Proposal

The Proposal's alignment with the objectives of the Tourism Zone is explained in [Table 8](#).

##### Land Use Permissibility

LPS 21 identifies land uses permitted within the Tourism Zone and Additional Use 36. The land uses proposed, and their permissibility within LPS 21 is included in [Table 8](#) below.

##### Development Requirements

The site is also subject to the development requirements under the following section of LPS 21:

- Schedule 2 – Additional Uses (Additional Use 36).
- Schedule 8 – Provisions applying to Sussex Location 413 Smiths Beach Road, Yallingup.
- Other:
  - 4.3 Special Application of Residential Design Codes;
  - 4.8 Height of Buildings;
  - 4.19 Permanent/Residential Occupation of Tourist Development; and
  - 5.4 Landscape Value Area.

The details and alignment of the Proposal with the development requirements is included in the following tables:

- [Table 9](#) – Land Use Permissibility
- [Table 10](#) – Land Uses Not Listed
- [Table 11](#) – Provisions Applying to Additional Use 36

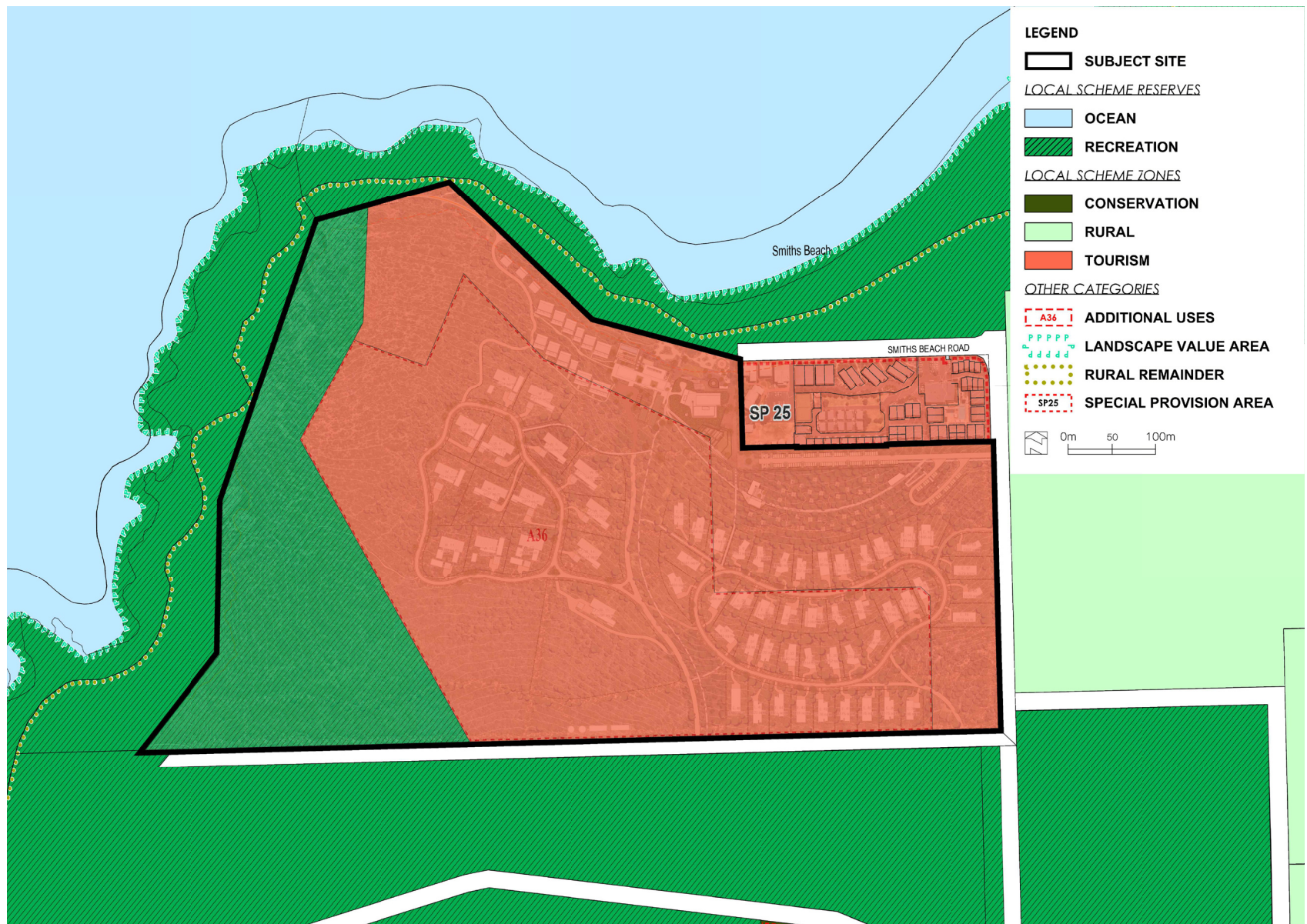


Figure 26 City of Busselton Local Planning Scheme No. 21 Extract  
 SMITHS BEACH PROJECT - STATE DEVELOPMENT APPLICATION 107



Table 8 LPS 21 Objectives

Provision	Proposal
<b>Tourism Zone Objectives</b>	
a. To promote and provide for tourism opportunities.	<p>The Proposal provides for an iconic tourism destination and attraction at Smiths Beach, which will offer a world class visitor experience in the South West, in line with the site's identification as a Tourist Node in the Leeuwin-Naturaliste Sub-Regional Planning Strategy.</p> <p>The Proposal will promote the Cape to Cape Track as a renowned tourism attraction through the provision of the Cape to Cape Welcome Centre, within a comprehensive tourism precinct.</p> <p>The tourism precinct will feature facilities including a range of accommodation, food and beverage offerings, a Reception Hall, and a Surf Life Saving Club, delivering public amenity and providing important tourism infrastructure to support the activity-based and nature-based tourism offerings associated with Smiths Beach and the Cape to Cape Track.</p> <p>The Proposal is therefore consistent with this objective.</p>
b. To provide for a variety of holiday accommodation styles and associated uses, including retail and service facilities where those facilities are provided in support of the tourist accommodation and are of an appropriate scale where they will not impact detrimentally on the surrounding or wider area, or on the commercial primacy of the Regional Centre and Centre Zones.	<p>The Proposal provides for a variety of accommodation styles, and includes the Tourist Development, Campgrounds and Holiday Home Accommodation, which comprises a mix of 3-4-bedroom Holiday Homes, some with 1-bedroom independent studios, consistent with the site's identification as a Tourist Node in the Leeuwin-Naturaliste Sub-Regional Planning Strategy.</p> <p>Associated tourism uses are proposed to support the Community Hub comprising the Cape to Cape Welcome Centre, Surf Life Saving Club, Café, General Store, Bakery, Hire Shop, Reception Hall and Artist in Residence Studio, which are of an appropriate scale so they will not detrimentally impact on the surrounding area.</p> <p>The Proposal is therefore consistent with this objective.</p>

Provision	Proposal
c. To allow limited residential uses where appropriate.	<p>The Proposal provides for a range of tourism and residential uses consistent with the A36 area, which allows for land uses consistent with the Residential zone.</p> <p>A total of 61 Holiday Homes are proposed on the site to complement the range of permanent tourism uses provided. The Holiday Homes will be capable of use as grouped dwellings and short stay accommodation under this Proposal.</p> <p>The Proposal is therefore consistent with this objective.</p>
d. To encourage the location of tourism facilities so that they may benefit from existing road reserves, physical service infrastructure, other tourist attractions, natural features and urban facilities.	<p>The Proposal represents an extension of the existing Smiths Beach tourist precinct, which comprises the existing Smiths Beach Resort, Chandlers Smiths Beach Villas and Canal Rocks Beachfront Apartments.</p> <p>The Proposal utilises an existing road frontage and service infrastructure, and formalises public access to the site not currently legally provided.</p> <p>The Proposal is also located in proximity to a range of natural tourist attractions, including the Cape to Cape Track, Smiths Beach, natural rock pools including 'The Aquarium', the Leeuwin-Naturaliste National Park, as well as urban facilities including the Yallingup Townsite, approximately 3km north of the site, in addition to a range of attractions in the wider region including beaches, national parks, wineries and primary producers.</p> <p>The site is also located approximately 44km from the newly upgraded Busselton Margaret River Airport, capturing value from this significant government investment and further improving tourism opportunities within the region.</p> <p>The Proposal is therefore consistent with this objective.</p>

Table 8 LPS 21 Objectives (continued)

Provision	Proposal
Recreation Reserve	
a. Public purposes which specifically provide for a range of recreational facilities.	Portions of the site (which is currently in private ownership) will be ceded to public ownership to form an extension to the National Park and the Foreshore Reserve to support the Cape to Cape Track. Open space areas will also be provided through the development and be available for public access.

**Zoning and Reservations:** Figure 26 currently depicts the Tourism zoning and Recreation Reservation over the site. The Proposal for the site is consistent with the land use permissibility and objectives of the scheme as discussed in Table 8 and Table 9. The Masterplan respects these classifications within the scheme as follows.

Recreation Reserve: The Proposal reflects the full extent of the Recreation Reserve as currently identified in the Scheme within the proposed National Park extension, and is therefore consistent with the Recreation Reserve in the Scheme. The portion of the subject land which is National Park within the Recreation Reserve comprises 8.8639ha. An additional 7.9407ha of the subject land is proposed to be included within the National Park, resulting in a total provision of 16.8046ha of National Park.

Tourism Zone: The Proposal confines the development footprint within the Tourism zoning, and the majority of the proposed land uses are consistent with the Scheme. S8.1.1 Land Use Permissibility provides further justification where the exercise of discretion is required of the WAPC in relation to Hire Shop, Wellness Centre, Liquor Store – Small, and a small number of Holiday Homes that are located outside of the A36 boundary.

The permissibility of the land uses proposed is considered in Table 9, based on the analysis of the individual land uses proposed, and the alignment with the land uses defined in LPS 21. Where a proposed use does not reasonably fall within a land use defined in LPS 21, rationale is included as to why particular uses should be considered as a Use Not Listed, included in Table 10.



Table 9 LPS 21 Land Use Permissibility

Land Use / Definition	Permissibility Class		Land use proposed include:
	Tourism	Residential (A36 area)	
<b>Community Purpose</b> <i>means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organizations involved in activities for community benefit.</i>	D	N/A	<b>Cape to Cape Welcome Centre</b> <p>The proposed Cape to Cape Welcome Centre comprises a highly curated and innovative 'welcome centre' providing tourist information, facilities and amenity for all visitors to the region.</p> <p>The Cape to Cape Welcome Centre most closely aligns with the definition of 'Community Purpose' under the Scheme. Community Purpose is a "D" use in the Tourism zone, and is therefore capable of being approved.</p>
<b>Club Premises</b> <i>means premises used by a legally constituted club or association or other body of persons united by a common interest.</i>	D	N/A	<b>Surf Life Saving Club</b> <p>The Surf Life Saving Club incorporates a boat shed and club rooms with associated public showers, toilets and change-rooms, activating the area with club activities.</p> <p>The proposed Surf Life Saving Club most closely aligns with the definition of 'Club Premises' under the Scheme. Club Premises is a "D" use in the Tourism zone, and is therefore capable of being approved.</p> <p>Together, the Surf Life Saving Club and Cape to Cape Welcome Centre form the basis of the Community Hub. For this reason, it is proposed both of these uses are included in the Community Hub land use (use not listed). The above permissibility demonstrates these uses are both suitable to be included in the Community Hub, within the Tourism zone.</p>
<b>Convenience Store</b> <i>means premises –</i> <i>(a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and</i> <i>(b) operated during hours which include, but may extend beyond, normal trading hours; and</i> <i>(c) the floor area of which does not exceed 300m2 net lettable area.</i>	D	N/A	<b>General Store/Bakery</b> <p>The combined General Store and Bakery will sell convenience goods commonly sold in supermarkets, delicatessens or newsagents, including items baked on the premises.</p> <p>The proposed General Store / Bakery most closely aligns with the definition of 'Convenience Store' under the Scheme, given:</p> <ul style="list-style-type: none"> <li>a. It will be used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents;</li> <li>b. Operating hours which may be extend beyond normal trading hours to reflect the operating hours of the Café; and</li> <li>c. It has a floor area of 129sqm.</li> </ul> <p>Convenience Store is a "D" use in the Tourism zone and is therefore capable of being approved, demonstrating the General Store / Bakery is a suitable use to be included in the Community Hub.</p> <p>However, the General Store/Bakery is considered to be a core component of the Community Hub, and is therefore included in the proposed "Community Hub" (use not listed).</p>

Table 9 Land Use Permissibility (continued)

Land Use / Definition	Permissibility Class		Land use proposed include:
	Tourism	Residential (A36 area)	
<b>Holiday Home (Multiple / Grouped Dwelling)</b> <i>means a grouped dwelling or multiple dwelling, which may also be used for short stay accommodation for hire or reward for no more than six people (but does not include a bed and breakfast, chalet, guesthouse, rural tourist accommodation or tourist accommodation).</i>	X	A	<b>Holiday Homes</b> The proposed Holiday Homes align with the definition of ‘Holiday Homes (Multiple / Grouped Dwelling)’ under LPS 21, given: <ul style="list-style-type: none"> <li>- The proposed Holiday Homes are considered to be “Grouped Dwellings” as opposed to “Single Dwellings”, given they are all part of the same parent lot of the proposed Community Scheme (Refer <a href="#">Section 3.8.1</a>); and</li> <li>- The Holiday Homes may also be used for short stay accommodation for hire or reward.</li> </ul> However, the proposed Holiday Homes are seeking to accommodate up to 12 people, which exceeds the six-person limit for this use defined in the Scheme. It is therefore considered that the proposed Holiday Homes are required to be assessed as a use not listed in accordance with Clause 3.4.2 of the Scheme. Despite the proposal to consider the Holiday Homes as a use not listed, given the similarity of the proposed dwellings with this definition, it is noted that the Holiday Home (Multiple / Grouped Dwelling) is an “A” use in the Residential zone and therefore capable of being approved as an Additional Use 36. There is also a total of 15 Holiday Homes Lots located wholly outside the Additional Use 36 boundary within the Tourism zone, and are therefore an “X” use, however, is considered to be a suitable land use, and is discussed further in <a href="#">Section 8.2.1.1</a> .
<b>Holiday Home (Single House)</b> <i>means a single house (excluding ancillary accommodation), which may also be used for short stay accommodation for hire or reward for no more than 12 people (but does not include a bed and breakfast, chalet, guesthouse, rural tourist accommodation or tourist accommodation).</i>	X	D	<b>Holiday Homes</b> Holiday Home (Single House) is not considered to be an appropriate definition for the proposed Holiday Homes, given a Community Scheme will be created over the site (as a single green title lot), which will facilitate the equivalent of survey-strata lots over the site. However, the land use definitions in the Scheme have not contemplated the introduction of the Community Scheme and the flexibility this provides for large single homes on grouped dwelling arrangements, as discussed in <a href="#">Section 8.2.2.1</a> . As such, the permissibility of Holiday Home (Single House) is being considered in the context of the scale of the built form of the proposed Holiday Homes, being suited to accommodate up to 12 people. Holiday Home (Single House) is a ‘D’ use in the Residential zone, and is therefore capable of being approved. A number of the proposed Holiday Homes are located outside the Additional Use 36 boundary within the Tourism zone, and are therefore an “X” use, however, is considered to be a suitable land use, and is discussed further in <a href="#">Section 8.2.2.1</a> .



Table 9 Land Use Permissibility (continued)

Land Use / Definition	Permissibility Class		Land use proposed include:
	Tourism	Residential (A36 area)	
<b>Hotel</b> <i>means premises the subject of a hotel licence other than a small bar or tavern licence granted under the Liquor Control Act 1988 including any betting agency on the premises.</i>	A	N/A	<b>Hotel</b> A Hotel Licence under the Liquor Control Act 1988 will be sought for the operating venues - Hotel, Lounge and Bar, Restaurant and Reception Hall. These premises subject to the hotel licence will therefore align with the "Hotel" definition in the Scheme. Hotel is an "A" use in the Tourism zone, and is therefore capable of being approved within the Tourist Development and Community Hub.
<b>Liquor Store – Small</b> <i>means premises the subject of a liquor store licence granted under the Liquor Control Act 1988 with a net lettable area of not more than 300m².</i>	X	N/A	<b>Liquor Store – Small</b> A liquor store licence under the <i>Liquor Control Act 1988</i> will be sought to permit the sale of liquor within the General Store in the Community Hub. Noting the General Store has a net lettable area of less than 300m², this premises would align with the "Liquor Store – Small" definition in the Scheme. Liquor Store - Small is an "X" use in the Tourism zone; however, it is considered to be suitable as an incidental land use within the Community Hub as detailed in <a href="#">Section 8.2.1.2</a> . However, the Liquor Store – Small, is considered to be an incidental use to the Community Hub, and is therefore included in the proposed "Community Hub" (use not listed).
<b>Reception Centre</b> <i>means premises used for hosted functions of formal or ceremonial occasions.</i>	D	N/A	<b>Reception Hall</b> The Reception Hall is located in the Community Hub and will be used to host functions ceremonial occasions, and community groups accommodating up to 150 people. The Reception Hall in the Community Hub most closely aligns with the 'Reception Centre' definition in the Scheme. Reception Centre is a "D" use in the Tourism zone, and is therefore capable of being approved, demonstrating the Reception Hall is a suitable use to be included in the Community Hub. However, the Reception Hall is considered to be an incidental use to the Community Hub, and is therefore included in the proposed "Community Hub" (use not listed).

Table 9 Land Use Permissibility (continued)

Land Use / Definition	Permissibility Class		Land use proposed include:
	Tourism	Residential (A36 area)	
<b>Restaurant / Café</b> <i>means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the Liquor Control Act 1988.</i>	D	N/A	<b>Restaurant &amp; Café</b> <p>The Restaurant in the Tourist Development will service food and drinks, accommodating all day dining to the public and guests, with operating hours of 6am- midnight, 7 days a week. The food will be prepared on the premises, and includes seating to accommodate 200 patrons.</p> <p>The Café in the Community Hub will offer a smaller scale food and beverage opportunity, accommodating up to 174 patrons across the inside seated area and in the alfresco dining. The café will be open during the day from 6:00am – 10:00pm, 7 days a week.</p> <p>The Restaurant in the Tourist Development and Café in the Community Hub most closely aligns with the “Restaurant / Café” definition in the Scheme.</p> <p>Restaurant/Café is a “D” use in the Tourism zone, and is therefore capable of being approved, demonstrating the Restaurant and Café are suitable uses to be included in the Tourist Development and Community Hub respectively.</p> <p>However, the Restaurant is considered to be an integral part of the overall Tourist Development, and is therefore included in the proposed “Tourist Development” (use not listed).</p> <p>Similarly, the Café is considered to be an integral part of the Community Hub, and is therefore included in the proposed “Community Hub” (use not listed).</p>
<b>Shop</b> <i>means premises other than a bulky goods showroom, a liquor store – large or a liquor store – small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services.</i>	X	X	<b>Hire Shop</b> <p>The Hire Shop in the Community Hub will provide the hiring of equipment associated with the Cape to Cape Track and Smiths Beach activities.</p> <p>The Hire Shop most closely aligns with the “Shop” definition in the Scheme, given it will be selling and hiring goods.</p> <p>Shop is an “X” use in the Tourism and Residential zone; however, it is considered to be a suitable land use within the Community Hub as detailed in <b>Section 8.2.1.3</b>. However, the Hire Shop is considered to be an incidental use to the Community Hub, and is therefore included in the proposed “Community Hub” (use not listed).</p> <b>Wellness Centre - Spa and Gym</b> <p>The Wellness Centre - Spa and Gym includes four treatment rooms, as well as a small retail component in the spa reception area and a gym.</p> <p>The Wellness Centre provided in the Hotel most closely aligns with the “Shop” definition in the Scheme, given it will provide services of a personal nature.</p> <p>Shop is an “X” use in the Tourism and Residential zone; however, it is considered to be a suitable land use within the Community Hub as detailed in <b>Section 8.2.1.4</b>. The Wellness Centre - Spa and Gym is considered to be an incidental use to the Tourist Development, and is therefore included in the proposed “Tourist Development” (use not listed).</p>



Table 9 Land Use Permissibility (continued)

Land Use / Definition	Permissibility Class		Land use proposed include:
	Tourism	Residential (A36 area)	
<b>Tourist Accommodation</b> <i>means single occupancy accommodation units, which may be self-contained and may include associated central facilities for the exclusive use of guests, and includes serviced apartments.</i>	D	X	<b>Tourist Accommodation</b> <p>The Tourist Accommodation provides 65 rooms, with a number of shared facilities including Hotel Lounge and Bar, dining venues, meeting spaces, wellness centre and a swimming pool.</p> <p>The Tourist Accommodation provided most closely aligns with the “Tourist Accommodation” definition in the LPS 21, given it will comprise single occupancy accommodation units, which includes associated central facilities. However, the shared facilities will not be for the exclusive use of guests, and will be available for the public and balance of the Community Scheme residents to access, managed through the CDS. Given this minor inconsistency, it is considered that the proposed Tourist Accommodation is required to be assessed as a use not listed in accordance with clause 3.4.2 of the Scheme, and is included within the proposed “Tourist Development” (use not listed) (refer <a href="#">Table 10</a>).</p> <p>Given its similarity with the Tourist Accommodation definition in LPS 21, it is noted that Tourist Accommodation is a “D” use in the Tourism zone, and is therefore capable of being approved. On this basis, the proposed Tourist Accommodation which forms part of the Tourist Development, should be permitted.</p>

#### Land Uses Not Listed

Based on the above land use permissibility assessment, it is considered the proposed development should be assessed based on the following land uses not listed under the Scheme in accordance with Clause 3.4.2, being:

- a. determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
- b. determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
- c. determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.

Table 10 Land Uses Not Listed

Proposal	Details and Rationale
Holiday Homes (Grouped Dwellings up to 12 people)	<p><b>Holiday Homes</b></p> <p>The Holiday Homes are proposed on a single parent lot through the Community Scheme, and therefore are classified as Grouped Dwellings for the purpose of the DA. The Holiday Homes may also be used for short stay accommodation for hire or reward. However, the proposed Holiday Homes are seeking to accommodate no more than 12 people, which exceeds the six-person limit for this use defined the Scheme. For this reason, it is proposed to classify the Holiday Homes as Holiday Homes (Grouped Dwellings up to 12 people).</p> <p>Increasing the number of people permitted to 12 per dwelling, aligns with the definition of the Holiday Home (Single Dwelling). Although the proposed Holiday Homes will be subdivided through a Community Scheme to create the equivalent of survey-strata lots, they will be consistent with the scale and built form of single dwellings, and therefore suited to accommodating up to 12 people, rather than six.</p> <p>The proposed Holiday Home (Grouped Dwelling – up to 12 people) definition, reflects the introduction of the Community Scheme, and will provide the flexibility to provide for large single homes, on grouped dwelling arrangements, as discussed in <a href="#">Section 8.2.2.1</a>.</p> <p>The proposed Holiday Home (Grouped Dwelling – up to 12 people) use is consistent with the objectives of the Tourism zone and intent of the Additional Use 36 area, and generally aligns with land use permissibility as detailed in <a href="#">Table 8</a> and <a href="#">Table 9</a>. It is therefore considered the use should be permitted.</p>



Table 10 Land Uses Not Listed (continued)

Proposal	Details and Rationale
Tourist Development	<p><b>Tourist Development</b></p> <p>The Tourist Development includes Tourist Accommodation, being the primary tourist accommodation offerings of the precinct, along with the range of supporting facilities which will provide public amenity, and would typically be formed in a high standard tourist accommodation offering of this nature. The Tourist Development will comprise:</p> <ol style="list-style-type: none"> <li>1. Hotel, Lounge and Bar</li> <li>2. Restaurant</li> <li>3. Tourist Accommodation</li> <li>4. Swimming Pool</li> <li>5. Wellness Centre – Spa and Gym</li> <li>6. Bushfire Refuge (incorporated within the Community Hub and Tourist Development)</li> <li>7. Ancillary and incidental uses</li> </ol> <p>The proposed Tourist Development use is consistent with the objectives of the Tourism zone and generally aligns with land use permissibility as detailed in <a href="#">Table 8</a> and <a href="#">Table 9</a>. It is therefore considered the use should be permitted.</p>
Community Hub	<p><b>Community Hub</b></p> <p>The Community Hub is primarily concerned with delivering public amenity and important tourism infrastructure relating to Smiths Beach and the Cape to Cape Track. The Community Hub will serve a range of functions, accommodating the Cape to Cape Welcome Centre and the Surf Life Saving Club, whilst also providing core community facilities to service the needs of all visitors to the precinct.</p> <p>The Community Hub comprises:</p> <ul style="list-style-type: none"> <li>• Cape to Cape Welcome Centre;</li> <li>• Surf Life Saving Club;</li> <li>• Café;</li> <li>• Café Terrace;</li> <li>• General Store / Bakery;</li> <li>• Liquor Store – Small;</li> <li>• Hire Shop;</li> <li>• Reception Hall;</li> <li>• Artist in Residence Studio;</li> <li>• Bushfire Refuge (utilising buildings across the Community Hub and Tourist Development);</li> <li>• Public Amenities including showers and toilets;</li> <li>• Community Garden;</li> <li>• Promenade and associated forecourt landscaping; and</li> <li>• Ancillary and incidental uses.</li> </ul> <p>The proposed Community Hub use is consistent with the objectives of the Tourism zone and generally aligns with land use permissibility as detailed in <a href="#">Table 8</a> and <a href="#">Table 9</a>. It is therefore considered the use should be permitted.</p>

Table 11 Provisions Applying to Additional Use 36 - Schedule 2 of LPS 21

Provision		Proposal
1.	For the purpose of Part 4 of the Scheme, the permissibility of each use class is determined by reference to its permissibility in the 'Residential' zone column in Table 1 – Zoning Table of the Scheme	Land Use Permissibility is assessed in <a href="#">Table 9</a> above.
2.	The maximum residential density code (R-Code) shall be R25 of the R-Codes (SPP 3.1). The applicable development control and minimum site area per dwelling standards for residential lots shall be based on the respective residential density coding as shown on the endorsed Structure Plan.	An R-Code Assessment contained in <a href="#">Appendix S</a> , demonstrates the development controls are in accordance with the R10 density codes, representing a reduced density compared to the R15 and R25 density codes identified on the endorsed SP.

Provision		Proposal
3.	The applicable development control standards and minimum lot size criteria for non-residential uses, which are permitted under the Scheme shall be in accordance with the standards specified in the endorsed Structure Plan.	Refer <a href="#">Table 12</a> for assessment against SP.
	a. Preparation of a detailed Visual Impact Analysis and Management Plan for the site and to be endorsed by the Local Government.	Visual and Landscape Assessment prepared (refer <a href="#">Appendix E</a> ).
	b. Development must be in accordance with Design Guidelines to be prepared for the land in recognition of the outcomes of (a) above, its high landscape value and prominent location to be endorsed by Local Government prior to any development being approved.	Design Guidance have been prepared for the Holiday Homes on the eastern side of the site to facilitate good design outcomes, which recognise the outcomes of the Visual and Landscape Assessment, the site's high landscape value and prominent location. The Design Guidelines will form part of the CDS, which will ensure the Holiday Homes achieve the minimum design requirements.  The Holiday Homes on the western side of the site will be in accordance with the plans contained in <a href="#">Appendix C</a> , which recognise the outcomes of the Visual and Landscape Assessment, high landscape value and prominent location of the site.
	c. The Structure Plan must address the Combined Methodologies for Sussex Local 413 Smiths Beach Road, Yallingup as adopted by the City of Busselton.	Combined Methodologies addressed (refer <a href="#">Section 8.2.3.1</a> ).



Table 12 Provisions Applying to Sussex Location 413 Smiths Beach Road, Yallingup - Schedule 8 of LPS 21

Provision		Proposal
1.	The provisions of this schedule apply to Sussex Location 413 Smiths Beach Road, Yallingup only.	Noted.
2.	A Structure Plan prepared for the land by the City or the landowner must include the following associated plans or reports:	There is an approved SP for the site and the Proposal has had regard to the general intent of this plan however we note the environmental and landscape led approach has resulted in a revised vision that has necessitated variations to the SP and these will be discussed further in <a href="#">Section 8.3</a> .
	a. Design and Settlement Guidelines.	Design Guidance has been prepared for the Holiday Homes on the eastern side of the site to facilitate good design outcomes, which recognise the outcomes of the Visual and Landscape Assessment, the site's high landscape value and prominent location. The Design Guidance will form part of the CDS, which will ensure the Holiday Homes achieve the minimum design requirements. Five different house typologies (each with two variations) contained in <a href="#">Appendix C</a> , have been designed for the lots on the eastern side to provide flexibility over differing site conditions, all of which are in accordance with the Design Guidance.  The Holiday Homes on the western side of the site will be in accordance with the plans contained in <a href="#">Appendix C</a> , which recognise the outcomes of the Visual and Landscape Assessment, high landscape value and prominent location of the site.

Provision		Proposal
	b. A Fire Hazard and Fire Risk Assessment Plan and Preliminary Fire Management Plan for the land that is in accordance with Western Australian Planning Commission (WAPC) policy and Department of Fire and Emergency Services (DFES) guidelines on bush fire protection and is consistent with the intent of— i. retaining remnant vegetation wherever possible, and the need to protect the visual amenity, natural landscape and environmental values of the land; and ii. preserving the natural environmental values of the Leeuwin Naturaliste National Park, while also complementing the fire management regimes of the National Park.	Bushfire Management Plan included in <a href="#">Appendix G</a> .
	c. A comprehensive Landscaping and Rehabilitation Plan.	A Draft Landscaping and Revegetation Plan is included in the Landscape Report in <a href="#">Appendix F</a> .
	d. An Archaeological and Aboriginal Heritage Survey undertaken by an appropriately qualified consultant.	Archaeological and Aboriginal Heritage Survey included in <a href="#">Appendix K</a> .

Table 12 Provisions Applying to Sussex Location 413 Smiths Beach Road, Yallingup - Schedule 8 of LPS 21 (continued)

Provision	Proposal
e. A Community Facilities and Infrastructure Contribution Principles Plan that specifies the basis for determination of contributions to be made to fund community facilities and infrastructure within the locality as a direct result of development of the land.	The requirement to satisfy the intent of this condition is being addressed through the funding and delivery of community facilities and infrastructure, as proposed within this application. For this reason, the Community Facilities and Infrastructure Contribution Principles Plan is no longer considered to be necessary. This is discussed further in <a href="#">Section 8.2.4.1</a> .
f. Where applicable, a Coastal Planning Strategy or Foreshore Management Plan be prepared in accordance with State Planning Policy No. 2.6 — State Coastal Planning Policy.	Foreshore Management Plan included in <a href="#">Appendix M</a> .
g. A Visual Landscape Assessment for the whole of the land.	Visual and Landscape Assessment included in <a href="#">Appendix E</a> .
h. Drainage.	UWMP included in <a href="#">Appendix P</a> .
i. Movement and car parking.	Transport Impact Assessment and Parking Demand Analysis included in <a href="#">Appendix H</a> .
j. Solar orientation.	Solar orientation addressed in Architectural Design Report included in <a href="#">Appendix D</a> .
k. Landscape and environmental values.	Landscape Report included in <a href="#">Appendix F</a> . Environmental Assessment Report in <a href="#">Appendix L</a> .

Provision	Proposal
3. In addition to the requirements described in Part 4 of the Deemed Provisions, a Structure Plan must also address and have due regard to:	An approved SP is in place for the site and the Proposal has had regard to the general intent of this plan, and the requirements of these provisions. Where variations with the Proposal arise that have implications for the following provisions these will be addressed below.
a. Relevant provisions of State Planning Policy No. 6.1 — Leeuwin-Naturaliste Ridge Policy (LNRSP), State Planning Policy No. 2.6 — State Coastal Planning Policy, State Planning Policy No. 1 — State Planning Framework Policy and any other relevant State Planning Policies approved pursuant to Part 3 of the Planning and Development Act 2005;	State Planning Policy 6.1 addressed in <a href="#">Section 7.3.5</a> . State Planning Policy 2.6 addressed in <a href="#">Section 7.3.2</a> . State Planning Policy No.1 addressed in <a href="#">Section 7.3.1</a> . Other State Planning Policies addressed in <a href="#">Section 7.3</a> .
b. Relevant provisions of the Scheme and any relevant local planning policies adopted pursuant to the Scheme;	Relevant provisions of the Scheme addressed in <a href="#">Section 8.2</a> .
c. The City of Busselton Rural Strategy; and	City of Busselton Rural Strategy superseded by City of Busselton Local Planning Strategy, which is addressed in <a href="#">Section 6.7</a> .
d. In relation to Sussex Location 413 Smiths Beach Road, Yallingup, the Combined Methodologies adopted by the City for the preparation of a Structure Plan.	Combined Methodologies are addressed in <a href="#">Section 8.2.3.1</a> .



Table 12 Provisions Applying to Sussex Location 413 Smiths Beach Road, Yallingup - Schedule 8 of LPS 21 (continued)

Provision		Proposal
4.	In relation to Sussex Location 413 Smiths Beach Road, Yallingup the Identified Developable Land Area(s) shown on a Structure Plan will identify where development may be undertaken on the land and must be determined having regard to the:	Variations to the Identified Developable Land Area shown on the SP are addressed in <a href="#">Section 8.1.2</a> and <a href="#">Section 8.3.2</a> .
	a. Overriding need to protect the visual amenity, natural landscape and environmental values of the area; and	
	b. Provisions and policies described in 3 above.	
5.	In relation to Sussex Location 413 Smiths Beach Road, Yallingup a Structure Plan must:	An approved SP is in place for the site and the Proposal has had regard to the general intent of this plan, and the requirements of these provisions. Where variations with the Proposal arise that have implications for the following provisions these will be addressed below.
	a. Designate areas to be excluded from the Identified Developable Land Area(s) such as Principal Ridge Protection Area pursuant to the LNRSP, National Park, public open space requirements or similar purposes.	Variations to the Identified Developable Land Area shown on the SP are addressed in <a href="#">Section 8.1.2</a> and <a href="#">Section 8.3.2</a> .
	b. Establish the primary tourism function of the site.	Discussion on the Proposal's primary tourism function is discussed in <a href="#">Section 8.1.3</a> .

Provision		Proposal
	c. Ensure that land identified for subdivision and development of the Identified Developable Land Area(s) is designated so that a ratio of not less than seventy percent (70%) of the overall Identified Developable Land Area(s) be used for tourist uses, as may be granted development approval in the 'Tourism' zone, and not more than thirty percent (30%) residential development be achieved from the overall Identified Developable Land Area(s).	Discussion on the Proposal's primary tourism function is discussed in <a href="#">Section 8.1.3</a> .
	d. Ensure that the density, scale and nature of all development has due regard to the landscape and environmental value of that area.	The landscape and environmentally sensitive design response has carefully considered a dispersed and less compact development outcome that optimises vegetation and landform retention and results in a scale of development in keeping with the character of the locality. This is demonstrated in <a href="#">Section 8.1.2</a> and <a href="#">Appendix D</a> Design Report.
	e. Provide for a range of tourist development accessible by the broader community which may include, but not be limited to, campsites, hostels/backpacker accommodation, chalets, lodges, guesthouses and other low-impact development.	A range of tourist accommodation accessible by the broader community is provided, including Campgrounds, Tourist Accommodation and Holiday Homes and is generally consistent with the approved SP.

Table 12 Provisions Applying to Sussex Location 413 Smiths Beach Road, Yallingup - Schedule 8 of LPS 21 (continued)

Provision	Proposal
f. In relation to the Identified Developable Area designated for residential use, a range of residential densities to be shown in clearly delineated residential cells with the maximum residential density code (R-Code) being R25 as per the Residential Design Codes (State Planning Policy No. 3.1).	<p>A range of lot sizes have been provided as follows:</p> <p>Holiday Homes – eastern: range from 1,013sqm to 1,619sqm, with an average of 1,222sqm, achieving a density of R10, representing a significant reduction to the R25 density permitted.</p> <p>Holiday Homes – western: range from 1,698sqm to 16,684sqm, with an average of 3,637sqm, achieving a density of R10, representing a significant reduction to the R25 density permitted.</p> <p>Whilst we have complied with the requirement up to R25, an R-Code assessment has been completed against the R10 provisions given the proposed lot sizes. This is demonstrated in <a href="#">Appendix D</a> Design Report.</p>
g. Provide integrated recreational facilities that promote visitor and resident interaction and also consider areas for local convenience shopping and services.	<p>Recreational facilities have been integrated into the proposed development, which will promote visitor and resident interaction, including a Café and Restaurant and areas of open space, providing places for residents and visitors to meet at to enjoy, relax and interact.</p> <p>A Hire Shop providing the retail hire of recreational equipment associated with Smiths Beach and the Cape to Cape Track, and the Cape to Cape Welcome Centre, providing residents and visitors with key information relating to the Cape to Cape Track, as well as public amenities including toilets and showers in the Community Hub. The Surf Life Saving Club is also a key recreational facility for both residents and visitors.</p> <p>Local convenience shopping and services are also provided through the provision of the General Store / Bakery in the Community Hub.</p> <p>The development will form part of a Community Scheme and be managed through a body corporate. Infrastructure and facilities will be available to all residents within the Community Scheme.</p>

Provision	Proposal
h. Ensure that where reasonably possible all utilities and services on the land are contained within the Identified Developable Land Area(s).	Utilities and services are contained within the Identified Developable Land Area(s), refer <a href="#">Section 8.1.2</a> .
i. Ensure that all development is connected to reticulated water, sewerage and power unless the local government and other relevant responsible authorities are satisfied that suitable alternative technologies can be implemented.	The development will be connected to reticulated water and power, with ATUs provided per the Department of Health's requirements. Refer Engineering Report in <a href="#">Appendix O</a> .
j. Ensure all development is assessed for their direct and indirect impact on the natural environmental values and management of the adjacent National Park.	The development is being assessed for its direct and indirect impact on the natural environmental values and management of the adjacent National Park as part of the Environmental Approval process (refer <a href="#">Appendix L</a> ).



Table 13 Other Relevant Provisions of LPS 21

Provision		Proposal
4.8.1	<b>Building Height</b> A person must not erect any building that; <ul style="list-style-type: none"> <li>a. Contains more than two storeys or exceeds a height of 9 metres where land is within 150 metres of the mean high water mark; or</li> <li>b. Contains more than three storeys or exceeds a height of 12 metres where land is more than 150 metres from the mean high water mark, except where otherwise provided for in the Scheme.</li> </ul>	Consistent with the requirements of Clause 4.8.3, the City of Busselton has adopted the approved SP which specifies building heights to be in accordance with the approved Building Height Plan associated with Smiths Beach (refer <a href="#">Section 7.2</a> ). Within the approved SP area all development is generally consistent with these building height requirements, with the exception of two minor departures discussed further in <a href="#">Section 8.2.5.1</a> . For areas outside of the SP area and the Building Heights Plan area, <a href="#">Section 8.2.5.1</a> demonstrates compliance with this requirement.
4.8.2	Notwithstanding clause 4.8.1, the local government may grant approval for the development of a building containing more than two or three storeys, as the case may be, provided that the additional storey or storeys are of the nature of a basement or similar structure and that they do not protrude more than 1 metre above finished ground level at the perimeter of the building.	Not applicable.
4.8.3	In respect to Clauses 4.8.1 and 4.8.2 above, the local government, upon receipt of an application for development approval, may approve building heights which exceed those maximum height limitations as specified, subject to the local government being satisfied that the building height is consistent with the relevant assessment criteria specified under Clause 67 of the Deemed Provisions and the performance criteria specified under 5.1.6 and 6.1.2 of the R-Codes.	Provides discretion for variations to be considered. Discussed further in <a href="#">Section 8.2.5.1</a> .

Provision		Proposal
4.18.3	<b>Advertising Signage</b> Advertising signage associated with 'Holiday Home (Single House)' and 'Holiday Home (Multiple/Grouped Dwelling)' shall have a maximum area of 0.2m <sup>2</sup> .	Signage associated with Holiday Homes is not proposed as the leasing arrangements will be centrally managed and coordinated through the Tourist Accommodation operator. This requirement will be addressed as part of the Community Development Statement.
4.18.4	<b>R-Code Development Standards</b> Holiday Homes shall meet the development standards established by the Residential Design Codes of Western Australia, as modified elsewhere in this Scheme, for 'Single House', 'Grouped Dwelling' and 'Multiple Dwelling', as appropriate, although higher levels of car parking provision may be required for Holiday Homes providing accommodation for more than six people.	An R-Code assessment has been completed – refer <a href="#">Appendix S</a> . Refer <a href="#">Section 7.4.2</a> LPP 4.1 Holiday Homes for detail on parking.
4.18.5	<b>Advertising Requirement</b> Notwithstanding the requirements of Table 1, a Holiday Home (Single House) which proposes to accommodate 9 or more people will be considered under the 'A' symbol and will require public advertising pursuant to Clause 64 of the Deemed Provisions.	Noted.

Table 13 Other Relevant Provisions of LPS 21 (continued)

Provision		Proposal
4.19.1	<b>Permanent/Residential Occupation of Tourist Developments</b> Outside the residential zone, occupation by any person of the following use classes approved under the Scheme as short stay accommodation is limited to a maximum of 3 months in any 12-month period. This applies to the following use classes; a. Guesthouse; b. Chalet; c. Caravan Park; d. Park Home Park; e. Tourist Accommodation	Noted in relation to proposed Tourist Accommodation and Campgrounds.
5.4.1	<b>Landscape Value area</b> The local government shall not grant development approval for the clearing or development of any land identified within a Landscape Value area on the Scheme map, unless it has considered a. Whether the development will be compatible with the maintenance and enhancement, as far as is practicable, of the existing rural and scenic character of the locality;	The Developable Land Area has been determined based on the Landscape, Environmental values and visual assessment of the site, as demonstrated in the Visual and Landscape Assessment contained in <a href="#">Appendix E</a> and Environmental Assessment Report contained in <a href="#">Appendix L</a> .

Provision		Proposal
	b. Whether the development will materially affect any wildlife refuge, significant wetland, coastal environment or any identified site containing Aboriginal archaeological relics; and	The development will not materially affect any wildlife refuge, significant wetland, coastal environment, or any Aboriginal archaeological relics, as demonstrated in: <ul style="list-style-type: none"> <li>• Environmental Assessment Report – refer <a href="#">Appendix L</a>.</li> <li>• Aboriginal Heritage Survey – refer <a href="#">Appendix K</a>.</li> <li>• Foreshore Management Plan – refer <a href="#">Appendix M</a>.</li> </ul>
	c. Disturbance to the natural environment, including – i. visual effects of clearing for development; ii. maintenance of rural character; and iii. habitat disturbance	The development minimises the disturbance to the natural environment, as demonstrated in: <ul style="list-style-type: none"> <li>• Visual and Landscape Assessment - refer <a href="#">Appendix E</a>.</li> <li>• Environmental Assessment Report - refer <a href="#">Appendix L</a>.</li> </ul>
5.4.2	<b>Landscape Value Area and Ridgelines</b> The local government shall not grant development approval on land within the Landscape Value area or on land on or near any ridgelines where, in the opinion of the local government, that development is likely to substantially detract from the visual amenity of the area, having regard to, among other things, the cumulative visual effect of the development related to other development that may be anticipated in the locality and in the area generally.	The proposed development will not substantially detract from the visual amenity of the area, as demonstrated in Visual and Landscape Assessment - refer <a href="#">Appendix E</a> .



Table 13 Other Relevant Provisions of LPS 21 (continued)

Provision	Proposal
<p><b>5.4.3 Landscape Value Area</b></p> <p>Before granting development approval for the erection of a building on land within the Landscape Value area, the local government shall make an assessment as to whether it should impose conditions relating to –</p> <ul style="list-style-type: none"> <li>a. The siting of the proposed building;</li> <li>b. The use of prescribed materials on the external surfaces of the building; and</li> <li>c. The number, type and location of existing trees and shrubs which are to be retained and the extent of landscaping to be carried out on the site.</li> </ul>	<ul style="list-style-type: none"> <li>a. The siting of the proposed buildings has been carefully considered to ensure minimal impact to the environmental values of the site, and least disturbance to the visual amenity of the area and will be implemented through defined building envelopes refer <b>Appendix D – Architectural Design Report</b>.</li> <li>b. The proposed materials on the external surfaces are contained in <b>Appendix D – Architectural Design Report</b>, and have been selected to minimise the visual impact on the locality.</li> <li>c. The existing trees and shrubs which are to be retained are identified in <b>Appendix F – Landscape Report</b>, selected based on their environmental value and landscape amenity.</li> </ul>

## 7.2 Smiths Beach Development Guide Plan (2011) (Structure Plan)

### 7.2.1 Overview

The Smiths Beach Development Guide Plan (now referred to as Structure Plan (SP)) for the subject site was endorsed by the WAPC in February 2011 (refer **Figure 27**). The SP includes tourist and residential (R15 - R25) development on the eastern portion of the site, and POS and reserves on the western portion of the site. The SP includes a Special Height Control Map which specifies the height limits ranging from 6.5m to 10m across the SP (refer **Figure 28**).

Structure Plans are valid for a period of 10 years, however as this SP was approved prior to the *Planning and Development (Local Planning Schemes) Regulations 2015* coming into effect (Commencement Day 19th October 2015), the SP expiration date is effective 10 years from this date. As such, the Structure Plan is valid until October 2025.

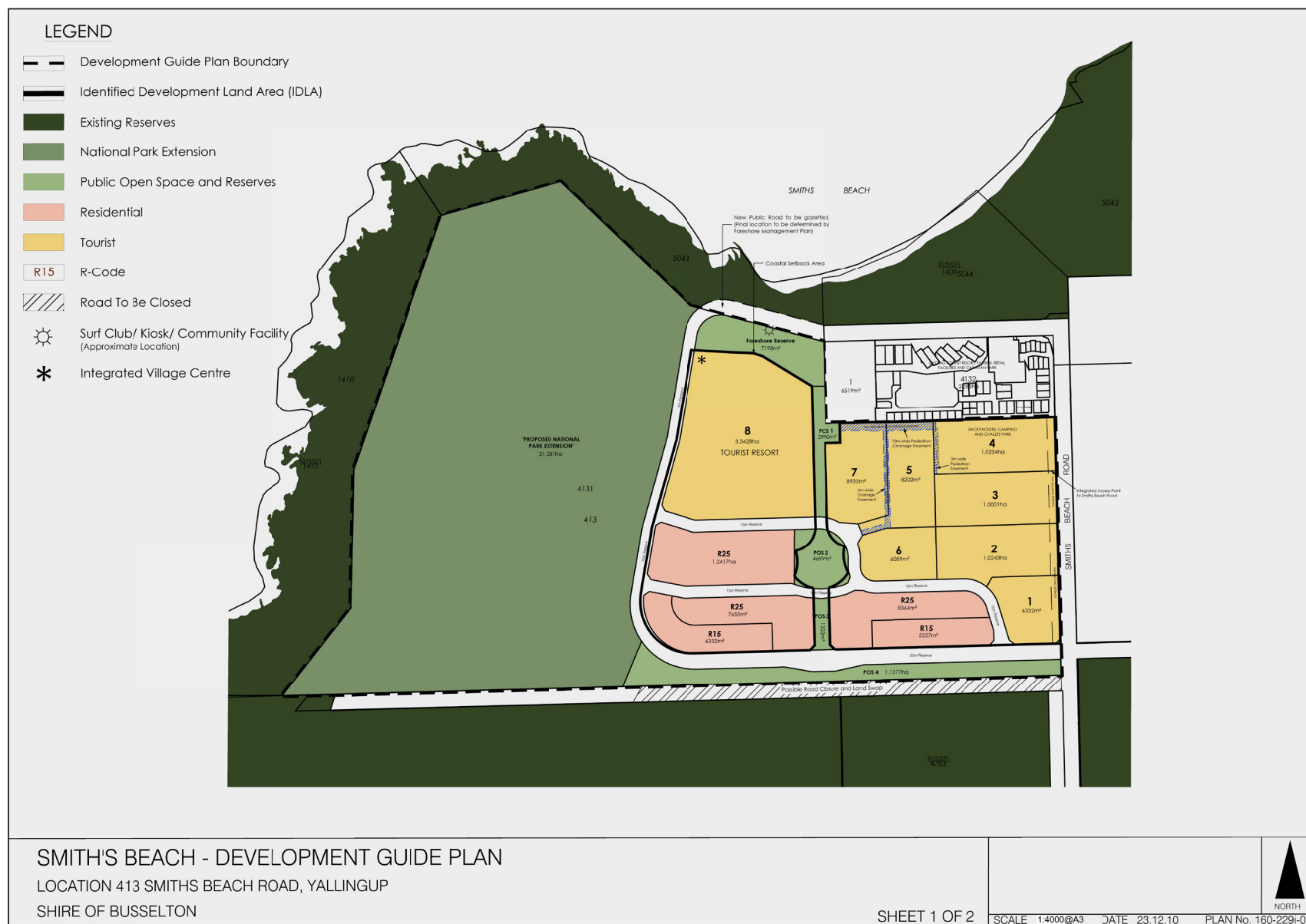
### 7.2.2 Alignment of Proposal

The SP comprises two components:

- The plan which articulates land use distribution, road layout and structure (the SP plan); and
- Conditions.

An assessment against the land use distribution illustrated on the SP plan is contained in **Table 23**.

The conditions of the SP are detailed in **Table 14**. Variations to the SP are addressed in **Table 24**.







### 7.2.2.1 Structure Plan Conditions

The SP includes various requirements, which are included and assessed in [Table 14](#) below:

**Table 14 Structure Plan Assessment**

Conditions	Proposal
<b>Structure Plan</b> 2. The SP comprises the SP Plan and Special Height Control Area Map, and contains conditions as set out below.	2. All SP conditions are addressed below.
<b>Subdivision and Development</b> 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 being obtained.	3. This Development Application has been prepared generally consistent with the intent of the SP as discussed in <a href="#">Section 8.3</a> .
<b>Staging</b> 4. No staging of subdivision of Location 413 is permitted except so as to comply with Conditions 44 and 45.	4. Not applicable as part of this Development Application and will be addressed as part of the CDS and Community Scheme.
<b>Retail Floor space</b> 5. Stand-alone retail floor space within the Developable Land Area shall not exceed 700m <sup>2</sup> net lettable area. 6. A maximum of 500m <sup>2</sup> ancillary retail floor space shall be integrated with the tourist and recreational facilities of the Resort and Village Centre.	1,262m <sup>2</sup> NLA comprising: 5. Stand Alone: Tourist Development (810m <sup>2</sup> ) <ul style="list-style-type: none"> <li>• Restaurant – 435m<sup>2</sup></li> <li>• Hotel, Lounge and Bar – 332m<sup>2</sup></li> <li>• Wellness Centre - Spa and Gym – 43m<sup>2</sup></li> </ul> 6. Ancillary: Community Hub (452m <sup>2</sup> ) <ul style="list-style-type: none"> <li>• Café – 255m<sup>2</sup></li> <li>• General Store and Bakery – 127m<sup>2</sup></li> <li>• Hire Shop – 70m<sup>2</sup></li> </ul> The total retail floor space equates to 1,262m <sup>2</sup> NLA, which is integrated through the Tourist Development and Community Hub. The increased extent of retail floorspace is addressed in <a href="#">Table 18</a> .

Conditions	Proposal
<b>Design and Settlement Guidelines</b> 7 & 8. Design and Settlement Guidelines are required for all buildings and structures on Location 413, and must be approved by the City, and all development must conform to the Design and Settlement Guidelines.	7 & 8. Design Guidance has been prepared for the Holiday Homes on the eastern side of the site to facilitate good design outcomes, which recognise the outcomes of the Visual Landscape Assessment, the site's high landscape value and prominent location. The Design Guidance has been prepared in the instance where home owners look to amend the development approval. The Design Guidance will form part of the CDS, which will ensure the dwellings achieve the minimum design requirements.  Five different housing typologies (each with two variations) have been proposed to provide flexibility over differing site conditions, all of which are consistent with the Design Guidance.  The Holiday Homes on the western side of the site will be constructed in accordance with the plans contained within <a href="#">Appendix C</a> , which recognise the outcomes of the Visual Landscape Assessment, high landscape value and prominent location of the site.
<b>Heights</b> 9. The height of buildings must not exceed the applicable height limits in the Special Height Control Area map included in the SP, or in the Design and Settlement Guidelines (The Development Guide Plan includes a Special Height Control Area Map (refer <a href="#">Figure 28</a> ) specifying height limits ranging from 6.5m to 10m.)	9. A comparison of the heights under the proposed development compared to the heights identified on the DGP Height Map is contained in <a href="#">Appendix D</a> .  Minor variations are proposed within the 7.5m height limitation, which is addressed in <a href="#">Section 8.2.5.1</a> .

Table 14 Structure Plan Assessment (continued)

Conditions	Proposal
<p><b>Tourist Units</b></p> <p>10. The strata subdivision / development of any lot identified on the SP 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 tourism 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.</p>	<p>10. The CDS will set out common management arrangements for the Tourist Accommodation. The CDS will ensure the facilities are available for use by tourists, visitors and residents. Holiday Homes will be provided consistent with the requirements of the Scheme (therefore capable of extended length of stay beyond 3 months), and will also form part of the CDS with respect to common management arrangements and the requirements of the Community Corporation Bylaws.</p>
<p>11. The site designated in the SP as a '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.</p>	<p>11. A Tourist Development (Tourist Resort) is proposed on the subject site, generally in the location as identified on the SP, though refined to respond to the environmental and landscape led design vision. It comprises Tourist Accommodation, as well as a range of recreation and functional facilities and services, including a Restaurant / Café, Hotel, Wellness Centre – Spa and Gym and ancillary and incidental uses. Common management arrangements for the Tourist Accommodation will also be detailed in the CDS and managed through the Community Scheme.</p>

Conditions	Proposal
<p>12. Strata subdivision of the lot designed on the SP 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.</p>	<p>12. <b>Section 3.8</b> of this Proposal details the intent with respect to the proposed Community Scheme arrangement. The Tourist Development will be progressed as part of the phase 1 works and delivered first. A Tier 1 Community Title (Land) Scheme is proposed at the commencement of the Project to facilitate implementation of the Tier 1 Community Corporation and Bylaws (refer <b>Figure 18</b>). No further strata subdivision of the Tourist Development site is proposed.</p>
<p><b>Setbacks</b></p> <p>13. All buildings (other than those for which an exemption is applicable under SPP 2.6) adjacent to the foreshore reserve are to be setback a minimum of 51m from the coastal setback datum identified in the report 'May 2006 Canal Rocks Pty Ltd 413 Smiths Beach – Re-assessment of coastal setback' prepared by MP Rogers and Associates Pty Ltd.</p>	<p>13. MP Rogers &amp; Associates has completed the Smiths Beach Coastal Hazard Assessment for the subject site (June 2021), to satisfy the requirements of SPP 2.6. This has determined that a coastal setback of 50m from the HSD is appropriate for this site. The Coastal Hazard Assessment is contained in <b>Appendix N</b>, and explained further in <b>Section 4.12</b>.</p>
<p>14. No buildings shall be permitted within the building setback areas abutting Smiths Beach Road identified on the SP.</p>	<p>14. All buildings are located outside of the building setback areas abutting Smiths Beach Road identified on the SP.</p>
<p><b>Foreshore Reserves</b></p> <p>15 &amp; 16. A foreshore management plan is required prior to subdivision.</p>	<p>15 &amp; 16. A Foreshore Management Plan is provided in <b>Appendix M</b> to support the environmental assessment and coastal hazard assessment processes in defining a suitable foreshore reserve. This plan will be finalised prior to subdivision.</p>

Table 14 Structure Plan Assessment (continued)

Conditions	Proposal
17. The foreshore reserve is not 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.	<p>17. The foreshore reserve will not contain any stormwater infrastructure as detailed in the UWMP contained in <a href="#">Appendix P</a>.</p> <p>Given the Tourist Development is located predominately in an area of shallow rock, a stormwater management principle of maintaining post development flow from this area to the coastal foreshore as diffuse overland flow is proposed. It is important to note that given all other areas of the site are to be fully infiltrated, the flow rates from this area to the coastal foreshore will therefore be less than the predevelopment condition during major events.</p> <p>The above approach has been adopted for the site to minimise the stormwater management impacts of the natural landscape and landform, and reflects best management practice (refer UWMP contained in <a href="#">Appendix P</a>).</p>
18. The foreshore reserve as shown on the SP together with all that land in the west of the site identified by the SP 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.	18. The application proposes a modified National Park extent consistent with the Environmental Assessment Report in <a href="#">Appendix L</a> and Visual Impact Assessment contained in <a href="#">Appendix E</a> . It is intended that this reserve will be transferred to the Crown free of cost, which is detailed further in <a href="#">Section 3.3.1</a> .
<p><b>Management Plan – Western Ringtail Possum</b></p> <p>19. Western Ringtail Possum Management Plan is required prior to any commencement of works associated with the implementation of any approved development or subdivision.</p>	19. A Western Ringtail Possum Management Plan will be provided as part of the Section 38 Process. Further detail is provided in the Environmental Assessment Report in <a href="#">Appendix L</a> .

Conditions	Proposal
<p><b>Remnant Vegetation</b></p> <p>20. Remnant vegetation that is to be retained in the development is to be protected in perpetuity by appropriate measure.</p>	<p>20. Remnant vegetation to be retained outside of the National Park will be protected through the Community Scheme, which will address:</p> <ul style="list-style-type: none"> <li>• Vegetation, rehabilitation and restoration requirements; and</li> <li>• Asset Protection Zone and Low Threat Vegetation Requirements for bushfire protection.</li> </ul> <p>The managed vegetation approach will provide an emphasis on landscape rehabilitation and conservation of high quality, priority and threatened vegetation.</p> <p>The National Park will be vested in the State, to ensure protection of high value conservation areas. Open Space will form part of the Community Scheme, for management reasons, but will be available for full public access at all times.</p>
<p><b>Dieback Hygiene Management Plan</b></p> <p>21-22. Dieback Hygiene Management Plan is required.</p>	21-22. A Dieback Hygiene Management Plan is to be provided as part of Section 38 Process. Further detail is provided in the Environmental Assessment Report in <a href="#">Appendix L</a> .
<p><b>Fire Management Plan</b></p> <p>23-25. Fire Management plan is required and implemented prior to development.</p>	23-25. A BMP is provided in <a href="#">Appendix G</a> .
<p><b>Community Facilities</b></p> <p>26. Community facilities infrastructure contribution plan shall be prepared, approved by the Shire prior to lodgement of application for planning approval or building licence, and prior to clearance of any subdivision or strata subdivision of land.</p>	26. The requirement to satisfy the intent of this condition is being addressed through the funding and delivery of community facilities and infrastructure, as proposed within this application. For this reason, the Community Facilities and Infrastructure Contribution Principles Plan is no longer considered to be necessary. This is discussed further in <a href="#">Section 8.2.4.1</a> .



Table 14 Structure Plan Assessment (continued)

Conditions	Proposal
27. A community purpose facility with a minimum floor area of 200m <sup>2</sup> shall be provided in association with the village centre or as part of the multi-purpose surf club building.	<p>27. The proposed Community Hub is a community purpose facility, and will comprise:</p> <ul style="list-style-type: none"> <li>• Cape to Cape Welcome Centre;</li> <li>• Surf Life Saving Club;</li> <li>• Café;</li> <li>• General Store and Bakery;</li> <li>• Liquor Store - Small;</li> <li>• Hire Shop;</li> <li>• Reception Hall;</li> <li>• Artist in Residence Studio;</li> <li>• Community Garden;</li> <li>• Public amenities including showers and toilets;</li> <li>• Bushfire Refuge (incorporated within the Community Hub and Tourist Development);</li> <li>• Promenade and associated forecourt landscaping; and</li> <li>• Ancillary and incidental use.</li> </ul> <p>The total floor area exceeds the minimum requirement of 200m<sup>2</sup>.</p>
<b>Revegetation, rehabilitation and landscaping</b> 28. Revegetation, rehabilitation and landscaping plan for the Developable Land Area is required to be prepared and submitted to the Shire for approval as part of any application for planning consent.	28. A Revegetation, rehabilitation and landscaping plan is included in <a href="#">Appendix F</a> .
<b>Landscape Strategy</b> 29-30. Landscape Strategy plan for the road reserves including Smiths Beach Road where it adjoins Lot 413, and POS areas is required.	29-30. A Landscape Report is included in <a href="#">Appendix F</a> . It provides details of the landscaping concepts for the site. Detailed Landscape proposals will be finalised as a condition of the Development Approval and address the requirements of this condition.

Conditions	Proposal
<b>Construction Management Plan</b> 31. Construction Management Plan is required prior to commencement of works.	31. A CMP will be prepared prior to the commencement of works, anticipated as a condition of the development approval.
<b>Stormwater and Drainage</b> 32. A stormwater and drainage management plan is required.	32. An Urban Water Management Plan is included in <a href="#">Appendix P</a> .
<b>Dust Management</b> 33-34. Dust Management Plan is required.	33-34. A Dust Management Plan will be prepared prior to commencement of works, anticipated as a condition of the development approval.
<b>Utilities and Services</b> 35-39. Requirement for connection to power, telecommunications, reticulated water and sewerage services. Alternatives to conventional services may be considered.	35-39. Addressed in Engineering Report <a href="#">Appendix O</a> , demonstrating the site will be connected to power, telecommunications and reticulated water. Alternative sewerage services are proposed as detailed in <a href="#">Appendix O</a> .
<b>Traffic Management and Parking</b> 40. Traffic and Parking Strategy is required. 41. All residential lots are to contain on-site car parking in accordance with the Residential Design Codes.	<p>40. A Transport Impact Assessment and Parking Demand Analysis are included in <a href="#">Appendix H</a>. As noted in the Transport Impact Assessment (refer <a href="#">Appendix H</a>), an upgrade to the Caves Road/ Canal Rocks Road intersection may be required based on current traffic conditions (i.e. without traffic attributed to the Smiths Beach Project). The requirement to contribute to these works will be the subject of ongoing discussions between Main Roads and the City of Busselton through the assessment process.</p> <p>41. All Holiday Homes contain a minimum of 2 on-site car parking bays in accordance with the requirements of the R-Codes and LPP 4.11.</p>

Table 14 Structure Plan Assessment (continued)

Conditions	Proposal
<b>Fencing</b> 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.	42. No boundary fencing is proposed. Restrictions on the fencing will be included in the CDS.
43. Fencing of courtyards and private open space within curtilage of residential dwellings will be permitted.	43. Fencing will be limited within courtyards and defined private open space areas within a low impact footprint as part of the building envelope as part of the CDS
<b>Further Subdivision</b> 44-45. Subdivision of the residential areas is permitted in accordance with the Residential Design Codes.	44-45. Subdivision will occur under Community Title Scheme, in accordance with Residential Design Codes and the Development Approval.

## 7.3 State Planning Policies

### 7.3.1 State Planning Policy 1 State Planning Framework

#### 7.3.1.1 Overview

SPP 1 provides a central State Planning Framework and sets the context for decision-making on land use and development in Western Australia. It details the general principles for land use planning and development, based on community, economy, environment, infrastructure, regional development and governance.

#### 7.3.1.2 Alignment of Proposal

The Proposal aligns with the principles for development, in particular regional development, in that it responds to the unique characteristics of the land, and will contribute to building a vibrant region with a strong economy, whilst conserving the environmental assets of the locality.

### 7.3.2 State Planning Policy 2.6 State Coastal Planning Policy and State Coastal Planning Policy Guidelines

#### 7.3.2.1 Overview

SPP 2.6 provides guidance for decision-making within the coastal zone, including managing development and land use change, establishment of foreshore reserves, and to protect, conserve and enhance coastal values. The policy recommends that new infill developments should consider coastal hazard risk management and adaption measures to reduce coastal hazard risks to acceptable levels.

The objectives of the policy are to:

1. Ensure that development and the location of coastal facilities takes into account coastal processes, landform stability, coastal hazards, climate change and biophysical criteria;

2. Ensure the identification of appropriate areas for the sustainable use of the coast for housing, tourism, recreation, ocean access, maritime industry, commercial and other activities;
3. Provide for public coastal foreshore reserves and access to them on the coast; and
4. Protect, conserve and enhance coastal zone values, particularly in areas of landscape, biodiversity and ecosystem integrity, Aboriginal and cultural significance.

SPP 2.6 distinguishes between establishing a sufficient width for a coastal foreshore reserve, and development setback for physical processes. A total setback provides for both physical process and other factors such as the protection of significant natural features such as coastal habitats; likely impacts of coastal hazards; and opportunities for public access, public recreation needs and safety to lives and property.

SPP 2.6 is supported by State Coastal Planning Policy Guidelines, which provides detailed guidance for the application of the policy measures. The guidelines identify the requirement for Coastal Hazard Risk Management and Adaptation Planning (CHRMAP) to ensure appropriate risk assessment and management planning for incorporating coastal hazard considerations into decision-making processes. The City of Busselton has prepared a draft CHRMAP. The CHRMAP mapping identifies the portion of the foreshore expected to be impacted by coastal erosion by 2040 which is detailed in the Coastal Hazard Assessment contained in [Appendix N](#)). SPP 2.6 also notes requirements for considering building height controls within 300m of the HSD.

#### 7.3.2.2 Alignment of Proposal

The current coastal setback as defined in Condition 13.0 of the approved SP, notes all buildings adjacent to the foreshore reserve are to be setback a minimum of 51m from the coastal setback datum identified in the report “May 2006 Canal Rocks Pty Ltd 413 Smiths Beach – Reassessment of coastal setback” prepared by M P Rogers and Associates Pty Ltd.



The draft CHRMAP more recently prepared by the City has identified that the 2040 erosion line and additional 40m setback line for the provision of a foreshore reserve is not applicable to the site as these parameters have been prefaced on a sand only and a northwest facing coastline, both of which are not characteristic of the site.

More detailed technical work has subsequently been undertaken which has confirmed the presence of rock which, when supplemented with the armour ramp, provides the necessary protection to ensure the proposed 50m foreshore reserve remains available at the end of the 100-year planning timeframe, and therefore is adequate to address the additional 40m setback requirement, as detailed in the Coastal Hazard Assessment contained in [Appendix N](#), and explained in [Section 8.4](#).

In relation to SPP 2.6, and given the site is within 300m of the HSD, building height controls have been determined as part of the SP process. An approved Building Height Control Plan is provided and compliance has been addressed in [Section 8.2.5.1](#).

### **7.3.3 State Planning Policy 3.6 Development Contributions for Infrastructure (2016)**

#### **7.3.3.1 Overview**

SPP 3.6 sets out the principles and considerations that apply to development contributions for the provision of infrastructure in new and established urban areas.

#### **7.3.3.2 Alignment of Proposal**

Although the subject site is identified as being within a DCP area under LPS10, given a single entity owns the development site, a DCP is not considered necessary.

### **7.3.4 State Planning Policy 3.7 Planning in Bushfire Prone Areas (2015) and Position Statement Tourism Land Uses within Bushfire Prone Areas (2019)**

#### **7.3.4.1 Overview**

SPP 3.7 assists in reducing the risk of bushfire to people, property, and infrastructure by encouraging a conservative approach to strategic planning, subdivision, development, and other planning decisions proposed in bushfire prone areas. SPP 3.7 applies to all land which has been designated as bushfire prone by the Fire and Emergency Services (FES) Commissioner as identified on the Map of Bush Fire Prone Areas.

The site is identified as bushfire prone, and as such a Bushfire Attack Level (BAL) assessment and Bushfire Management Plan (BMP) is required to detail how SPP 3.7 and the bushfire protection criteria outlined in the Guidelines for Planning in Bushfire Prone Areas can be satisfied.

Also relevant to the Proposal is the WAPC's Position Statement: Tourism Land Uses in Bushfire Prone Areas (December 2019). This document supports the provision of bushfire protection relevant to the characteristics of tourism development whilst also balancing environmental protection, biodiversity management and landscape amenity. It recognises that the intrinsic link between tourism land uses and the natural environment may mean that the current provisions in SPP 3.7 and the supporting Guidelines for Planning in Bushfire Prone Areas cannot always be satisfied and instead provides an alternative pathway to support the operation of tourism developments.

The objectives of the policy are to:

- Maintain primacy for the protection of life, but also recognises preservation of property or infrastructure may be secondary to the social and economic development of a region;
- Provide bushfire protection relevant to the characteristics of the tourism land use;
- Provide bushfire risk management measures that mitigate the identified risks; and

- Achieve a balance between bushfire risk management measures, environmental protection, biodiversity management and landscape amenity.

The position statement relates to short-term accommodation, which means temporary accommodation provided either continuously or from time-to-time, with no guest accommodated for more than three months in any 12-month period.

The position statement is also relevant for tourism day uses including art gallery, brewery, exhibition centre, hotel, reception centre, restaurant / café, small bar, tavern and wineries (as defined in the *Local Planning and Development [Local Planning Schemes] Regulations 2015*).

The position statement provides for a risk-based assessment. Risk treatment measures may include additional and alternative contingency measures. Closure of a tourism facility when the bushfire risk is elevated, early evacuation in response to a bushfire alert or warning, and/or the provision of a refuge building or open space area as a place of last resort, are contingency options that may be suitable for tourism land uses. The suitability should be evaluated by an accredited level 3 bushfire planning practitioner and detailed within an Emergency Evacuation Plan (EEP). Decision makers will need to be satisfied that the BMP:

1. Identifies the risks;
2. Proposes risk treatment measures appropriate to the development and the demonstrated risks, consistent with the bushfire protection measures; and
3. Identifies an appropriate and rigorous process for ongoing monitoring and review of risk management for the life of the development.

#### 7.3.4.2 Alignment of Proposal

A BMP has been prepared to support this Development Application in accordance with SPP 3.7, the Guidelines and the WAPC's Tourism Land Use Position Statement for a vulnerable use in a designated bushfire prone area. Given the Project objectives of vegetation retention and environmental excellence to create a sensitively designed Tourism Node, and the need to create adequate asset protection zones to protect property and life, the BMP applies

Performance Principle Based Solutions, underpinned by the Tourism Land Use Position Statement, as well as an assessment directly against the Intent and Performance Principles of the relevant Elements of the Guidelines to address any permanent residents in the proposed Holiday Homes.

The Proposal BMP demonstrates the proposed bushfire risk management strategy will achieve compliance with SPP 3.7 and the Guidelines, including:

- Effective, risk-based land use planning and development:
  - Preserves life;
  - Reduce the impact of bushfire on property and infrastructure, while avoiding any increase in the threat; and
  - Achieves an appropriate balance between bushfire risk management measures and, biodiversity conservation values, environmental protection, landscape amenity, with consideration of the potential impacts of climate change.

The strategy, as detailed in the BMP, achieves this compliance through:

- **Community Bushfire Refuge** - an onsite community bushfire refuge is incorporated into the Tourist Development and Community Hub, enabling occupants and local community to shelter onsite, should offsite evacuation along the existing public road be unsafe.
- **Vegetation Modification and Management**
  - Establishment of suitably sized Asset Protection Zones (APZs) around the perimeter of the habitable buildings, the onsite bushfire refuge buildings and the Water Treatment Plant and balance tanks.
  - Establishment of bespoke "APZ-Modified" landscaping treatment throughout the Holiday Home and Tourist Development areas, which align with the intent of the APZ standards, although seek a Performance Based Principle solution to permit a rationalised extent of vegetation based on height and canopy cover.
  - Establishing Low Threat Vegetation treatments outside nominated APZ and APZ-Modified Landscaping areas.

- **Vehicular and Pedestrian Access** - a suitable vehicular and pedestrian network to provide access to, from and within the development, allowing occupants and fire appliances to move around the site in a bushfire emergency.
- **Water Supply**
  - Reticulated potable water supply and street hydrants.
  - Dedicated onsite fire hydrant and hose reel system for the Tourist Development and Community Hub building, complete with firewater storage tanks.
  - Fire hose reels to cover the Campgrounds, and the external perimeter road.
- **Essential Infrastructure** - protection of essential infrastructure including power, telecommunications, gas, landscaping reticulation and sewer systems, to ensure they can operate during a bushfire event.
- **Bushfire Construction Requirements** - all buildings will be constructed to a minimum BAL-12.5 standard to limit bushfire impact on buildings, prevent building loss, protect occupants and reduce the burden on the fire brigade.
- **Bushfire Emergency Management** - establishment of a Bushfire Emergency Management Plan (BEMP) which details the emergency management arrangements and procedures for ensuring safety of occupants within the development, and the local area, during a bushfire emergency.

### 7.3.5 State Planning Policy 6.1 Leeuwin-Naturaliste Ridge (2003)

#### 7.3.5.1 Overview

SPP 6.1 sets out the principles and considerations for land use development decision making on the Leeuwin-Naturaliste Ridge. The policy identifies Smiths Beach (defined as being land west of Smiths Beach Road) as a Tourist Node, which has potential for tourist development, including short-stay accommodation (refer [Figure 29](#)). The policies relating to development of the Tourist Node include:

- a. Tourism development at Smiths Beach must include an environmentally acceptable means of effluent disposal and a reticulated water supply, conservation of the Principal Ridge Protection Area (refer [Figure 29](#)) and values within the Ridge Landscape Amenity Area (refer [Figure 29](#)), acceptable bushfire protection and landscape management strategies.
- b. Proposed development at Smiths Beach will reinforce the primary tourism function of the site and not compromise the landscape values of the area. The size, nature and location of any development in the development investigation areas at Smiths Beach must be determined having regard to the overriding need to protect the visual amenity and environmental values of the area.
- c. Smiths Beach has potential for tourist development, including short-stay accommodation. Residential development will be permitted on Sussex Location 413 but will be secondary to the predominant tourist function. Subdivision and development of the identified developable area(s) of Sussex Location 413 will have a ratio of not less than seventy percent (70%) tourist development and not more than thirty percent (30%) residential development calculated from the developable land area. Mixed residential densities of up to a maximum R-Coding of R25 will be considered.
- d. Reticulated water, sewerage and power are required to accommodate the development, unless the proponent can demonstrate suitable alternative technologies that achieve standards approved by the responsible authorities.



- e. Additionally, the site is impacted by the following areas identified in the policy, which the policy provisions are summarised as:

**Principal Ridge Protection Area** – requires protection of conservation and landscape values.

**Ridge Landscape Amenity Area** – recognises potential inputs on the values and management of the National Park, particularly in relation to fire management and control of vermin.

**National Park Influence Area** – land uses to be compatible with the conservation and landscape values of the ridge.

**Walk, Cycling or Other Strategic Trails Policies** – priority to be given to the development of strategic trails.

#### 7.3.5.2 Alignment of Proposal

The Proposal aligns with the requirements of SPP 6.1, in that it:

- a. Provides for an environmentally acceptable means of effluent disposal as detailed in **Section 3.6.3** and in the Engineering Report in **Appendix O**. In particular, the Engineering Report demonstrates the proposed wastewater treatment systems are suitable, based on the Site and Soil Evaluation undertaken.  
Provides full reticulated potable water supply, and will be serviced by the existing Western Power network surrounding the subject site. Power will be complemented by an innovative renewable energy microgrid system, dramatically reducing emissions.
- b. Recognises the State's identified tourism priority for this region and the opportunity the site has to support the Cape to Cape Track as a unique tourism attraction. The Project will address the needs of meaningful growth in tourism demand in the region and deliver tourism, community and economic benefits to the Cape to Cape Track, as well as the South West region generally. The landscape and environmentally led design outcome have sought to optimise the retention of 'Excellent' quality vegetation and provide for the sensitive placement of dispersed development across the site to

optimise landform retention and thereby vegetation retention, which supports visual amenity objectives (Refer **Section 4.2**).

The Project provides for a range of tourism uses and infrastructure across the site, including:

- A variety of tourist accommodation types to cater for all visitors including Hotel rooms, Campgrounds and Holiday Homes.
- Cape to Cape Welcome Centre – curated tourist information, education and facilities to support the tourism offer.
- A tourism village comprising a variety of community facilities including Surf Life Saving Club, a general store, café and bakery, hire shop, restaurants, wellness centre.

With an emphasis on providing a well considered tourism offer for the region, the Project's design, management and operation is structured to serve the tourism needs of the South West and, for this reason, satisfies SPP 6.1 requirement for a primary tourism function. This is further detailed in **Section 8.2.4.1**.

- c. Provides for a combination of tourism and holiday home development across the site. The Holiday Homes are capable of approval under the Residential Zone, and also support the tourism activities on the site, noting the more recent introduction of homesharing through disruptors such as Airbnb and Stayz. Whilst permanent residential is possible within the Holiday Homes, it is notable that the pattern of usage of permanent residents (primary place of residence) and Holiday Homes in adjoining coastal settlements such as Yallingup and Eagle Bay show that a high proportion of dwellings are used as holiday accommodation, even without any use limitations in place. Based on an assessment of these similar settlements, and the advent of homesharing, we anticipate the Holiday Homes will be a key contributor to the tourism primacy of the site. Furthermore, the Community Scheme structure provides for a central management arrangement, that will include the Holiday Homes and will provide for a coordinated approach to the tourism offer. Further information is provided in **Section 8.1.3** in relation to the 70/30 ratio and the assessment methodology, noting a methodology is not clearly defined.

For this reason, while Holiday Homes are capable of permanent occupancy, it is maintained that it will be secondary to the primary tourism function on the site as addressed in [Section 8.1.2](#) and [Section 8.1.3](#).

- d. Demonstrates the provision of appropriate services and infrastructure to the Project as detailed in the Engineering Report in [Appendix O](#).
- e. Conserves the Principal Ridge Protection Area and values within the Ridge Landscape Amenity Area and National Park Influence Area, as a result of the development footprint being contained entirely within the Development Investigation Area, and outside of the National Park Influence Area, Principal Ridge Protection Area, and Ridge Landscape Amenity Area (refer [Figure 29](#)).

Provides for acceptable bushfire protection and landscape management strategies detailed in [Section 7.3.4.2](#) and in the BMP in [Appendix G](#), which addresses the Project objectives of vegetation retention and environmental excellence to create a sensitively designed Tourism Node, whilst also ensuring adequate asset protection zones to protect property and life. Vegetation management includes the establishment of bespoke “APZ-Modified” landscaping treatments throughout the Proposal to provide a rationalised extent of vegetation which also achieves bushfire protection.

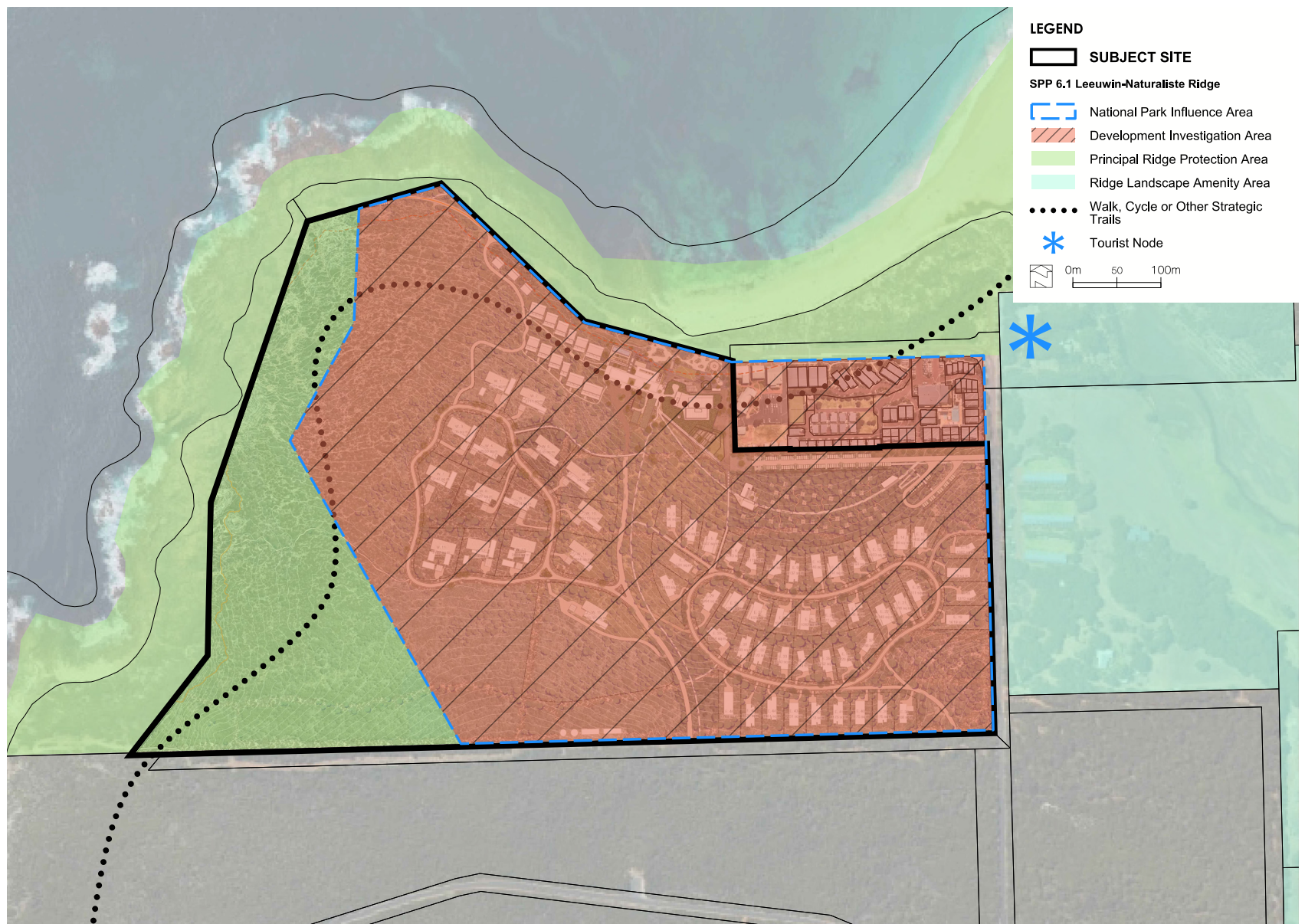


Figure 29 State Planning Policy 6.1 Leeuwin-Naturaliste Ridge Extract

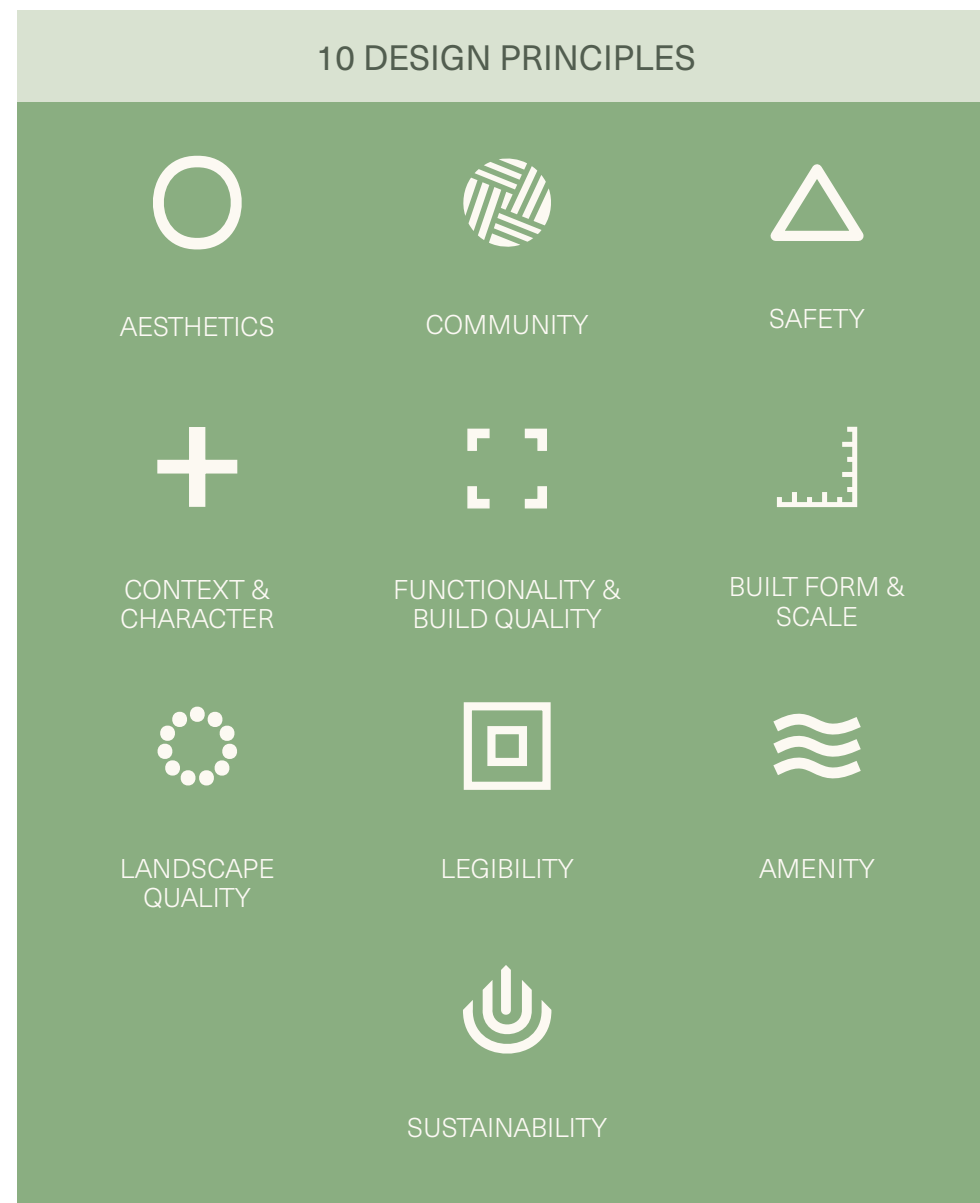


### 7.3.6 State Planning Policy 7.0 Design of the Built Environment (2019)

#### 7.3.6.1 Overview

SPP 7.0 seeks to address the design quality and built form outcomes in Western Australia, and seeks to deliver the broad economic, environmental, social and cultural benefits that derive from good design outcomes. The policy includes the following 10 principles for good design, which are intended to inform the design, review and decision-making processes for built environment proposals across the State:

1. **Context and character.** Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.
2. **Landscape quality.** Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.
3. **Built form and scale.** Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.
4. **Functionality and build quality.** Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life-cycle.
5. **Sustainability.** Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.
6. **Amenity.** Good design provides successful places that offer a variety of uses and activities while optimising internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy.
7. **Legibility.** Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.
8. **Safety.** Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.



9. **Community.** Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction.
10. **Aesthetics.** Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.

#### **7.3.6.2 Alignment of Proposal**

The design principles of SPP 7.0 have been addressed through the State Design Review Panel Meetings held on 22 September 2020 and 3 December 2020, and demonstrated in the response provided to the SDRP on 16 February 2021, which is included in **Appendix D – Architectural Design Report**.

### **7.3.7 State Planning Policy 7.3 Residential Design Codes Volume 1**

#### **7.3.7.1 Overview**

SPP 7.3 Residential Design Codes Volume 1 (R-Codes) applies to the development of all single houses and grouped dwellings, and multiple dwellings in areas coded below R40 in Western Australia. The objective of the R-Codes is to provide a comprehensive basis for the control of residential development throughout Western Australia. The R-Codes provide deemed-to-comply provisions. Where development does not meet the deemed-to-comply provisions, the R-Codes provides design principles, which developments can be assessed against.

#### **7.3.7.2 Alignment of Proposal**

A detailed assessment against the key requirements of the R-Codes is provided in **Appendix S** of this Development Application. There are a number of elements of the proposed development which do not satisfy the deemed-to-comply provisions, though comply with the Design Guidance prepared to support the revised development Proposal for the site, and noting the design principles of the R-Codes.

## **7.4 Local Planning Policies**

### **7.4.1 Local Planning Policy 2.1 Car Parking**

#### **7.4.1.1 Overview**

LPP 2.1 provides a guide to the City's requirement for the provision of car parking facilities in conjunction with new development. The policy outlines the number of car parking spaces to be provided for particular land uses, and acknowledges where common usage of parking occurs, bays may be shared.

#### **7.4.1.2 Alignment of Proposal**

Cardno has prepared a Parking Demand Analysis in **Appendix H** which addresses the requirements of LPP 2.1

### **7.4.2 Local Planning Policy 4.1 Holiday Homes**

#### **7.4.2.1 Overview**

LPP 4.1 provides guidance regarding the assessment of applications for development approval for Holiday Homes, and identifies circumstances in which Holiday Homes will be supported, through "Deemed-to-Comply" and "Performance Criteria" pathways.

#### **7.4.2.2 Alignment of Proposal**

Alignment of the Proposal with the provisions of LPP 4.1 are demonstrated in **Table 15**.

Table 15 LPP 4.1 Holiday Homes Alignment of Proposal

Deemed-to Comply (C) or Performance Criteria (P)	Proposal
<b>4.1 Location</b>	
P1.1 The City is satisfied that approval of the Holiday Home is not likely to have a significant impact on the amenity of adjoining and nearby residents and would not constitute the conversion of a second dwelling or rural worker's dwelling to a Holiday Home.	<p>The proposed Holiday Homes are not located in proximity to any existing permanent residents, and will not impact the amenity of adjoining landowners, with the closest landowner being the Smiths Beach Resort, which is located a minimum of 75m from the Eastern Holiday Homes and also provides for short stay accommodation.</p> <p>The Holiday Homes do not constitute the conversion of a second dwelling or rural worker's dwelling.</p>
<b>4.2 Utility Servicing</b>	
P2.1 The City is satisfied that the Holiday Home will have an adequate supply of potable water; and	The Holiday Homes will have an adequate supply of potable water, as demonstrated in the Engineering Report contained in <b>Appendix O</b> .
P2.2 The City is satisfied that the Holiday Home will be provided with an adequate refuse collection service; and	The Holiday Homes will be provided with an adequate refuse collection, as demonstrated in the Waste Management Plan contained in <b>Appendix I</b> .
P2.3 The City is satisfied that the Holiday Homes will be provided with an adequate on-site effluent disposal system (and provision of such would be a condition of any approval, to be met prior to the commencement of the use if a suitable system is not already in place and approved).	The Holiday Homes will be provided with adequate on-site effluent disposal systems, as demonstrated in the Engineering Report contained in <b>Appendix O</b> .

Deemed-to Comply (C) or Performance Criteria (P)	Proposal												
<b>4.3 Car Parking</b>													
<p>C3.1. The Holiday Home will have constructed on-site car parking bays, consistent with the size and manoeuvrability criteria set out in the Residential Design Codes of Western Australia, but with no more than any of two bays arranged one behind the other (i.e. tandem bays are permitted, with two bays one behind another, but not with a third bay behind another two), in accordance with the following rates:</p> <table> <tr> <th>Maximum number of occupants</th><th>Minimum number of car parking bays required</th></tr> <tr> <td>1-3</td><td>1</td></tr> <tr> <td>4-6</td><td>2</td></tr> <tr> <td>7-8</td><td>3</td></tr> <tr> <td>9-10</td><td>4</td></tr> <tr> <td>11-12</td><td>5</td></tr> </table>	Maximum number of occupants	Minimum number of car parking bays required	1-3	1	4-6	2	7-8	3	9-10	4	11-12	5	The Holiday Homes will provide on-site car parking bays consistent with the requirements of the R-Codes and LPP4.1
Maximum number of occupants	Minimum number of car parking bays required												
1-3	1												
4-6	2												
7-8	3												
9-10	4												
11-12	5												
<p>OR IF NON-COMPLIANCE WITH ABOVE:</p> <p>P3.1. The City is satisfied that the Holiday Home has a minimum of two constructed on-site car parking bays and, where additional car parking bays would be required to comply with C3.1 above, at least the equivalent number of cars could park on the site without the need for cars to park on the verge, in adjacent or nearby public car parking, or in visitor car parking bays within a unit complex or similar.</p>	The Holiday Homes will provide on-site car parking bays consistent with the requirements of the R-Codes and LPP4.1												



Table 15 LPP 4.1 Holiday Homes Alignment of Proposal (continued)

Deemed-to Comply (C) or Performance Criteria (P)	Proposal										
<b>4.4 Dwelling Design</b>											
C4.1 The Holiday Home is an existing, lawful dwelling; or C4.2 If the Holiday Home is not an existing, lawful dwelling, the Holiday Home will meet all of the relevant design standards and requirements that would apply to a new dwelling on the land, including the requirements of the Local Planning Scheme (including the Residential Design Codes of Western Australia), all relevant Local Planning Policies, and all relevant Structure Plan, Activity Centre Plan and Local Development Plan provisions.	The proposed Holiday Homes are yet to be constructed, however will be designed in accordance with the relevant design requirements and standards that would apply to new dwellings addressed in this Development Application.										
C4.3 The maximum number of occupants within a Holiday Home complies with the following standards: a. There is 5.5 square metres per occupant in each bedroom utilising beds; b. There is 3.5 square metres per occupant in each bedroom utilising bunks; and c. There is sufficient bedroom space to accommodate the maximum number of occupants consistent with a. and b. above.	There is sufficient bedroom space to accommodate the occupants proposed within this Development Application.										
C4.4 Bedrooms in a Holiday Home are provided in accordance with the following rates: <table border="1"> <thead> <tr> <th>Maximum number of occupants</th><th>Minimum number of bedrooms required</th></tr> </thead> <tbody> <tr> <td>1-2</td><td>1, or studio</td></tr> <tr> <td>3-4</td><td>2</td></tr> <tr> <td>5-8</td><td>3</td></tr> <tr> <td>9-12</td><td>4</td></tr> </tbody> </table>	Maximum number of occupants	Minimum number of bedrooms required	1-2	1, or studio	3-4	2	5-8	3	9-12	4	Not applicable
Maximum number of occupants	Minimum number of bedrooms required										
1-2	1, or studio										
3-4	2										
5-8	3										
9-12	4										

Deemed-to Comply (C) or Performance Criteria (P)	Proposal						
C4.5 Bathrooms and toilets in a Holiday Home are provided in accordance with the following rates: <table border="1"> <thead> <tr> <th>Maximum number of occupants</th><th>Minimum number of bedrooms required</th></tr> </thead> <tbody> <tr> <td>1-6</td><td>1 bathroom and 1 toilet</td></tr> <tr> <td>7-12</td><td>1 or 2 bathrooms and 2 toilets</td></tr> </tbody> </table>	Maximum number of occupants	Minimum number of bedrooms required	1-6	1 bathroom and 1 toilet	7-12	1 or 2 bathrooms and 2 toilets	Not applicable
Maximum number of occupants	Minimum number of bedrooms required						
1-6	1 bathroom and 1 toilet						
7-12	1 or 2 bathrooms and 2 toilets						
OR IF ABOVE NOT MET, P4.1 A Holiday Home satisfies the Performance Criteria provisions if C4.1 or C4.2 is met, and C4.3 and C4.5 are met; and: P4.1 The City is satisfied that the dwelling design is appropriate to accommodate the proposed maximum number of occupants. In general, if C4.4 is not met, this would only be the case if there are a smaller number of relatively large bedrooms.	Refer architectural drawings <b>Appendix C</b> .						
<b>4.5 Bushfire Management</b>							
C5.1 A Holiday Home satisfies the Deemed-to-Comply provisions if: C5.1 The Holiday Home satisfies the provisions of the Bushfire Policy.	A Bushfire Management Plan has been prepared by a certified Level 3 Practitioner, complies with LPP 4.2 and SPP 3.7 (refer <b>Appendix G</b> – Bushfire Management Plan).						

### 7.4.3 Local Planning Policy 4.2 Bushfire

#### 7.4.3.1 Overview

LPP 4.2 details the City's expectations for application for development in bushfire prone areas. The policy requires development applications to:

- Include supporting plans and documents relevant to consideration of bushfire risk to be endorsed by an accredited professional; and
- Detail requirements for APZs.

#### 7.4.3.2 Alignment of Proposal

A Bushfire Management Plan has been prepared by a certified Level 3 Practitioner, which details how the APZs will be implemented (refer [Appendix G](#) – Bushfire Management Plan and Bushfire Emergency Management Plan).

### 7.4.4 Local Planning Policy 4.4 Percent for Art

#### 7.4.4.1 Overview

LPP 4.4 details eligible proposals which require public art to be provided. Given the development Proposal is valued over \$1,000,000 and does not meet the exclusions detailed in the policy, a public art contribution is required of no less than one percent of the value of the development. The contribution is based on the non-residential component only. The contribution may either be provided on-site or as a cash in lieu contribution.

#### 7.4.4.2 Alignment of Proposal

Public art will be provided as part of the development in accordance with the requirements of LPP 4.4. The applicant has an ongoing interest and commitment to the Arts and believes it is an integral component of this Project and is committed to creating an integrated visual language within the site. The Arts strategy will aim to:

- Create a sense of cultural identity;
- Create a 'sense of place';
- Activate spaces and places;
- Attract tourists/be a drawcard to the region;
- Be fun and thought provoking;
- Enhance the built and natural environment; and
- Be educational and provide for ongoing education.

A strategy for public art will be developed in consultation with the City of Busselton and the Cultural Working Group. The artworks are likely to be led by a central artist, and will be incorporated through the landscaping in the foreshore and within the Tourist Development. A public art strategy will be submitted to the City for approval prior to the creation and installation of any art. The Development Approval shall include a condition that requires preparation and implementation of a Public Art Strategy for the development.

### 7.4.5 Local Planning Policy 6.1 Stormwater Management

#### 7.4.5.1 Overview

LPP 6.1 outlines the minimum requirements of stormwater management to help ensure safe and effective management of the quantity and quality of stormwater runoff. The policy requires stormwater to be managed on-site, and details the volumetric requirements.

#### 7.4.5.2 Alignment of Proposal

The proposed stormwater management strategy has been prepared in accordance with LPP 6.1 requirements, as outlined in [Section 4.5](#), and contained in the UWMP in [Appendix P](#).

## **7.4.6 Local Planning Policy 6.4 Road, Footpath and Cycle Network Upgrade Contributions**

### **7.4.6.1 Overview**

LPP 6.4 sets out the City's approach to assessing the need for and scale of contributions required from developers towards the upgrading of the City's road and other transport infrastructure. The provisions apply to all development or subdivision for residential or tourism purposes (with some exceptions), other than where a single house is being built on an existing lot, or where it is taking place in a major, 'greenfields' growth area.

The subject site is included in the 'Rural Remainder' Precinct. The policy includes the following contributions applicable to the Rural Remainder precinct:

- For each additional lot created, or dwelling or tourism unit developed, in the Rural Remainder precinct, a cash contribution of \$943 shall be made towards the upgrading of the distributor road network in the City.
- For single bedroom dwellings, aged or dependent person's dwellings, or tourism units, the cost contribution will be 50% of the normal contribution.

The footpath and cycle network upgrading provisions do not apply in the Rural Remainder precinct, as there is not seen to be a sufficiently clear connection between development in rural parts of the City and the need to upgrade footpath and cycle networks in the main urban areas.

### **7.4.6.2 Alignment of Proposal**

Contributions will be made to the City of Busselton in accordance with LPP 6.4 requirements or infrastructure upgrades will occur as agreed between the applicant and the City.

As noted in the Transport Impact Assessment (refer [Appendix H](#)), an upgrade to the Caves Road/Canal Rocks Road intersection may be required based on current traffic conditions (i.e. without traffic attributed to the Smiths Beach Project). The requirement to contribute to

these works will be the subject of ongoing discussions between Main Roads and the City of Busselton through the assessment process.

## **7.5 Operational Policy 1.11 Community Schemes and Community Schemes Guidelines**

The WAPC's Operational Policy 1.11 clarifies the procedure and establishes criteria for the WAPC's consideration of community development statements and subsequent subdivision and development proposals, as provided for by the Community Titles Act 2018 (CT Act) and the Community Titles Regulations 2021 (CT Regulations). OP 1.11 is supported by the Community Schemes Guidelines, which provides additional guidelines with the implementation of the CT Act.

The framework allows for a single parcel of freehold land to be divided into a Community Scheme (CS) which can have up to three tiers of sub-schemes, called Community Titles Schemes (CTS). Each CS will have one Community Development Statement (CDS) that outlines how the CS is to be subdivided and developed, including staging and implementation. A CDS must be approved before a CS can be registered.

Each individual scheme within a CS is called a CTS. A CTS can be either defined by land area or building (three dimensional lots), both of which can exist within the same CS, providing a mix of development types and land uses within the scheme.

The framework provides the option for common property to either belong to all owners of the CS, though also allows for portions of common property to be solely owned by owners within the subsidiary schemes (CTS), providing a fairer approach, where only the relevant user pays.

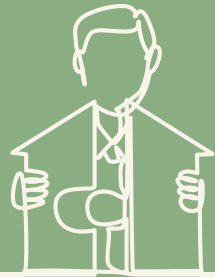


## **7.5.1 Alignment of Proposal**

### **7.5.1.1 Proposed Community Scheme Implementation**

Smiths 2014 Pty Ltd intend to lodge a CDS that encompasses the whole development following the Development Approval. The intent is for the CDS to read in the Development Approval. The CDS is able to read in any remaining scheme provisions not addressed as part of the conditions of Development Approval.

It should be noted that whilst the Campgrounds form part of this application, they cannot be included in the CS as it is covered by other legislation. It is intended that the Campgrounds will be created as a freehold lot, at the time of ceding the National Park and Foreshore Reserve extension, and subsequently leased from Smiths 2014 Pty Ltd to the Community Corporation which can then sub-lease the Campgrounds to the Tourism Development operator. This results in by-laws and lease conditions being applicable to the Campgrounds and the Campgrounds operating as intended.



Section

8.0

# PERFORMANCE ASSESSMENT

## 8.0 Performance Assessment

This section provides an assessment against the relevant provisions of the local planning framework where the exercise of discretion is required. In making a determination on the suitability of our Proposal, the following factors were considered:

- a. Purpose and intent of the Local Planning Scheme.
- b. Orderly and proper planning.
- c. Preservation and amenity of the locality.
- d. Any relevant State planning policies, and any other relevant policies of the Commission.

### 8.1 SPP 6.1 and Leeuwin Naturaliste Strategic Regional Park Strategy

The Proposal is seeking approval for a revised Identifiable Land Area (IDLA) and associated Tourism and Residential land use ratio on the site. This represents a variation to the requirements prescribed in the approved Structure Plan and consideration to the methodology used to determine the Tourism and Residential ratio.

In considering the new Proposal it is worth noting that the current planning framework has not delivered development of the site for more than 20 years. It has clearly shown it is not an implementable plan; it also does not foster a site responsive and environmentally sensitive design approach as is the intention of the new Proposal.

The proposed IDLA and Tourism/Residential ratio is considered reasonable, appropriate and justified after having considered the requirements of SPP 6.1 and the general amenity of the surrounding area. This is explained in more detail below.

#### 8.1.1 Context

As discussed in [Section 6.0](#) and [Section 7.0](#), the Strategic and Statutory Planning framework for the site identifies Smiths Beach as a tourist node, which has the potential for tourism

development, including short stay accommodation, (refer SPP 6.1, LNSRPS, and Schedule 8 of LPS 21).

SPP 6.1 notes:

- Proposed development at Smiths Beach will reinforce the primary tourism function of the site and not compromise the landscape values of the area.
- The size, nature and location of any development at Smiths Beach must be determined having regard to the overriding need to protect the visual amenity and environmental values of the area.
- Smiths Beach has potential for tourist development, including short-stay accommodation. Residential development will be permitted but will be secondary to the predominant tourist function.
- Subdivision and development of the Identified Developable Land Area(s) will have a ratio of not less than seventy percent (70%) tourist development (be used for tourist uses LPS 21), as may be granted development approval in the 'Tourism' zone, and not more than thirty percent (30%) residential development be achieved from the overall Identified Developable Land Area(s).
- The Identified Developable Land will exclude areas to be set aside for Principal Ridge Protection, National Park, public open space, or similar purposes as designated on an approved Development Guide Plan. (Clause 5.a Schedule 8 of LPS 21).

Our Proposal Masterplan has been developed having regard to the requirements of SPP 6.1, LNSRPS and the requirements of LPS 21.

The Significant Development process requires the WAPC to give due regard to the Scheme, and associated planning framework, but the WAPC is not bound by the Scheme. These considerations are discussed in [Section 9.0](#) Significant Development Considerations.

This discussion has been structured in two parts in order to address the key components of the requirements of SPP 6.1, as follows:



1. Redefined Identified Developable Land Area (IDLA); and
2. Primacy of the Smiths Beach Tourism Offer/Function.

### 8.1.2 Redefined IDLA

*SPP 6.1 notes:*

*The size, nature and location of any development at Smiths Beach must be determined having regard to the overriding need to protect the visual amenity and environmental values of the area.*

Response:

Consistent with the requirements of SPP 6.1, a new Masterplan has been formulated which seeks to optimise the retention of “Excellent” vegetation, PEC communities, protected Fauna Habitat and landform. Following an extensive environmental, landscape and visual assessment, the Masterplan proposes sensitively dispersed buildings located amongst the natural vegetation having regard to maximising vegetation and landform retention which results in reduced visual impact, and maintains landscape and visual character. Refer **Figure 30** Design Response to Combined Methodologies and Redefined IDLA.

Whilst the area of the Proposal IDLA (18.1406ha) is larger than under the approved Structure Plan (14.8197ha), the site and landscape assessment has resulted in a more visually sensitive Development Proposal that:

- Is respectful of the “Excellent” quality vegetation and optimises its retention within National Park, Conservation Lot and quality Open Space Areas;
- Results in 41% of the site being protected and transferred by Smiths 2014 Pty Ltd to National Park;
- Disperses buildings amongst managed vegetation on larger lots to optimise overall vegetation retention;
- Optimises the retention of key fauna habitats for improved fauna protection;
- Sets aside an additional 10% of the site as natural managed open space;

- Mitigates visual impact through dispersal of the built form of Holiday Homes to facilitate vegetation and landform retention;
- Locates the tourism development as an extension to the existing development to sit within the backdrop to the existing vegetation and landform;
- Nestles buildings within larger areas of retained/managed vegetation;
- Will result in low profile and dispersed built form;
- Provides site specific building envelopes selected to manage visual integration;
- Introduces a strategic APZ around the perimeter of the development to address vegetation management at a strategic bushfire protection level which provides for less vegetation impact within the development; and
- Is supported by a coordinated vegetation management approach to facilitate a sensitive/site responsive bushfire management approach.



**Decreased density and significantly lower yield**



**Increased retention of natural and managed vegetation** (due to fewer buildings and a more dispersed built form outcome)

Whilst the approved SP identifies a smaller IDLA, the Combined Methodologies and SPP 6.1 clearly articulate the objective of protecting the visual amenity and environmental values of the area, which the revised IDLA has optimised as part of our Proposal.

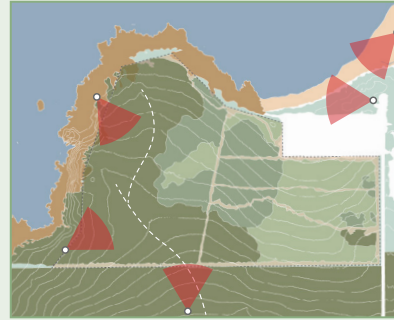
Noting the SP is a document of due regard, the WAPC has discretion to consider the revised IDLA and Proposal Masterplan.

## Design Analysis



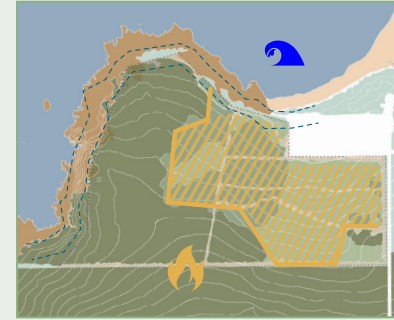
### Landscape Led

- Optimises retention of "Excellent" vegetation and key fauna habitat



### Visual Integration

- External views to site considered
- Vegetation retention
- Landform retention



### Environmental Safeguard

- Coastal protection
- Fire risk/hazard response
- Managed vegetation



### Landscape Rehabilitation

- Degraded habitat
- Environmental scars
- Unmanaged access



## Design Response



### Reduced built form density within a dispersed footprint

- Managed Vegetation Retention
- Minimise extent of permanent clearing
- Greater retention of managed vegetation
- Optimize retention of "Excellent" vegetation



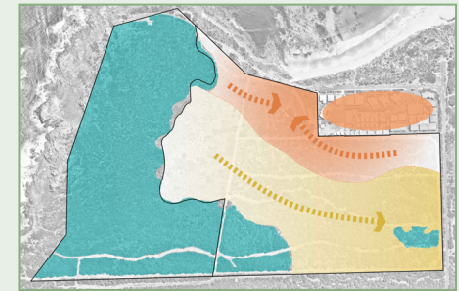
### Fauna Habitat Retention

- Campground located amongst Peppermint Forest to maintain fauna habitat
- Eastern Holiday Homes dispersed and sensitively located to maximise retention of Banksia



### Visual Response

- Dispersed and low profile built form
- Built form offset for optimisation of vegetation retention
- Meandering road design to maximise visual mitigation (no straight lines)
- Revegetation of firebreak
- Corridors of vegetation retained




### Built Form Dispersal

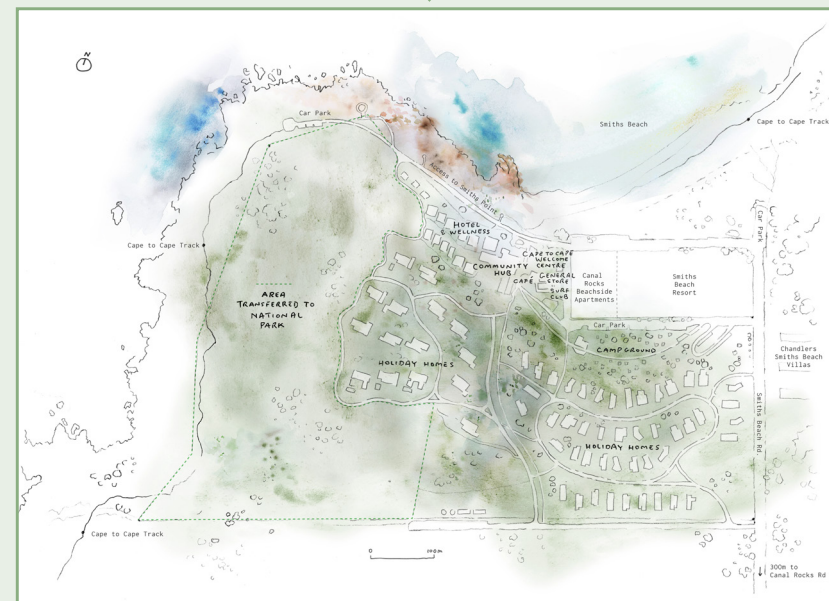
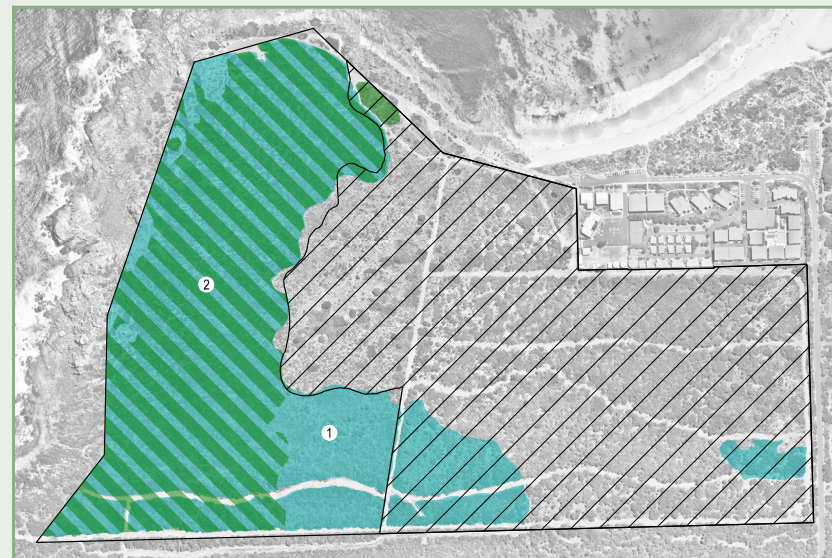
- Intensity focused on foreshore as a logical extension of existing tourism offer and built form
- Intensity of Tourist Development reduced westward closer to the headland
- Reduced intensity and height of Holiday Homes westwards
- Increasing intensity of Holiday Homes built form to the east, closer to existing settlements
- Increased lot sizes to optimise managed vegetation retention on larger home sites



### Revised Development Footprint

The landscape led design approach guided the development footprint and aimed to retain the 'Excellent' quality vegetation which also comprised the Priority Ecological Communities (PEC) on the west of the site.

1. "Excellent" quality vegetation
  2. Priority Ecological Communities
-  Proposed Development Footprint



### Identifiable Developable Land Area (18.1406ha)

Greater development footprint, however:

- Fewer buildings and dispersal of built form allows managed vegetation retention to be optimised
- Larger areas of "Excellent" vegetation retained
- Landform retained through site responsive design
- Landscape and visual character optimised

Figure 30 Design Response to Combined Methodologies and Redefined IDLA



8.1.3 Primacy of the Smiths Beach Tourism Offer/Function

SPP 6.1 notes:

*Proposed development at Smiths Beach will reinforce the primary tourism function of the site and not compromise the landscape values of the area.*

*Smiths Beach has the potential for tourist development, including short stay accommodation. Residential development will be permitted but will be secondary to the predominant tourist function.*

*Subdivision and development of the Identified Developable Land Area(s) will have a ratio of not less than seventy percent (70%) be used for tourist uses, as may be granted development approval in the ‘Tourism’ zone, and not more than thirty percent (30%) residential development be achieved from the overall Identified Developable Land Area(s).*

Response:

The 70/30 ratio defined in SPP 6.1 is a simplistic mechanism which is often applied in areas where the predominant use is tourist accommodation. However, it is not well suited to a more complex, multi-faceted Tourist Node such as Smiths Beach in which the multitude of tourism components - and then relative contributions to the overall tourism values, are not given due recognition.

The design response of the current Proposal comes with a more nuanced appraisal of the specific details of the various tourist facilities to show that, notwithstanding it is difficult to quantify a numeric ratio, the intent in terms of maintaining a strong primacy of tourism use over permanent residential is categorically fulfilled.

A significant amount of work has gone into structuring the Proposal as a well thought out and resolved tourism proposition, that considers the long term sustainability and mix of uses required to complement the primary tourism offer. In this regard, our Proposal maintains the predominant use of the site is structured primarily for tourism use.

The following is a description of how the Proposal satisfies this requirement.

Figure 30 demonstrates the methodology applied (based on the Combined Methodologies approach), to review the IDLA and proposed Masterplan having regard to the landscape and visual values and character of the area.

Landscape Values of the Area

The Proposal seeks to integrate lightly into the landscape and is sympathetic to its surrounds. Following an extensive analysis of the existing vegetation, protected fauna habitat and landform, the design seeks to optimise landform and vegetation retention, supported by a landscape assessment, through:

- A revised National Park boundary where the emphasis has been on retaining “Excellent” quality vegetation, which also includes the PEC communities.
- The dispersed placement of Holiday Homes, on larger sites, with individually selected home sites to consider landform, access, existing vegetation, and contextual relationships with adjacent built form. Note that larger sites (3,000m²+) are proposed on the western portion of the site, in response to the change in landform and vegetation type.
- An increase in average lot size generally overall, and fewer buildings, which ensures that managed vegetation retention is optimised on all lots, and contributes to the landscape values and visual amenity of the area, as detailed in Table 16.

Table 16 Proposed Average Lot Sizes

Land Use	Average lot size (m²)
Holiday Homes (eastern precinct)	1,236
Holiday Homes (western precinct)	3,710
Holiday Homes (overall)	1,844

- Consideration to the scale, form and location of the Tourist Development and Community Hub, as an extension to the existing adjacent development, but also able to sit within the backdrop to the existing vegetation and landform.
- Design that works with the landform to ensure building and road placement minimises cut to fill and therefore the need for retaining walls and scars on the landscape.
- Consideration to the location of the Campgrounds, within the Peppermint forest where camping platforms and raised pathways can be located to sensitively respond to existing vegetation.
- A proposed Community Scheme approach which ensures vegetation retention, management and rehabilitation occurs through a central management arrangement to maintain the integrity of the landscape, ensure visual impact is mitigated and bush fire management regimes are maintained.

With respect to Landscape Values, the Proposal has reassessed and confirmed the environmental and landscape values of the site to ensure a site responsive and highly sensitive approach underpins the Masterplan.

### Tourism Function

- The Masterplan design process was preceded by the formulation of an overarching vision for the Project, culminating in the completion of a detailed “Cape to Cape” document which provided a vision and road map for growing sustainable tourism demand in the South West. The initiative was focused on establishing the Cape to Cape Track as an iconic tourism attraction.
- The primary focus of the Proposal is to contribute to the tourism offer in Yallingup, the South West, and more broadly to the State, acknowledging that the South West offers significant nature-based activities, which align with key global trends in adventure tourism and Tourism WA's new branding for Western Australia: “Spirit of Adventure”.
- Acknowledging the region is well known for its great walks, and positioned on the iconic Cape to Cape Track, the Proposal represents an opportunity to create a unique tourism attraction which provides for:

- The Cape to Cape Welcome Centre – a welcome centre providing a curated selection of experiences for all visitors on the track and to the region, including immersive Aboriginal cultural and education experiences;
  - Community facilities which will include the new Smiths Beach Surf Life Saving Club, General Store, Reception Hall, Hire Shop, Café and Bakery; and
  - A range of accommodation options including Hotel accommodation, with a restaurant, lounge and bar, and Wellness Centre - Spa and Gym, as well as Campgrounds and Holiday Homes.
- As previously mentioned, the existing 70/30 tourism ratio is too simplistic to properly assess a complex Tourist Node like Smiths Beach, and the Proposal seeks to demonstrate in a more nuanced way how the intent of maintaining the strong primacy of tourism use is fulfilled. **Table 17** demonstrates the extent of tourism land uses proposed, their size and the contribution towards tourism. This table demonstrates that the amount of zoned land does not determine the contribution a land use is likely to make towards the tourism function of the site. It should also be noted that the area of zoned land does not translate to the amount of tourism development or size of land use activity on a particular site, nor to the effectiveness of the land use as part of the tourism function. In isolation, the various land uses proposed are likely to contribute to the tourism function, and furthermore when combined in a Tourism Node, the combination of land uses will be complementary and result in the creation of one of the largest Tourism Nodes in the South West region. Refer **Table 18**.
  - The heart of the proposed tourism village will be an extension of the existing tourism offer along Smiths Beach Road, to create a node of activity to deliver complementary tourism land uses, positioned adjacent the activities of the Cape to Cape Track and Smiths Beach.
  - Foreshore upgrades (including the upgrading of access to Smiths Point) and the provision of additional public parking to service Smiths Beach (both on site and upgrades within Smiths Beach Road are also proposed by City of Busselton). All of these land use activities contribute to the primary tourism function of the area.

- Consistent with SPP 6.1, the Proposal provides for Tourism Development, including short stay accommodation, in the form of 65 rooms within the Tourist Development, a 36 site Campground, and a further 61 Holiday Homes. The Holiday Homes provide for short stay accommodation which is an extremely popular short stay offer within the South West and supplements the existing tourism accommodation opportunities.
- The suitability of the site for Holiday Homes is reinforced in Planning Bulletin 99 Holiday Homes Guidelines which:
  - Reinforces the role of Holiday Homes as part of the tourism industry;
  - Encourages good quality, well managed Holiday Homes for use by short term visitors in locations that will enhance the tourism experience; and
  - Recognises the importance of Holiday Homes in areas of high tourism amenity and close proximity to key tourism attractions such as beaches.

In considering the “primary tourism” function, an assessment of the adjacent tourism nodes and villages in the area has been completed to understand the relative land use offer, refer **Table 18**. The assessment has considered both the tourism accommodation offered within each location, and the additional land uses capable of approval under the Tourism Zone (or the like) which contribute to the Tourism Function.

Key observations include:

- Of the two tourist nodes (Bunker Bay and Smiths Beach), Smiths Beach will provide approximately 258 tourist accommodation products, when compared to Bunker Bay which provides 158.
- Smiths Beach will provide 2 Restaurants, Surf Life Saving Club, Cape to Cape Welcome Centre, Hotel Lounge and Bar, Reception Hall, Wellness Centre - Spa and Gym, General Store/Bakery, Café, Hire Shop and a Bushfire Refuge. In comparison, Bunker Bay has a Restaurant, Day Spa, Function Centre and Beachside Café.
- Of the two Villages (Yallingup Hill/Caves and Eagle Bay), Yallingup provides 379 tourist accommodation products. Similarly, Eagle Bay contributes 74 tourist accommodation products.

- Yallingup provides a Beachside Restaurant, Café, Caves House - Hotel/Restaurant, General Store and Bakery. Eagle Bay provides a Community Hall, Wise Winery and Eagle Bay Brewery.

This Proposal for Smiths Beach is contributing significant tourist amenities and community assets, along with substantial tourism and short stay accommodation to the area, all of which contribute to the predominant tourism function for Smiths Beach.



Table 17 Structure Plan and Proposal Comparison

Land Uses capable of approval within Tourism / Residential Zones	Proposal	Contribution towards Tourism Use
Tourism/Community Facilities (capable of approval within Tourism Zone)		
Commercial	3,250m <sup>2</sup> comprising: <ul style="list-style-type: none"> <li>• Café (260m<sup>2</sup>)</li> <li>• General Store/Bakery (130m<sup>2</sup>)</li> <li>• Wellness Centre – Spa and Gym (374m<sup>2</sup>)</li> <li>• Restaurant/Bar (435m<sup>2</sup>)</li> <li>• Hotel Lounge and Bar including Third Space (332m<sup>2</sup>)</li> <li>• Reception Hall (933m<sup>2</sup>)</li> </ul>	Provides an additional 2,050m <sup>2</sup> of Commercial Floorspace than contemplated under the current approved SP. <u>Capacity (Number of Occupants/Seats)</u> <ul style="list-style-type: none"> <li>• Café - 174 seats</li> <li>• General Store/Bakery - 14 people</li> <li>• Wellness Centre - 4 people</li> <li>• Restaurant/Bar - 200 seats</li> <li>• Hotel Lounge and Bar - 50 people</li> <li>• Reception Hall - 150 seats</li> <li>• Surf Life Saving Club - 50 guests</li> <li>• Cape to Cape Welcome Centre – potential to cater for in excess of 20,000 walkers who visit the track annually, in addition to the visitors it is likely to attract as a visitor/education centre to the region</li> </ul>
Community	Surf Club (766m <sup>2</sup> )  Cape to Cape Welcome Centre (109m <sup>2</sup> )  Bushfire Refuge (integrated within the Community Hub and Tourist Development building)	Food and beverage - est. expenditure of \$7m p.a. General Store, Hire Facilities, Wellness Centre and Welcome Centre facility - est. expenditure of \$1.5m p.a. The Refuge will be available to the Smiths Beach community in the event of a fire and has the capacity to accommodate up to 2,000 people.
Resort	65 Hotel Rooms	54,513 visitor nights per year - est. expenditure of \$12m p.a.
Other	36 Camping Platforms	
Economic and Employment Benefits	72 FTE Direct Jobs per year 20 FTE Indirect Jobs per year	\$12.5m per annum in direct and indirect gross value contribution generated from the daily operation and management of the tourism development to the WA economy.
Accommodation – Holiday Homes capable of approval within A36 Residential Zone		
Dwellings	61 Holiday Homes	Holiday Homes will contribute to the tourism function as short stay accommodation.

Table 18 Node and Village Tourism Analysis

	Smiths Beach Project	Smiths Beach Existing <i>(Smiths Beach Resort, Canal Rocks Apartments, Chandlers Villas)</i>	Bunker Bay	Yallingup Hill	Yallingup - Caves <i>(includes Caves House, Caves Caravan Park &amp; Seashells)</i>	Eagle Bay
<b>Location</b>						
Settlement Category	Tourist Node	Tourist Node	Tourist Node	Village	Village	Village
<b>Tourist Amenities and Community Assets</b>						
Existing / Proposed Uses Capable of Approval Under the Tourism Zone	Smiths Beach Surf Life Saving Club, Cape to Cape Welcome Centre, Restaurant, Hotel Lounge and Bar, Wellness Centre - Spa & Gym, Reception Hall, General Store/Bakery, Café, Hire Shop, Bushfire Refuge	Restaurant	Restaurant, Spa, Function Centre, Beachside Café	Beach Side Restaurant, Café	Caves House Hotel, Restaurant, General Store, Bakery	Eagle Bay Community Hall, Wise Eagle Bay, Eagle Bay Brewery
<b>Tourist Accommodation Product</b>						
Hotel Rooms/Short Stay (Holiday Homes/Villas)	126	96	150	67	70	-
<i>Residential</i>	-	-	26	177	-	247
<i>% of residential for short stay</i>	-	-	30% (assumption)	30% (assumption)	-	30% (assumption)
Number of residential for short stay	-	-	8	53	-	74
Campground / Caravan sites	36	-	158	62	127	-
	162	96	158	182	197	74
<b>Total Tourist Accommodation Product</b>	<b>258</b>		<b>176</b>	<b>379</b>		<b>74</b>

# Tourism and Community Offering



Figure 31 Community Offering



## Tourism Ratio

Tourism function is not derived by the amount of zoned land alone and neither does the extent of zoned land or the extent of built form determine the amount or quality of land use activity.

We understand the intent of the Tourism/Residential ratio is to:

- Reinforce the primary tourism function of the site by identifying a 70/30 ratio with respect to the “use” of the IDLA area;
- Maintain the landscape values and characteristics of the area; and
- Ensure residential development is secondary to the tourism function.

The following justification is provided in support of the Proposal and the requirement to achieve these objectives.

- The land use ratio relates to use of land, not area of zoned land.
- The Tourist Development, Community Hub, Campgrounds and Holiday Homes are all land uses capable of approval under the Tourism Zone or within the Additional Use 36 area which overlays the Tourism Zone, as tourism and short stay accommodation and therefore represent 100% of the proposed tourism land uses.
- All of these uses have been proposed over the Smiths Beach Project in support of the Proposal’s contribution towards the Tourism Node, the ability to deliver community infrastructure and facilities associated with the foreshore, parking, Surf Life Saving Club, Community Hub, Cape to Cape Welcome Centre, Bushfire Refuge and Reception Hall.
- A well resolved and diverse tourism offer (as opposed to the approved SP that provides for 8 superlots zoned for Tourism purposes), is appropriate for today’s market and considers the long term sustainability of the tourism offer.
- The introduction of home-sharing/short term rentals via companies such as Airbnb, which has emerged since the original introduction of the 70/30 requirement, has resulted in changes to the places people want to visit and the accommodation choices they want available to them. This has not been contemplated by the current Smiths

Beach Planning Framework despite this now being prevalent throughout adjoining coastal settlements such as Yallingup, Eagle Bay and Dunsborough.

- The Holiday Homes will be centrally managed by the Community Corporation to optimise the tourism offer and manage the potential for land use conflict.
- Larger Holiday Home sites are proposed to optimise managed vegetation and landform retention in keeping with the requirement to maintain landscape values and characteristics of the area.
- The proportion of permanent residential occupants in the adjoining tourism settlements of Yallingup and Eagle Bay is relatively low, in comparison to the proportion of homes used for short stay accommodation and/or used infrequently as Holiday Homes by landowners throughout the year. It is anticipated the proposed Holiday Homes at Smiths Beach are likely to be utilised much in the same way. However, the central management system offered through the Community Corporation is likely to be far more attractive to Holiday Home owners than homesharing platforms like Airbnb and Stayz.
- Acknowledging the seasonal nature of tourism accommodation in the South West, and to ensure we provide for a sustainable economy to support the facilities and services planned within the Smiths Beach development, and for the broader community, optimizing the availability and take up of the accommodation offer through the centrally managed system will be critically important.
- Planning Bulletin 99 Holiday Home Guidelines (WAPC September 2021) acknowledges:
  - The role Holiday Homes have in supporting the tourism industry;
  - The need to support the role of Holiday Homes as part of the tourism industry; and
  - To encourage good quality, well managed Holiday Homes for use by short term visitors in locations that will enhance the tourism experience while minimising potential impacts on adjoining neighbours. The Policy notes that Holiday Homes are more appropriate in areas of high tourism amenity, and close proximity to key tourism attractions, such as the beach, town centre etc.

## Conclusion

The land area calculation methodology, presented in EPA Ministerial Statement No. 831, infers that a tourism land use is best measured by the area of zoned land and not by the land use activity it contributes. This methodology (SPP 6.1), in fact, encourages intensification of development to achieve tourism ratios without any regard to:

- The desire to optimise environmental outcomes for the site;
- The goal to achieve a year-round sustainable tourism offer;
- The economic and long-term sustainability of the land uses;
- The ability to provide tourism uses that have shared spaces and are multifunctional in character;
- The ability to deliver grouped dwelling / Holiday Home product that are equal in yield but far greater in land area, by virtue of the desire to retain landform and vegetation (i.e. 1 x 500m<sup>2</sup> suburban residential lot (as per previous subdivision approval over the site) vs 1 x 1,800m<sup>2</sup> naturally vegetated lot). The Proposal should not be penalised for increasing lot size in order to optimise landform and vegetation retention, when 1 dwelling is still the outcome; and
- The introduction of home sharing as a contemporary short stay accommodation model.

The proposed IDLA extent does not adversely impact the amenity of surrounding properties. Compared with a compliant development scenario, the adjacent amenity will be substantially improved as a result of:

- The dispersed nature of our Proposal and its built form;
- The lower density of development;
- The retention of landform which results in less retaining; and
- Substantially increased retention of managed vegetation onsite.

Similarly, the tourism land uses within the Proposal are varied and diverse and will be delivered in a comprehensive and coordinated manner to ensure that the tourism offer results in a vibrant and highly activated tourism node for the South West region, supporting the nearby tourism nodes and villages of Bunker Bay, Eagle Bay and Yallingup.

Neither the Scheme nor SPP 6.1 properly define the methodology to determine the tourism/residential ratio for the site. For the reasons outlined above, it is maintained that the land use distribution ratio is not appropriately determined by zoned land area and, in fact, it is best considered on its merit taking into account the multitude of tourism components included in the Proposal. Additionally, we believe Holiday Homes should be considered as contributing to the tourism function of the site. Overall, our Proposal more than adequately demonstrates its primacy as a Tourism Proposal.

Clause 3 S275 of Part 17 of the *Planning and Development Act (2005)* acknowledges the WAPC's ability to have due regard to the Scheme and exercise its discretion in relation to the requirements of SPP 6.1 and Schedule 8 of the Scheme in relation to the primacy of the development for Tourism purposes and the principles of the 70/30 ratio for the reasons outlined above.

## 8.2 City of Busselton Local Planning Scheme No. 21 Provisions

### 8.2.1 Land Use Permissibility

With the exception of Hire Shop, Wellness Centre - Spa and Gym and Liquor Store - Small, which are 'X' uses, meaning a use that is not permitted by the Scheme, all land uses identified in [Section 7.1.2](#), are discretionary, meaning they are not permitted unless the decision-maker has exercised their discretion and approved the uses (following advertising).

With respect to the uses not permitted by the Scheme, we note under S275 Clause 3 of Part 17 of the *Planning and Development Act (2005)*, the legal instrument does not apply (in this case, the Scheme) and the WAPC is able to exercise its discretion.

It is considered that these uses are appropriate for establishment on the subject site for the reasons detailed as follows:

#### 8.2.1.1 Holiday Homes within the Tourism Zone

[Table 9, Section 7.1.2](#) outlines that Holiday Home (Multiple / Grouped Dwelling) are capable of being approved as an 'A' use in the Residential zone (A36). There are 15 Holiday Homes that currently sit within the Tourism zone (outside of the A36 boundary), where Holiday Home (Multiple / Grouped Dwelling) is an 'X' use and therefore not permitted (refer [Figure 32](#)). Given the majority of Holiday Home lots fall within the A36 boundary, the Holiday Home land use is considered appropriate.

It is also considered the proposed Holiday Home (Multiple / Grouped Dwelling) land use is appropriate for the 15 dwellings in the Tourism zone for the following reasons:

- Holiday Homes (Multiple / Grouped Dwelling) which provides for short stay accommodation and grouped dwellings is consistent with the objectives of the Tourism zone to provide for a variety of holiday accommodation styles and to support the tourism facilities provided in the proposed Tourism Development which would otherwise be seasonal relying solely on tourism trade.
- The recent introduction of home sharing through groups like Airbnb have not been contemplated by the planning scheme as yet. For the most-part there are no existing permanent residences nearby where land use conflict has the potential to arise. Permanent residential accommodation is also permitted within the Holiday Home definition and the A36 provisions located immediately adjacent, contemplate residential development. On this basis, the intended land use will be consistent with both land use definitions.
- The location of these 15 Holiday Homes in the Tourism zone provides for:
  - A built form interface and land use that will have less impact to the existing development east of Smiths Beach Road as a single dwelling, than the previously contemplated tourism development for the site;
  - The retention of vegetation and landform;
  - A sensitive response to the Smiths Beach Road frontage through the dispersed placement of built form in the landscape and having regard to the visual approach and arrival along Smiths Beach Road;
  - A built form that provides tourism functionality; and
  - Residential land uses that respond to the seasonal lows throughout the year and that will contribute to and support the sustainability of non-residential land uses year-round.



- Clause 3.5.1 states that notwithstanding the provisions of Table 1 of the Scheme (Land Use Permissibility Table), the local government may approve any development consistent with a SP adopted pursuant to Part 4 of the Deemed Provisions. The approved SP provides for Tourism and Residential land uses to be contemplated by virtue of the Additional Use applying across the Tourism sites identified on the approved SP. As such, Holiday Homes are compliant with the SP, and regardless that it is listed as an 'X' use in the Tourism zone, is capable of being approved in accordance with the provisions of Clause 3.5.1 of the Scheme.
- Clause 3 S275 of Part 17 of the *Planning and Development Act (2005)* acknowledges the WAPC's ability to have due regard to the Scheme and exercise its discretion in relation to this use (Holiday Homes) and is therefore capable of being approved for the reasons outlined above.



Figure 32 Holiday Homes outside of A36 Area - City of Busselton LPS 21 Extract

### 8.2.1.2 Liquor Store – Small

The General Store, given that it is also selling alcohol, will be subject to the “Liquor Store-Small” definition under the Scheme, and is classified as an “X” use in the Tourism zone.

It is considered the proposed land use is appropriate for the following reasons:

- It is consistent with the objectives of the Tourism zone, in that it will supplement the tourism offerings of the precinct, offering a small range of liquor available for purchase by the community and visitors to the Tourist Development, complementing the range of products available in the General Store;
- The Liquor Store – Small is a minor, ancillary component of the General Store, (classified as a Convenience Store which is a “D” use in the Tourism zone) and is therefore a suitable use to be included in the Community Hub. The Liquor Store – Small element will therefore improve the offerings and convenience of the General Store;
- The land use is consistent with the existing and prevailing land uses within the immediate locality for tourism purposes;
- Clause 3.5.1 states that notwithstanding the provisions of Table 1 of the Scheme (Land Use Permissibility Table) the local government may approve any development consistent with a SP adopted pursuant to Part 4 of the Deemed Provisions. The approved SP provides for up to 700m<sup>2</sup> of standalone retail floorspace to be provided within the development. As such, the proposed Liquor Store – Small is compliant with the SP, and regardless that it is listed as an ‘X’ use, is capable of being approved in accordance with the provisions of Clause 3.5.1 of the Scheme; and
- Clause 3 S275 of Part 17 of the *Planning and Development Act (2005)* acknowledges the WAPC’s ability to have due regard to the Scheme and exercise its discretion in relation to this use (Liquor Store - Small) and is therefore capable of being approved, for the reasons outlined above.

### 8.2.1.3 Hire Shop

The Hire Shop, which is defined as “Shop”, is classified as an ‘X’ use in both the Residential and Tourism zones.

It is considered the proposed land use is appropriate for the following reasons:

- It is consistent with the objectives of the Tourism zone, in that it will supplement the tourism offerings of the precinct, offering equipment to be made available to tourists and the local community for use on the Cape to Cape Track and at Smiths Beach;
- The land use is consistent with the existing and prevailing land uses within the immediate locality for tourism purposes;
- Clause 3.5.1 states that notwithstanding the provisions of Table 1 of the Scheme (Land Use Permissibility Table), the local government may approve any development consistent with a SP adopted pursuant to Part 4 of the Deemed Provisions. The approved SP provides for up to 700m<sup>2</sup> of stand alone retail floorspace to be provided within the development. As such, the proposed Hire Shop is compliant with the SP, and regardless that it is listed as an ‘X’ use, is capable of being approved in accordance with the provisions of Clause 3.5.1 of the Scheme; and
- Clause 3 S275 of Part 17 of the *Planning and Development Act (2005)* acknowledges the WAPC’s ability to have due regard to the Scheme and exercise its discretion in relation to this use (Hire Shop) and is therefore capable of being approved, for the reasons outlined above.

#### 8.2.1.4 Wellness Centre - Spa and Gym

The Wellness Centre – Spa and Gym, which is defined as “Shop”, is classified as an ‘X’ use in the Tourism zone. It is considered the proposed land use is appropriate for the following reasons:

- It is consistent with the objectives of the Tourism zone, in that it will supplement the tourism offerings of the precinct, by offering guests, and visitors with a range of wellness services, not dissimilar to any other Tourist Development;
- The land use is consistent with similar services already provided in the adjacent Smiths Beach Resort;
- Clause 3.5.1 states that notwithstanding the provisions of Table 1 of the Scheme (Land Use Permissibility Table), the local government may approve any development consistent with a SP adopted pursuant to Part 4 of the Deemed Provisions. The approved SP includes a provision requiring the Tourist Resort to include a range of recreational facilities and services. As such, the proposed Wellness Centre – Spa and Gym provides for recreational services to complement the tourist accommodation. As such, the proposed Wellness Centre - Spa and Gym is compliant with the SP, and regardless that it is listed as an ‘X’ use, is capable of being approved in accordance with the provisions of Clause 3.5.1 of the Scheme; and
- Clause 3 S275 of Part 17 of the *Planning and Development Act (2005)* acknowledges the WAPC’s ability to have due regard to the Scheme and exercise its discretion in relation to this use (Wellness Centre - Spa and Gym) and is therefore capable of being approved, for the reasons outlined above.

#### 8.2.2 Land Uses Not Listed

Based on the land use permissibility assessment included in [Table 9](#), it is considered the proposed development should be assessed based on a number of land uses not listed under the Scheme in accordance with Clause 3.4.2, including:

##### 8.2.2.1 Holiday Homes (Grouped Dwellings up to 12 people)

The proposed Holiday Homes, most closely aligns with the Holiday Home (Multiple / Grouped Dwelling) land use in the Scheme, given it will form part of a Community Title Scheme. This definition restricts the number of people permitted to no more than six.

As such, it is considered appropriate for an alternative land use, as a Use Not Listed, to be supported, to increase the occupancy limit up to 12 people as follows: *Holiday Homes (Grouped Dwellings up to 12 people)*, for the following reasons:

- It is considered that the existing definition of Holiday Homes (Multiple / Grouped Dwellings up to 6 persons), is linked to a historic style of multiple/grouped development and does not contemplate the Community Title Scheme arrangement and the nature of the type of development proposed which would otherwise be single residential in nature;
- Increasing the occupancy limit to 12 people is considered appropriate, in the context of this being a predominately tourist-based precinct, and the Community Title Scheme arrangement which will provide for dwellings of a scale and nature consistent with “Single Dwellings”, albeit in a grouped dwelling arrangement;
- The limit of 12 people is also consistent with the existing definition of Holiday Home (Single House), which is a land use capable of being approved in the Residential zone (A36 area); and
- Holiday Home which provides for short stay accommodation and grouped dwellings is consistent with the objectives of the tourism zone to provide for a variety of holiday accommodation styles and to support the Tourism facilities provided in the proposed development which would otherwise be seasonal relying solely on tourism trade.



#### 8.2.2.2 Tourist Development

The proposed Tourist Development includes Short Stay Accommodation, being the primary tourist accommodation offerings of the Proposal, along with the range of supporting facilities which will provide public amenity and accommodate the range of tourist needs. The proposed Tourist Development will comprise a range of uses as follows:

- Tourist Accommodation;
- Swimming Pool;
- Restaurant;
- Hotel;
- Hotel Lounge and Bar;
- Wellness Centre - Spa and Gym;
- Bushfire Refuge (integrated component of Tourist Development and Community Hub); and
- Ancillary and incidental uses.

Whilst a range of land uses have been investigated in [Table 9](#), there are no land uses that appropriately address the Proposal's intended form of development. As such, it is considered appropriate for an alternative land use, "Tourist Development" comprising a range of uses - as listed above, to be considered as a Use Not Listed, for the following reasons:

- The City of Busselton typically include these types of development within the Additional Use Schedule, as Tourist Developments, and detail the range of land uses provided for within the Tourist Development;
- The proposed land uses are consistent with the objectives of the Tourism zone and are capable of being approved as detailed in [Table 8](#) and [Table 9](#);
- The Wellness Centre - Spa and Gym (use not permitted), should be supported as part of the Tourist Development for the reasons detailed in [Section 8.2.1.4](#); and
- The proposed land uses are consistent with the objectives of the Tourism zone, in that they will supplement the tourism offerings of the precinct, by offering a range of accommodation types, and services and facilities to service the visitors and local community, consistent with the adjoining Tourist Developments.

#### 8.2.2.3 Campgrounds

The proposed Campgrounds do not align with any of the land use definitions under the Scheme, as such, it is considered appropriate for "Campgrounds" to be considered as a Use Not Listed, for the following reasons:

- The definition of Caravan Park reverts to the definition as per the *Caravan Parks and Campgrounds Act 1995*, which is: *means an area of land on which caravans, or caravans **and** camps, are situated for habitation*. Given that the proposed Campgrounds only provides for camp sites and central facilities including kitchen and amenities building, and not caravans, the Caravan Park use class is not considered appropriate;
- The proposed land uses are consistent with the objectives of the Tourism zone, in that they will supplement the tourism offerings of the precinct, by offering an alternate accommodation type to those provided for in the Tourism Development; and
- Campgrounds are a sensitive form of tourism accommodation that complements the vision for the development, and is able to respond to the site responsive design approach by nestling sensitively into the site whilst optimising vegetation and landform retention.

#### 8.2.2.4 Community Hub

The Community Hub comprises:

- Cape to Cape Welcome Centre;
- Surf Life Saving Club;
- Café;
- General Store and Bakery;
- Liquor Store - Small;
- Hire Shop;
- Reception Hall;
- Artist in Residence Studio;
- Community Garden;

- Public amenities including showers and toilets;
- Bushfire Refuge (incorporated within the Community Hub and Tourist Development);
- Promenade and associated forecourt landscaping; and
- Ancillary and incidental uses.

Whilst a range of land uses have been investigated in [Table 9](#), there are no land uses that appropriately address the intended form of development.

As such, it is considered appropriate for an alternative land use, “Community Hub” comprising a range of uses, as listed above to be considered as a Use Not Listed, for the following reasons:

- The proposed Community Hub is consistent with the objectives of the Tourism zone in that it will supplement the tourism offerings of the precinct, by offering a range of services and facilities to service the visitors and residents in the area, consistent with the adjoining Tourist Developments and complementing the foreshore and wider Smiths Beach tourist offerings;
- The proposed Community Hub generally aligns with land use permissibility as detailed in [Table 8](#) and [Table 9](#). The Cape to Cape Welcome Centre, Surf Life Saving Club, General Store/Bakery, Reception Hall and Café are all capable of being approved within the Tourism Zone as detailed in [Table 9](#); and
- The Hire Shop and Liquor Store - Small (use not permitted), should be supported as part of the Community Hub for the reasons detailed in [Section 8.2.1.2](#) and [Section 8.2.1.3](#).

Clause 3 S275 of Part 17 of the *Planning and Development Act (2005)* acknowledges the WAPC’s ability to have due regard to the Scheme and exercise its discretion in relation to supporting the proposed “Uses Not Listed” detailed above and is therefore capable of approving these land uses for the reasons outlined above.

## 8.2.3 Schedule 2 Provisions Applying to Additional Use 36

### 8.2.3.1 Combined Methodologies

The Combined Methodologies (CM) were prepared in 2004 to progress the orderly and proper planning of the site and to assist with the preparation of the SP in relation to landscape/visual, environmental, drainage, and wastewater disposal matters. The Methodologies were designed to:

- Form the basis of determining opportunities and constraints associated with the subject land;
- Assist in identifying the developable area; and
- Inform the context of the reports which will be prepared in association with a Development Guide Plan (SP).

With respect to site analysis, a detailed environment, landscape and visual assessment has been completed in accordance with the requirements of the CM. These are documented in [Appendix L](#) and [Appendix E](#), respectively. This assessment resulted in the definition of a new IDLA and Masterplan vision in response. Refer [Appendix D](#) – Architectural Design Report.

Since the CM were adopted, policy and legislative changes have occurred that result in greater detail and level of reporting as identified in [Table 19](#).

A summary of the approach taken to satisfy the CM is provided as follows:

#### Landscape/Visual

##### Part One – Assessment of Values

Step A – Establish a knowledge base (inventory) (Refer [Appendix E](#) – Visual and Landscape Assessment, [Appendix N](#) – Coastal Hazard Assessment).

Step B – Classify the area into Landscape Character Units (Refer [Appendix L](#) – Environmental Assessment Report, [Appendix E](#) – Visual and Landscape Assessment).

Step C – Identify significant features (Refer [Appendix L](#) – Environmental Assessment Report, [Appendix F](#) – Landscape Report, [Appendix E](#) – Visual and Landscape Assessment).

Step D – Identify community use (Refer [Appendix D](#) – Design Report).

Step E – Assess the wilderness quality of the area (Refer [Appendix L](#) – Environmental Assessment Report, [Appendix F](#) – Landscape Report).

Step F – Prepare a composite landscape class map ([Appendix F](#) – Landscape Report).

## **Part Two – Management Objectives and Development Guidelines**

Step G – Define management objectives for visual aesthetic values (Refer [Appendix E](#) - Visual and Landscape Assessment).

Step H – Apply the objectives to the site (Refer [Section 3.1](#)).

Step I – Prepare design guidelines (Refer to Design Guidelines contained in [Appendix D](#) – Architectural Design Report and Development Plans contained in [Appendix C](#)).

### **Environmental**

- Describe, analyse, assess and map the existing environmental features of Sussex Location 413. (Refer [Appendix L](#) – Environmental Assessment Report).
- Identify any key environmental opportunities and constraints to development (e.g. presence of Declared Rare Flora). (Refer [Appendix L](#) – Environmental Assessment Report).
- Prepare strategies that are designed to minimise environmental impacts and for the management of key environmental features during and following construction. (Refer [Appendix L](#) – Environmental Assessment Report, [Appendix F](#) – Landscape Report).
- Provide an environmental impact assessment of the final development proposal. (Refer [Appendix L](#) – Environmental Assessment Report).

### **Drainage**

- Establish existing conditions – Pre-Development (Refer [Appendix P](#) – Urban Water Management Plan).
- Estimation of Peak Flow – Post-Development (Refer [Appendix P](#) – Urban Water Management Plan).
- Stormwater Outflow/Detention Areas (Refer [Appendix P](#) – Urban Water Management Plan).
- Water Sensitive Urban Stormwater Management (Refer [Appendix P](#) – Urban Water Management Plan).

### **Waste Water Disposal**

- Investigate Alternative Options for Wastewater Collection and Effluent Disposal (Refer [Appendix O](#) – Engineering Report).
- Investigate Options Based on Existing Water Corporation Infrastructure (Refer [Appendix O](#) – Engineering Report).
- Refer Option Review to the Water Corporation.
- Preliminary Design (refer [Appendix O](#) – Engineering Report).
- Approval Process (Refer [Appendix O](#) – Engineering Report, and the subject of this application).

As the purposes of the CM were to create a SP, they can be referenced and reflected within the design process however they are inappropriate to be solely relied upon for a Development Application. For this reason, it is considered appropriate for any assessment of the Proposal to have regard to the requirements of the current legislation, policy and guidelines of the various State and Local Government agencies rather than to the CM (2004), which are now assumed to be superseded and out of date.



Landscape & Visual

The general approach and scope defined in the CM from a landscape perspective has been met and all analysis has been completed for the new Proposal. The Proposal will be compliant with the requirements of the CM with updated data sets and based on recent field survey work, configured to this new specific Proposal rather than just identifying an area of development.

Since the CM were adopted, revised guidance has been published that influences the methodology for the Visual Assessment (Visual Landscape Planning in WA (WAPC 2007)). The approach EPCAD has employed for the visual assessment has adopted Visual Management Measures which follows these guidelines whilst still referencing the CM.

Table 19 Landscape and Visual Documents in CM

2004 Terminology	Replacement
Planning for Bush Fire Protection (WAPC 2002).	State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7) and Guidelines for Planning in Bushfire Prone Areas.
Shire of Busselton Drainage Standards.	Local Planning Policy No. 6.1 Stormwater Management (City of Busselton, 2021). Water Sensitive Urban Design Guidelines for Individual Lots, Infill Development and Subdivision (City of Busselton, 2014).
Interim Position Statement: Urban stormwater management in WA - principles and objectives (WRC, 2003).	Decision Process for Stormwater Management in WA (Department of Water and Environmental Regulation, 2017).
Western Australian Disability Services Act 1993.	City of Busselton Disability Access and Inclusion Plan 2018-2022 (DAIP).
Combined Methodologies.	Visual Landscape Planning in Western Australia, a manual for evaluation, assessment, siting and design. WAPC 2007, Parts 2 and Part 3.

## Environmental

The environmental provisions within the CM have been met and are consistent with the approach undertaken for this Proposal. It should be noted however that there are a number of changes with respect to legislation, policy and guidelines that influence this process, and supersede the CM outlined as follows:

Table 20 Environmental Documents in CM

2004 Terminology	Replacement
EPA Guidance Statement No. 51 Terrestrial flora and vegetation surveys for Environmental Impact Assessment in WA.	Technical Guidance: Flora and Vegetation Surveys for Environmental Impact Assessment (EPA 2016).
EPA Position Statement No. 2 on Environmental Protection of Native Vegetation in WA.	Environmental Factor Guideline – Flora and Vegetation (EPA 2016).
EPA Guidance Statement No. 56 Terrestrial fauna surveys for Environmental Impact Assessment in WA.	Technical Guidance: Terrestrial Fauna Surveys (EPA 2016).
EPA Position Statement No. 3 Terrestrial Biological Surveys as an Element of Biodiversity Protection.	Environmental Factor Guideline – Terrestrial Fauna (EPA 2016).
Wildlife Conservation Act 1950.	Biodiversity Conservation Act 2016.
Planning for Bush Fire Protection (WAPC 2002).	State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7) and Guidelines for Planning in Bushfire Prone Areas.

## Drainage

The general intent of the stormwater management scope defined in the CM has been met and has not changed with our Proposal. However, the specific methodology and the level of reporting detail required has increased because of the implementation of the Better Urban Water Management Guidelines. All analysis being completed as part of this new Proposal will be compliant with the requirements of the updated Guidelines and the Australian Rainfall and Runoff (2016) requirements as follows:

Table 21 Drainage Documents in CM

2004 Terminology	Replacement
Australian Rainfall and Runoff.	Australian Rainfall and Runoff: A Guide to Flood Estimation (Ball J, Babister M, Nathan R, Weeks W, Weinmann E, Retallick M, Testoni I, (Editors), Commonwealth of Australia, 2016).
Institution of Engineers Australia, 1987.	Decision Process for Stormwater Management in WA (Department of Water and Environmental Regulation, 2017).
Interim Position Statement: Urban stormwater management in WA - principles and objectives (WRC, 2003).	Stormwater Management Manual for Western Australia (Department of Environment, 2004).
Stormwater Management Manual for WA.	Australian Runoff Quality - A Guide to Water Sensitive Urban Design (Engineers Australia 2006).
Shire of Busselton Drainage Standards.	Local Planning Policy No. 6.1 Stormwater Management (City of Busselton, 2021). Water Sensitive Urban Design Guidelines for Individual Lots, Infill Development and Subdivision (City of Busselton, 2014).
N/A	Better Urban Water Management (WAPC, 2008).

Waste Water Disposal

The previous proposal for the site and the previously approved subdivision plan for the site assumed reticulated sewerage and the CM did not contemplate on-site effluent disposal as a form of waste water disposal. As this new Proposal is adopting on-site effluent disposal, the approach will be to address current policy requirements.

Our Proposal adopts a best practice approach to the provision of on-site sewage treatment and disposal as detailed below:

Table 22 Waste Water Disposal Documents in CM

2004 Terminology	Replacement
Draft Country Sewerage Policy (DCSW, Department of Health 2003).	Government Sewerage Policy 2019.  AS/NZA 1547 On-site domestic wastewater management.

Summary

While the general intent of the CM is noted, the policy and legislative changes that have since occurred ensure that the general approach of the Proposal is consistent with the CM. The detail and level of reporting required to satisfy the current legislative, policy and guideline requirements has substantially increased since the CM were established and our Proposal reflects these increased requirements accordingly.

For this reason, it would be appropriate for any assessment of the Proposal to have regard to the requirements of the current legislation, policy and guidelines of the various State and Local Government agencies as a preference to the CM (2004), which are now assumed to be superseded and out of date.

8.2.4 Schedule 8 Provisions Applying to Location 413

8.2.4.1 Community Facilities and Infrastructure

As required by the Scheme and approved SP, community facilities and infrastructure within and adjacent the development was originally intended to be provided by third parties, with financial contributions being sought from the applicant, and other sources, where possible. A site (200m²) for the Surf Life Saving Club (SLSC) was originally proposed as part of the development.

The requirement to prepare a Community Facilities and Infrastructure Contribution Principles Plan (CFICP) is no longer considered appropriate on the basis that the applicant proposes to develop the community facilities and infrastructure as part of this Proposal.

The CFICP was previously required to coordinate the funding and provision of the various infrastructure items. Our new Proposal is now looking to wholly fund and develop the community facilities and infrastructure requirements, including the Surf Life Saving Club, beach access ramp, Community Hub (inclusive of Café / Bakery, General Store, Reception Hall), showers and public amenities, improved and additional public parking, foreshore infrastructure and facilities. The provision of these facilities will remove the requirement to prepare the CFICP.

Formulation of our proposed Masterplan and Foreshore Management Plan has included consideration of community needs and expectations as previously documented for the site, and also the City’s recent CHRMAP consultation and engagement outcomes, where the community commented on the values, and infrastructure needs and objectives for the Smiths Beach area.

For this reason, we submit the requirement to prepare a CFICP is superseded by the funding and delivery of the infrastructure detailed above. Clause 3 S275 of Part 17 of the *Planning and Development Act (2005)* acknowledges the WAPC’s ability to have due regard to the Scheme and exercise its discretion in relation to the requirement for a CFICP for the reasons outlined above.



## 8.2.5 Table 7 Other Relevant Provisions of LPS 21

### 8.2.5.1 Building Height

Clause 4.8.3 Building Height (LPS 21) and the approved SP notes the requirement to comply with the approved Building Heights Plan for the site. An assessment of the Proposal against the Building Heights Plan has been completed in the Architectural Design Report in **Appendix D**.

For the portion of the site that falls outside of the approved SP and Building Heights Plan, Clause 4.8.1 of the Scheme provides for heights up to two storeys or 9 metres within 150 metres of the mean high-water mark, and up to three storeys or 12 metres where land is more than 150 metres from the mean high water mark. Our Proposal demonstrates general compliance with both of these requirements (refer **Figure 33**).

As demonstrated in **Figure 34**, the assessment notes minor departures to the building heights for a small portion of the Community Hub and Tourist Development where it protrudes beyond the 7.5m height limit.

These minor projections relate to public and community functions, namely:

- The Reception Hall.
- The Hotel Lounge and Bar.

In both cases the projections are primarily the roof form which have been designed to minimise their impact on the existing landscape. The roof of the reception area exceeds the 7.5m limit (extruded from the natural ground) by approximately 2-2.5m.

To reduce the bulk and scale of the Reception Hall, and to maintain north-west views from the existing adjacent development (Canal Rocks), the building forms are situated further south of the boundary to increase the visual amenity for neighbours and the general public.

When viewed from Smiths Beach Road, the roof form that exceeds the allowable height limit will be obscured by the adjacent existing 2 storey volumes to the east of the site. The pitched roof forms also allow for greater ceiling heights to the public and community areas, further increasing the amenity of these public areas.

In summary, the massing and building heights are appropriate to the site context and adjacent Canal Rocks apartments. The relevant buildings (i.e. Community Hub) and the two-storey elements are purposely set back to ensure the north-west view lines to Smiths Beach are retained for all existing Canal Rocks Apartments.

# LEGEND

- Extent of Smiths Beach Building Height Plan
- Area of Building exceeding Height Limit
- Natural Ground Level extruded 9m
- Natural Ground Level extruded 12m

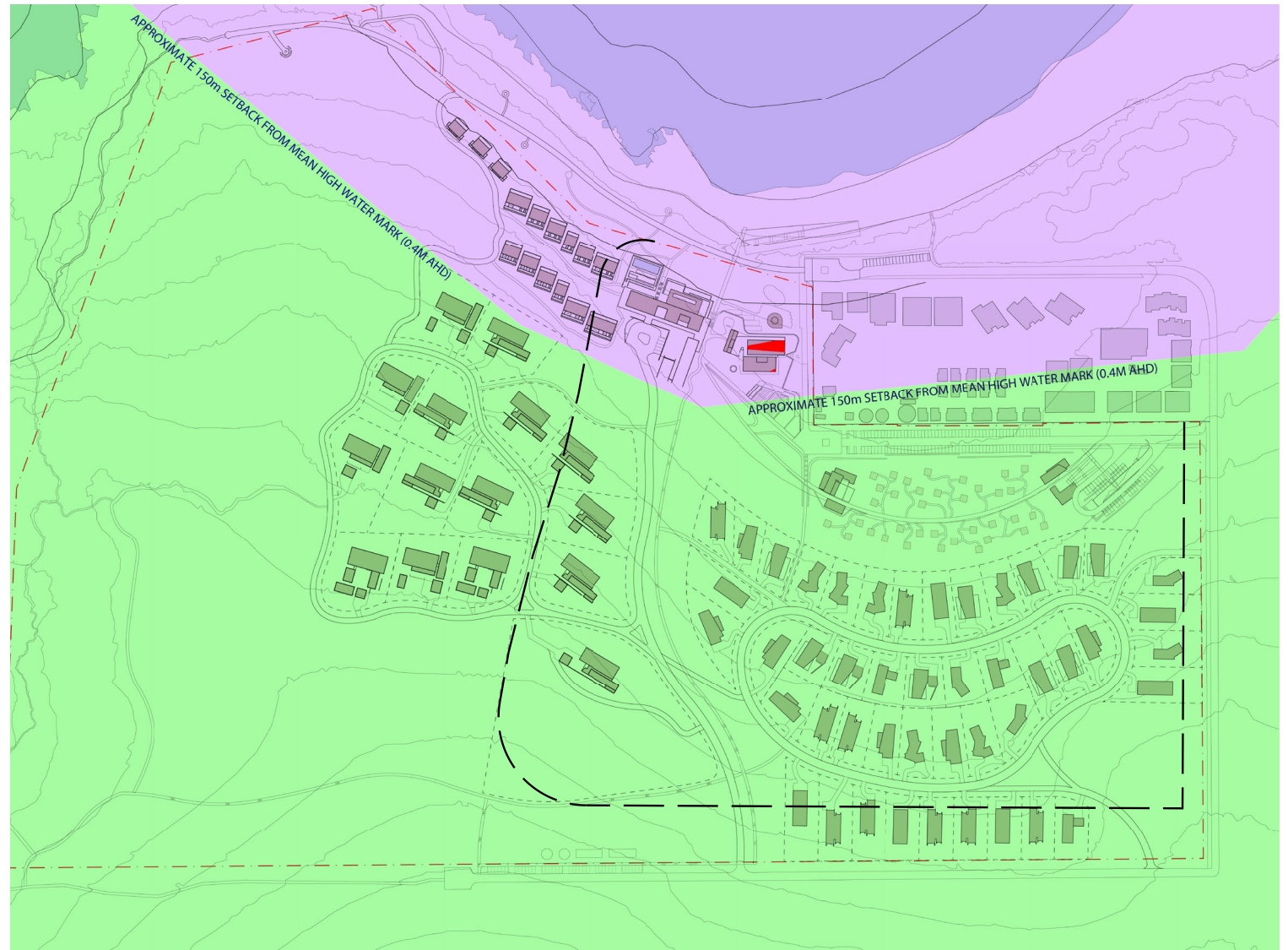


Figure 33 Proposed building heights outside of approved Building Height Plan (LPS Clause 4.8.3)

# LEGEND

- Area of Building exceeding Height Limit
- Natural Ground Level extruded 6.5m
- Natural Ground Level extruded 7.5m
- Natural Ground Level extruded 10m

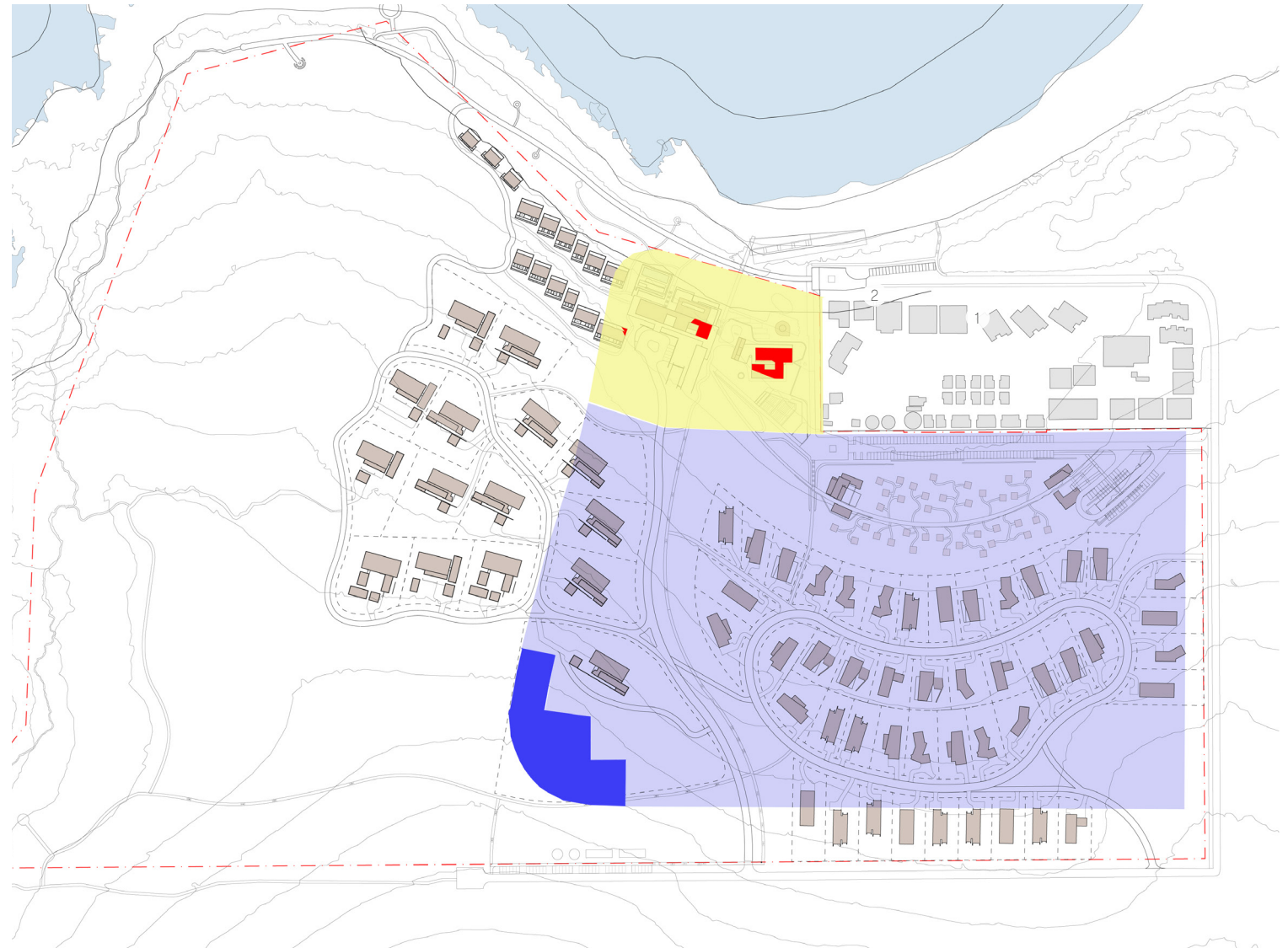


Figure 34 Compliance of Proposal with approved Building Height Plan



## 8.3 Approved Structure Plan

### 8.3.1 Proposed Development Vision

The approved SP provides a predetermined framework that is at odds with the sensitive landscape led design response of our Proposal. The Proposal has been guided by the environmental, landscape and visual assessment of the site, and has resulted in a modified design approach and philosophy which seeks to optimise vegetation and landform retention, through a dispersed built form arrangement, at a considerably lower density than currently proposed under the approved SP.

For this reason, there are a number of departures proposed from the SP to facilitate the revised development outcome and vision for this Project. **Table 23** provides a comparison of our interpretation of the potential development outcomes of the approved SP versus our Proposal.

**Table 23 Comparative interpretation of potential development outcomes of the approved SP versus our Proposal**

Approved Structure Plan (2011)	Our Proposal (2021)
<b>Increased density outcomes</b> Residential density of up to R25 permitted.	<b>Reduced density outcomes</b> Fewer buildings and a dispersed built form arrangement at considerably lower density (R10) compared to the SP.
<b>Suburban development approval</b> Consolidated, intensive built form outcome not considerate of local context or character.	<b>Site responsive development</b> Dispersed design informed by landform and vegetation retention.
<b>Minimum retention of existing vegetation</b> Lot size and earthwork requirements will result in the majority of the development area being permanently cleared to facilitate outcome.	<b>Landscape led design</b> Focus on retaining vegetation and landform throughout the development and defining development footprint through informed vegetation mapping, habitat retention and visual and landscape assessment.
<b>No defined tourism offering</b> No articulation of land use proposals, form of tourism offer, economic viability, or built form outcome.  Limited diversity in tourism offer proposed by virtue of assumptions of technical reports which suggest 88 residential units, 408 short stay units, 46 backpacker beds, 1200m <sup>2</sup> of commercial floorspace.	<b>Strong tourism vision and offering</b> Vision centred around the Cape to Cape Track. Contemporary response aligned with move towards activity based tourism globally. Comprehensive and sustainable tourism offering providing for a range of tourism facilities including Cafe, General Store/Bakery, Cape to Cape Welcome Centre, Restaurant, Hotel Lounge and Bar, Reception Hall, Wellness Centre and a variety of tourism accommodation including Hotel Rooms, Camping Ground and Holiday Homes.

### 8.3.2 Structure Plan Variations

A comparison of the approved SP Map and the Proposal Masterplan (overlaid) is shown in **Figure 35**. The following section details the variations to the approved SP and the rationale for these.

Refer **Table 24**, Approved SP column for notation references.

Refer also **Appendix D** Architectural Design Report and **Appendix L** Environmental Assessment Report for further justification.

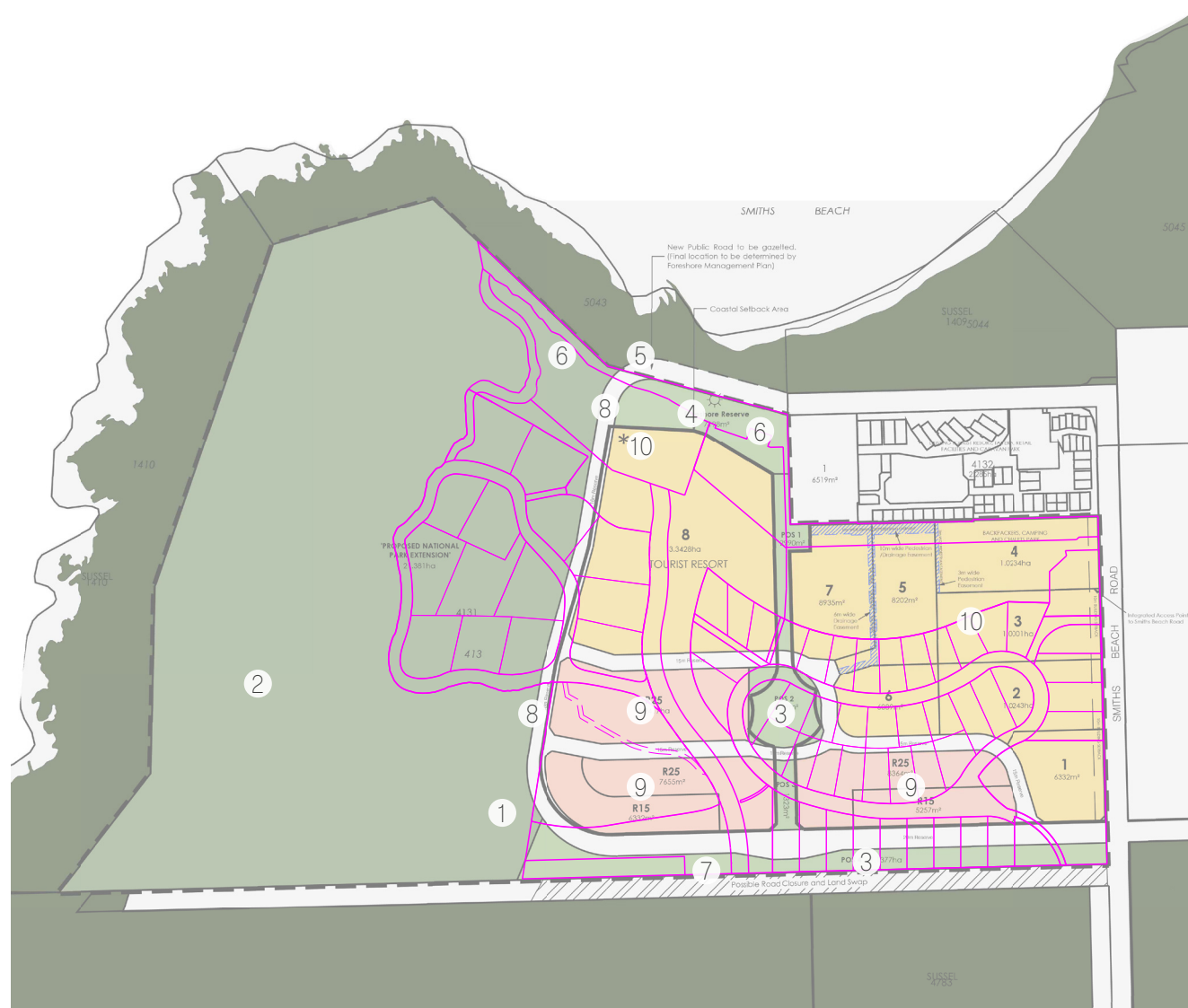


Figure 35 Approved Structure Plan (proposed Masterplan Overlay)

Figure 36 shows proposed Masterplan in colour with the approved Structure Plan overlaid for comparison purposes. Refer Table 24, Proposed Masterplan column for notation references.

A summary of the key variations include:

1. Revised IDLA Area. Maintains southern extent of approved IDLA east of central firebreak.
2. Modified National Park Extension Area.
- 3-5. Additional Open space areas.
6. Revised Foreshore Reserve extension.
7. Provision of access and additional public parking to Smiths Point.
8. Provision of additional public parking in Leeuwin Way.
9. Utilisation and construction of existing road reserve - Leeuwin Way.
10. Maintain perimeter road in downgraded form.
11. Holiday Holidays on larger sites dispersed amongst vegetation.
12. Tourist Development consolidated along Smiths Beach.
13. Community Hub infrastructure delivered.

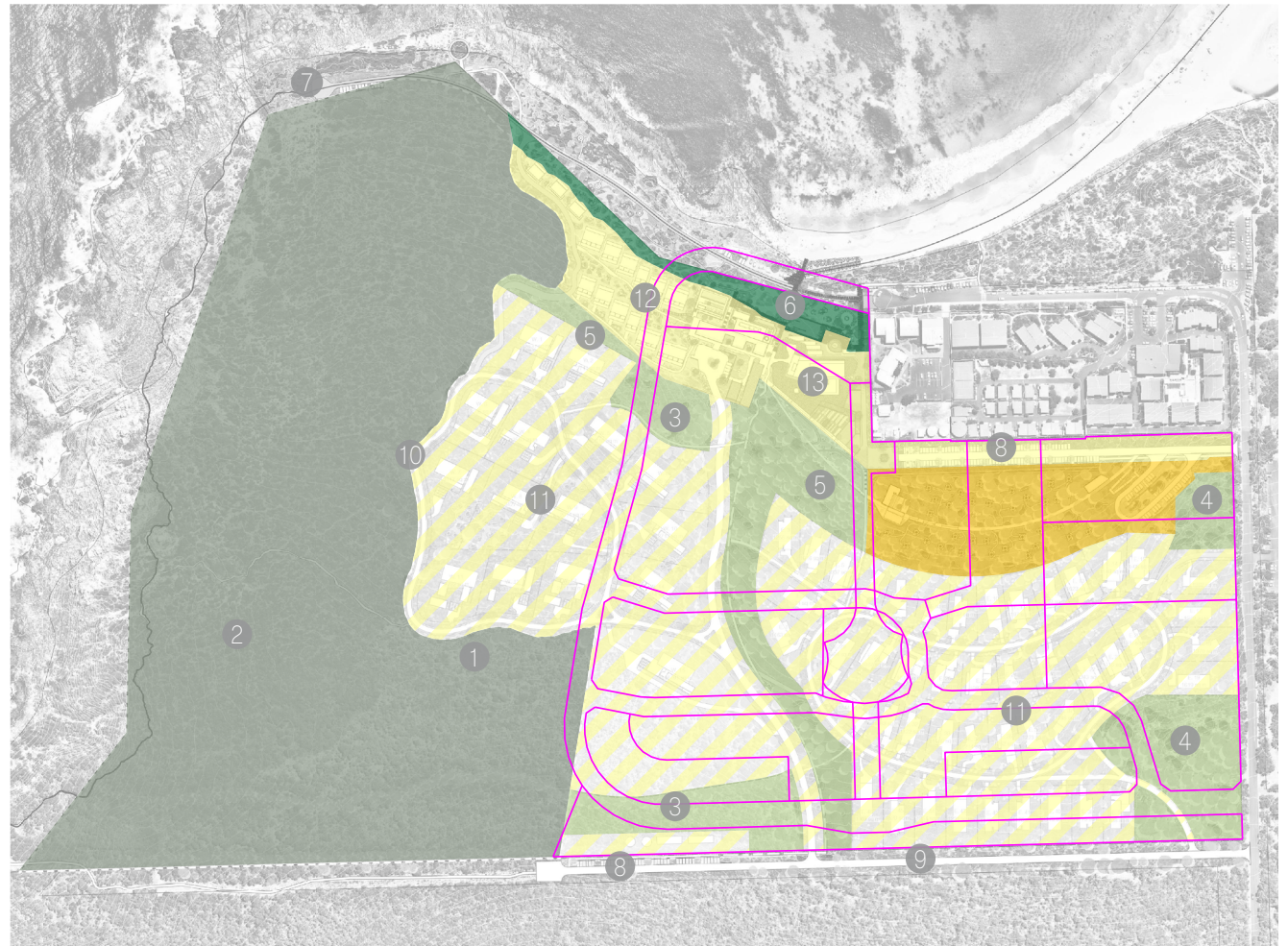


Figure 36 Proposed Masterplan (Approved Structure Plan Overlay)



Table 24 Variations to Approved Structure Plan

Approved SP	Masterplan Proposal	Rationale for Variation
Identified Development Land Area (IDLA)		
① Consolidates development east of the western firebreak.	① Revised IDLA as a result of environmental, landscape and visual assessment (18.1406ha).	Site responsive. Optimised to retain “Excellent” quality vegetation and to protect fauna habitat vegetation. Visual and Landscape Assessment outcome. The Proposal maintains the southern extent of the approved IDLA east of central firebreak. Refer <a href="#">Section 8.1.2</a> .
② Reserved portion of National Park 8.8639ha. National Park Extension 21.38ha.	② Reserved portion of National Park 8.8639ha. National Park extension 16.8ha (additional 7.9361ha). Supplemented by retention of 1.14ha of “Excellent” vegetation in the Conservation Lot and 0.91ha within new Open Space areas as well as substantially more managed natural vegetation throughout the precinct.	Site responsive. Optimised to retain “Excellent” quality vegetation. Visual and Landscape Assessment outcome. Conservation of vegetation within Proposal to be enforced through Community Scheme and centralised land management body corporate. Refer <a href="#">Section 3.3.1</a> and <a href="#">Section 3.8.1</a> .

Approved SP	Masterplan Proposal	Rationale for Variation
Public Open Space		
③ 2.0334ha of POS provided (as per <a href="#">Figure 35</a> ).	4.2147ha of POS provided (as per <a href="#">Figure 36</a> ).	Increased POS 1 and POS 2 provision to provide for retention of additional “Excellent” quality vegetation. Optimise the retention of fauna habitat vegetation. POS located to provide landscape interface to Smiths Beach Road (east).
③ Centrally located as a spine through the development.  POS along the southern boundary.	Dispersed through the development in 4 locations. ③ POS 1 – connect to National Park. ④ POS 2 – 4 – includes retention of Excellent vegetation. ⑤ POS 5 – 6 – Central spine and connections to National Park.	Site responsive approach to location and distribution. Located to retain “Excellent” quality vegetation. Located to protect fauna habitat vegetation. POS located to provide landscape interface to Smiths Beach Road (east). Whilst the POS has now been relocated to protect areas with higher value vegetation the intent will be for the northern road verge to contain trees with trunks separated every 7 metres to create a continuous canopy. This will be supplemented by shrub planting within the lots up to 2-3m in height and 10m apart to satisfy BMP requirements.

Table 24 Variations to Approved Structure Plan (continued)

Approved SP	Masterplan Proposal	Rationale for Variation
<b>Foreshore Reserve</b>		
4 0.7198ha of additional Foreshore Reserve provided in addition to the 1.9643ha (City of Busselton) and 9.8551ha (DBCA). Overall Foreshore: 12.5392ha.	6 0.5504 ha of additional Foreshore Reserve provided in addition to the 1.9643ha (City of Busselton) and 9.8551ha (DBCA).  Additional publicly accessible Community Scheme Foreshore (public use and accessibility) to be provided as part of development (0.7758ha). Overall Foreshore: 13.138ha.	Resulting from detailed Coastal Processes assessment that confirmed foreshore protected in perpetuity by existing rock formation (50m foreshore reserve).  Recreation facilities maintained and additional publicly accessible space and community facilities located within development site (i.e. Surf Life Saving Club, Reception Hall, Public Car Parking).  Enables foreshore to be rehabilitated and enhanced with natural amenity.
5 Identifies shortening of Foreshore Access to align with existing Firebreak.	7 Maintains full extent of Foreshore Access to Smiths Point.	Maintains public (pedestrian and vehicle) access to Smiths Point. Requested through engagement process with local community. Proposed to be upgraded to a shared space which emphasises pedestrian safety and priority.
6 Proposed 119 car bays within the Foreshore Reserve & National Park.	8 Provides 18 bays within Smiths Point Road supplemented by 92 shared bays provided within Proposal and a further 51 new parking bays proposed within the existing Smiths Beach Road reserve (by City of Busselton). A further 36 car bays are provided within the Leeuwin Way (Southern road reserve).  Overall provision: 146 new bays and 51 new bays within Smiths Beach Road reserves.	Minimise visual impact of public parking bays within foreshore.  Enables foreshore to be rehabilitated and returned to natural environment.  Removes excessive vehicle traffic from foreshore to enhance pedestrian experience and safety.  Additional bays are provided within the Leeuwin Way to provide access to the Cape to Cape Track from an alternative location.

Approved SP	Masterplan Proposal	Rationale for Variation
<b>Roads</b>		
7 Southern Road ("Leeuwin Way") identified for possible closure and land swap.	9 Existing road reserve to be retained and to form main access into Tourist Development and Holiday Homes (Leeuwin Way).	Reduces traffic load to foreshore area to minimise impact to existing developments and optimise pedestrian safety and amenity for recreational users.  Assists bushfire management. Additional access supplements bush fire emergency services access for bushfire purposes.  Existing road reserve with existing established clearing so no further environmental impact proposed.
8 Formalises public access within existing foreshore reserve. Perimeter road along western boundary of development (firebreak) by terminating and deviating Smiths Beach Road (away from Smiths Point).	7 Maintains existing access to Smiths Point within Foreshore Reserve.  10 Maintains perimeter road in new location and connects with Smiths Beach Road via Leeuwin Way.	Maintains relationship of existing and proposed foreshore reserve (not severed by formal public road).  Downgrades the function of foreshore access (primary function to service Smiths Point).  Expansive road reserve (existing approved SP) around the perimeter of the Proposal creates strong clearing lines which increase visual impact. Our proposed perimeter road responds to landform and organically meanders around the site to remove strong lines created by existing SP.

Table 24 Variations to Approved Structure Plan (continued)

Approved SP	Masterplan Proposal	Rationale for Variation
<b>Land Uses</b>		
<b>Residential</b>		
<p>9 Suburban style development comprising 61 single residential lots and 4 residential grouped dwelling sites lots of approximately 500m<sup>2</sup> and 1,800m<sup>2</sup> respectively. Total residential yield of 82 residential dwellings.</p>	<p>11 61 Holiday Homes that can be used as grouped dwellings and short stay accommodation.</p>	<p>Additional Use 36 classification provides for land use permissibility for Holiday Homes as a land use over Tourism Zoned land. Consistent with contemporary house sharing in adjoining tourism settlements of Yallingup and Eagle Bay and throughout the South West.</p> <p>Holiday Homes support the primary tourism function of the site.</p> <p>Dispersal of built form on large home sites provides for retention of managed vegetation and landform.</p> <p>Refer <b>Section 8.1</b> IDLA and Primary Tourist function, regarding compliance rationale.</p>
<p>4.9418ha (33% of IDLA based on land area calculation)</p>	<p>Holiday Homes contributing to Tourism land use as short stay accommodation and also available for extended length of stay (as a secondary or primary residence) by owner.</p>	

Approved SP	Masterplan Proposal	Rationale for Variation
<b>Tourist</b>		
<p>Up to 408 short stay units and 46 hostel beds (Smiths Beach Proposed Tourist and Residential Development Report of Traffic and Access – Addendum April 2011 (Riley Consulting))</p>	<p>12 Tourist Accommodation with 65 rooms, 36 camping platforms, 61 Holiday Homes, and associated facilities such as Wellness Centre - Spa and Gym, and Restaurant.</p> <p>13 Community Hub – comprising Surf Life Saving Club, General Store, Café/ Bakery, Public Amenities, Reception Hall, Cape to Cape Welcome Centre</p>	<p>All land uses capable of being supported within the Tourism zone.</p> <p>Approved SP only identified proposed land use category, it did not detail types of uses and no guarantee of viability and sustainability of planned uses.</p> <p>Our Proposal is a coordinated, well resolved tourism offer to be implemented as an outcome of approval process. Designed to optimise location adjacent Smiths Beach and as an extension to existing tourism activities along the Smiths Beach frontage.</p>
<p>9.8779ha (67% IDLA)</p>	<p>Tourist Development (18.1406ha 100%)</p> <p>Larger lots characterised by vegetation and landform retention, comprising 61 Holiday Homes with an average lot size of 1,236m<sup>2</sup> (eastern precinct) and 3,710m<sup>2</sup> (western precinct).</p>	<p>Refer <b>Section 8.1</b> IDLA and Primary Tourist function, regarding compliance rationale.</p> <p>Dispersal of built form and intensity of development decreased to support environmental, landscape and visual objectives.</p> <p>Optimise retention of vegetation and landform.</p> <p>Minimise the use of retaining walls.</p>
<b>R-Code</b>		
<p>9 R15 and R25</p>	<p>R10</p> <p>11 1,236m<sup>2</sup> (eastern precinct) and</p> <p>11 3,710m<sup>2</sup> (western precinct).</p>	<p>Dispersal of built form and intensity of development decreased to support environmental, landscape and visual objectives.</p>



Table 24 Variations to Approved Structure Plan (continued)

Approved SP	Masterplan Proposal	Rationale for Variation
Integrated Village Centre and Surf Club/Kiosk/Community Facility		
<p>10 Location of Village Centre identified on SP</p> <p>1,200m<sup>2</sup> of floorspace identified. \$1m towards 200m<sup>2</sup> community facility.</p>	<p>Planned infrastructure to be delivered comprises:</p> <p>12 1. Tourist Development comprising Restaurant, Wellness Centre - Spa and Gym, Third Space</p> <p>13 2. Community Hub – comprising Surf Life Saving Club, General Store, Café/ Bakery, Hire Shop, Public Amenities, Reception Hall, Cape to Cape Welcome Centre</p>	<p>Location generally consistent with approved SP. Our Proposal will facilitate the delivery of coordinated facilities comprising:</p> <p>3,500m<sup>2</sup> of combined facilities planned including 766m<sup>2</sup> Surf Life Saving Club, and universal access ramp to Smiths Beach to provide for both pedestrian access and access for emergency services/Surf Life Saving Club.</p> <p>Located to optimise proximity and interface to adjacent foreshore and Smiths Beach.</p> <p>Community Hub removed from within foreshore to provide forecourt as public space and accommodate Cape to Cape Welcome Centre.</p>

### 8.3.3 Conditions

The following section details the variations to the approved SP conditions which have not already been addressed elsewhere in the either the LPS No. 21 variations (Section 7.1) or the SP Plan variations (Section 8.3.2), and the rationale for these. Many of the conditions have been addressed in the LPS 21 or SP, and therefore have not been duplicated below.

Table 25 Structure Plan Conditions - Variations Rationale

Conditions	Proposal	Rationale for Variation
<p><b>Retail Floor space</b></p> <p>7. Stand-alone retail floor space within the Developable Land Area shall not exceed 700m<sup>2</sup> net lettable area.</p> <p>8. A maximum of 500m<sup>2</sup> ancillary retail floor space shall be integrated with the tourist and recreational facilities of the Resort and Village Centre.</p>	<p>1,262 NLA m<sup>2</sup> comprising:</p> <ul style="list-style-type: none"> <li>Stand Alone: Tourist Development (810m<sup>2</sup>) <ul style="list-style-type: none"> <li>Restaurant – 435m<sup>2</sup></li> <li>Hotel Lounge and Bar – 332m<sup>2</sup></li> <li>Wellness Centre – 43m<sup>2</sup></li> </ul> </li> <li>Ancillary: Community Hub (452 m<sup>2</sup>) <ul style="list-style-type: none"> <li>Café– 255m<sup>2</sup></li> <li>General Store and Bakery – 127m<sup>2</sup></li> <li>Hire Shop – 70m<sup>2</sup></li> </ul> </li> </ul> <p>The total retail floor space equates to 1,262m<sup>2</sup> NLA, which is integrated through the Tourist Development and Community Hub.</p>	<p>The increased extent of standalone retail floorspace equates to 110m<sup>2</sup>, and is considered appropriate (noting the overall floorspace difference of only 62m<sup>2</sup>) when ancillary retail space is included given it will contribute to enhanced tourism and community offerings, sustainability of the tourism offer and increased amenity of the site. These tourism and community land uses are also reflective of the type of facilities demanded in a location such as Smiths Beach.</p>
<p><b>Setbacks</b></p> <p>15. All buildings (other than those for which an exemption is applicable under SPP 2.6) adjacent to the foreshore reserve are to be setback a minimum of 51m from the coastal setback datum identified in the report 'May 2006 Canal Rocks Pty Ltd 413 Smiths Beach – Re-assessment of coastal setback' prepared by MP Rogers and Associates Pty Ltd.</p>	<p>MP Rogers &amp; Associates has completed the Smiths Beach Coastal Hazard Assessment for the subject site (June 2021), to satisfy the requirements of SPP 2.6. This has determined that a coastal setback of 50m from the HSD is appropriate for this site.</p>	<p>The difference of 1.0m is considered minor and therefore generally consistent with the SP. The refinement has resulted from detailed Coastal Processes assessment by a specialist coastal engineer.</p>
<p><b>Utilities and Services</b></p> <p>35-39. Requirement for connection to power, telecommunications, reticulated water and sewerage services. Alternatives to conventional services may be considered.</p>	<p>The site will be connected to power, telecommunications and reticulated water.</p> <p>The proposed development will be serviced via onsite wastewater treatment and land application systems. The eastern Holiday Homes and Campgrounds will treat and dispose of effluent within their own lot areas. The western Holiday Homes, Tourist Development and Community Hub are characterised by near-surface rock in some areas, potentially making on-site disposal impractical. Where practicable, based on final geotechnical investigations, each western Holiday Home will dispose of treated wastewater within its own lot. For those Holiday Homes that cannot dispose within their lot, a pipe reticulation and pumping station is proposed to connect the relevant western Holiday Homes with the commercial treatment system and effluent would be treated and disposed on site within POS.</p>	<p>The Engineering Report contained in <a href="#">Appendix O</a> demonstrates the suitability of the alternative sewerage services, and they are in accordance with the Government Sewerage Policy 2019 and therefore considered to be acceptable.</p>

## 8.4 Coastal Foreshore Reserve

The proposed development setback has been calculated based on an appropriate coastal processes setback as a result of detailed investigations to ensure that the setbacks correspond to land suitable for development and the foreshore reserve requirements.

### 8.4.1 Planning Context for determining a Coastal Foreshore

Section 5.9 of SPP 2.6 provides the policy context for determining the width of a coastal foreshore reserve and is based on the following principles:

- i. Coastal foreshore reserves are required to accommodate a range of functions and will include consideration of the protection for significant natural features such as coastal habitats etc; likely impacts of coastal hazards; and opportunities for public access, public recreation needs and safety to lives and property.
- ii. The required coastal foreshore reserve will vary according to the particular circumstances and proposal and must be assessed on its merits having regard to SPP 2.6 and associated guidelines.
- iii. Foreshores should be publicly owned and provided in addition to the required provision of public open spaces.
- iv. Foreshore reserves should be separated from adjacent development via a clear demarcation between public and private land.

SPP 2.6 is supplemented by the State Coastal Planning Policy Guidelines. Section 4.7 of the Guidelines deals specifically with the width of a foreshore, and states (in part):

*Assessment of a foreshore reserve width should take into consideration the coastal node classification (e.g. regional, district or local) ..... and reasonable information to support and inform the delineation of a coastal foreshore reserve should be provided (e.g. landscape design for coastal nodes, foreshore management plan, ecological assessment, flora and fauna survey, utilisation survey). This information should be prepared by a suitably qualified*

*professional, to the satisfaction of the relevant responsible authority, and provided at the earliest appropriate planning stage.*

Based on SPP 2.6 and the Guidelines, the preferred process for determining the width of a coastal foreshore comprises the following steps:

1. Determine the coastal hazards based on the requirements of Schedule 1 of SPP 2.6 and management and adaptation planning;
2. Undertake a site-specific assessment of the applicable coastal area and immediate surrounds, and establish the current values, functions and uses of that section of foreshore including ecological, landscape, cultural heritage and recreational values;
3. Prepare concepts to demonstrate the spatial requirements necessary to accommodate these values, functions and uses within a foreshore reserve beyond the coastal processes allowance; and
4. Use these concepts to determine the full width of the coastal foreshore.

**Table 26** summarises these steps and demonstrates how this process has been followed in conjunction with the various technical inputs and analysis as part of this Development Application.



### 8.4.2 Determining an Appropriate Foreshore Reserve

The following section sets out and discusses how each of the 4 steps described in **Table 26** of this report have been applied to determining the extent of the foreshore area proposed as part of this Development Application.

**Table 26 Processes for determining coastal foreshore reserve**

Step	Process	Reference
1	Determine the coastal hazards based on the requirements of Schedule 1 of SPP 2.6 and management and adaptation planning.	Refer to <b>Appendix N</b> – Smiths Beach – Coastal Hazard Assessment (M P Rogers & Associates December 2021) (MRA) and the City's draft CHRMAP.
2	Undertake a site-specific assessment of the applicable coastal area and immediate surrounds, and establish the current values, functions and uses of that section of foreshore including ecological, landscape, cultural heritage and recreational values.	Refer <b>Appendix F</b> - Landscape Report (McGregor Coxall).
3	Prepare concepts to demonstrate the spatial requirements necessary to accommodate these values, functions and uses within a foreshore reserve beyond the coastal processes allowance.	Refer <b>Section 8.4.2.3</b> and Smiths Beach Foreshore Concept Plans (McGregor Coxall, May 2021) – included as <b>Appendix F</b> .
4	Use these concepts to determine the full width of the coastal foreshore.	Refer <b>Section 8.4.2.3</b> and <b>Figure 37</b> Proposed Foreshore Reserve Plan.

#### 8.4.2.1 Step 1 - Establish the coastal processes allowance

SPP 2.6 states that coastal hazard adaption measures should be sought from the following coastal hazard risk management and adaption planning hierarchy on a sequential and preferential basis.

- Avoid.
- Planned or Managed Retreat.
- Accommodation.
- Protection.

The coastal hazards have been assessed by coastal engineers MP Rogers and Associates as part of the Smiths Beach – Coastal Hazard Assessment (M P Rogers and Associates (MRA), December 2021), refer **Appendix N**.

The MRA work follows the processes established via Schedule 1 of SPP 2.6 to determine the full extent of the coastal area that is deemed to be vulnerable to coastal inundation or erosion within the 100 year planning timeframe. This analysis is based on the requirements outlined in Schedule 1 of SPP 2.6.

Most of the site is adjacent to rocky coastline and the small area of sandy beach is the location of the proposed Universal Access Ramp to the beach.

For a rocky coast, SPP 2.6 requires that the allowance for current and future risk of erosion should be based on geotechnical assessment of the rocky shoreline stability. Consequently, Golder Associates were commissioned to complete a comprehensive geotechnical investigation to examine the presence of durable rock beneath the dunes. These geotechnical investigations, including drilling, confirmed the presence of high strength rock in many places. The presence of this rock greatly reduces the risk of coastal erosion and therefore the erosion risks stated in the City's CHRMAP needed to be re-assessed with consideration of this important information.

The investigations determined that the western and northern rocky coastlines adjacent the site have durable igneous rock fully exposed behind the HSD. The subject land is located adjacent to the junction of the rocky coastline and the sandy beach of Smiths Beach. Concurrently understanding the needs of the beach users determined the need for a Universal Access Ramp (UAR) to the sandy beach which is proposed to extend from the exposed rocky shore to east of the proposed development. This ramp would be located seaward of any rock in the sandy dunes. The provision of the UAR to the beach will provide suitable protection to the development and on this basis, the question of whether natural rock exists below the adjacent dunes is no longer relevant to the coastal erosion hazard. The eastern portion of the development near the shoreline would be fully protected by the upgraded ramp.

MRA recommend that a 50m setback from the Horizontal Shoreline Datum would provide suitable protection to all development in these areas, provided the UAR to the sandy beach is constructed, as depicted in [Figure 37](#).

#### **8.4.2.2 Step 2 - Establish the current values, functions and uses of the foreshore**

Having established the extent of the coastal processes allowance, it is then necessary to consider the values, function and uses which may be impacted by coastal processes. In order to assess and determine the current values, functions and uses of the foreshore, McGregor Coxall and the design team undertook a comprehensive assessment. This assessment was informed by numerous site inspections as well as a range of previous reports including:

- City of Busselton Coastal Adaptation Research (November, 2018).
- Cape Naturaliste Settlements Coastal Vulnerability Assessment (Damara, 2017).
- Coastal Adaptation Strategy (Advisian, 2020).
- Draft CHRMAP (in progress) City of Busselton.
- Draft FMP (December, 2010) PGV Environmental/EPCAD.

This analysis, including associated concept plans, is detailed in the Architectural Design Report ([Appendix D](#)) and Foreshore Management Plan ([Appendix M](#)), and draws the following conclusions as to the current values, functions and uses of the foreshore:

#### **Landscape**

The Foreshore Reserve area is fragmented from existing vegetation by an accessway and car parks. Closer to the waters edge, disturbance from walkers has created some small, cleared areas, with weed invasion present. Areas of dense shrubland showed little disturbance, with structure remaining similar to that expected without disturbance. As such, vegetation quality within the Foreshore Reserve area ranged from “Completely Degraded” to “Excellent”. The coastline within the existing and proposed foreshore reserve may be divided into two sections:

- Rocky granite and granitic gneiss headland to the west and north-western boundary; and
- A sandy beach towards the north-eastern boundary.

Smiths Point and the existing accessway provide a vantage point over the coastline which is maintained within the Proposal Masterplan.

#### **Ecological**

The ecological values of the foreshore range from completely degraded in parts to excellent in others. There are pockets of existing vegetation along the access road through to areas that are significantly disturbed for access and parking.

The site has two major landform components; a gently sloping eastern section that rises to the south away from the beach and a ridgeline in the western sector that extends seaward in a north westerly direction. The ridgeline forms a slightly raised headland with elevation up to 58m. No significant fauna were recorded within the Foreshore Reserve. Ecological corridors are being provided for through the Masterplan to link the Peppermint and Banksia woodland to the National Park.

Heritage

The naturalised foreshore design will complement and enhance the recreation experience at Smiths Beach and welcome the community with a strong emphasis on highlighting its Connection to Country. It is important for us to understand the traditional uses of this site, acknowledging that it has long been used as a summer holiday camp site for families to gather and celebrate, under the shelter of the Peppermint trees, and close to abundant food sources in the river and ocean.

Recreation

The recreational values, functions and existing uses of this area are generally limited to the beach itself, a portion of the Cape to Cape Track that traverses the site and an informal accessway that provides for vehicular and pedestrian access to Smiths Point. The adjacent area also includes some public car parking, a public toilet facility and a pathway that provides access to stairs to the beach.




Community consultation undertaken through the preparation of the City of Busselton's CHRMAP (CoB, Coastal Adaptation Research November 2018) found that the community values clean beaches and water, natural coastline and landscape, accessibility including car, boat and wheelchair, good facilities and activities . Respondents rated the following as important:

- Places that feel natural;
- Natural vegetation/habitat on the foreshore and beach;
- Safe swimming beaches;
- Coastal dual use path; and
- Beach and foreshore facilities.

Respondents indicated that the City's coastline is currently used by them as follows:









- Walk along the foreshore.
- Visit Cafés, restaurants, and tourist attractions.
- Picnic beach/foreshore.
- Visits the parks and playgrounds on the foreshore.

Based on this analysis, it can be concluded that the values, functions and uses that will be provided for in the new foreshore include:

 Values	 Functions	 Uses
<ul style="list-style-type: none"><li>• Natural vegetation</li><li>• Natural habitat</li><li>• Safe, clean swimming beaches</li><li>• Natural coastline</li><li>• Access</li><li>• Good facilities and activities</li></ul>	<ul style="list-style-type: none"><li>• Universal access to the beach</li><li>• Public Access</li><li>• Parking</li><li>• Picnic</li><li>• Playgrounds</li></ul>	<ul style="list-style-type: none"><li>• Surf Life Saving Club</li><li>• Public Car Parking</li><li>• Cafés</li><li>• Restaurants</li><li>• Tourist attractions</li><li>• Public amenities</li></ul>



## Legend

-  Property Boundary Line
-  Horizontal Shoreline Datum Line
-  50m HSD Setback Line
-  Department of Biodiversity, Conservation and Attractions (DBCA)
-  City of Busselton (COB)
-  Existing Foreshore
-  Proposed Foreshore
-  Community Scheme Foreshore / Public Use

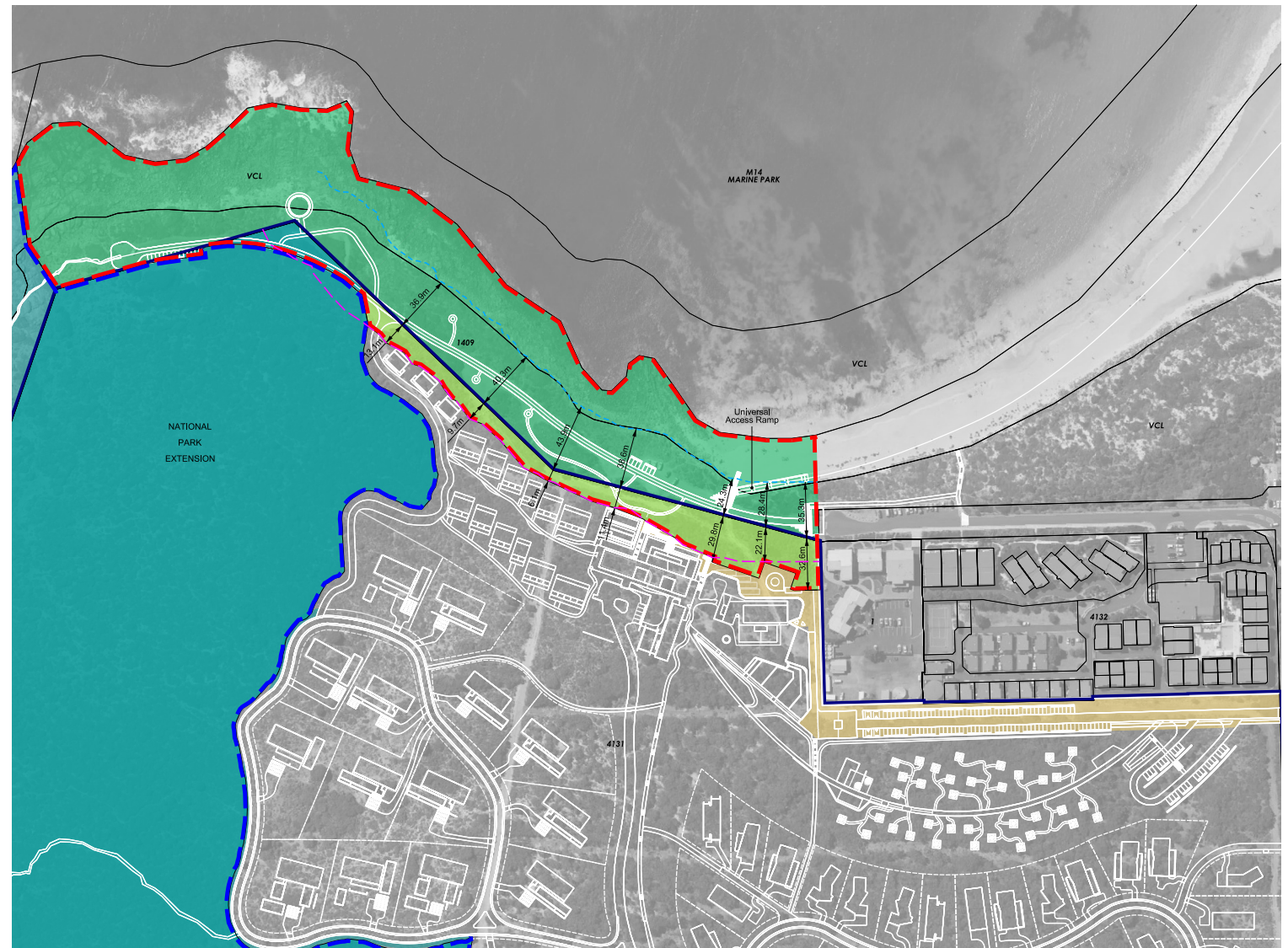


Figure 37 Foreshore Reserve Assessment

#### 8.4.2.3 Step 3 - Prepare Concept Plans to demonstrate spatial requirements of the foreshore

Having identified the extent of the coastal processes allowance and gained a clear understanding of the values, functions and uses of the current foreshore by the community, it is appropriate to interrogate the spatial requirements to accommodate these at the end of the 100 year planning timeframe.

MRA, landscape and environmental specialists McGregor Coxall and Strategen JBS&G interrogated the spatial requirements of the site.

The proposed foreshore concept (refer **Figure 38** and **Figure 39**) recognises and responds to the coastal hazards, current values, functions, and uses of the Smiths Beach foreshore through:

##### Acknowledgment of the rocky coast and avoiding the coastal hazards:

- Avoid the coastal erosion hazard;
- Adopt a 50 metre minimum foreshore reserve from the Horizontal Shoreline Datum (HSD);
- Provide the Universal Access Ramp to the sandy beach which also protects the foreshore reserve infrastructure; and
- Locate foreshore reserve infrastructure generally 10 to 20 metres behind the HSD.

##### Acknowledgment of the existing foreshore functions and uses:

- Public car parking at the eastern end of Smiths Beach and along Smiths Beach Road;
- Existing public amenities at the existing car park;
- Existing access to Smiths Beach; and
- Existing informal ramp to Smiths Beach.

##### The inclusion of the following features:

- Cape to Cape Track enhancement;
- Shared access to Smiths Point (pedestrian and vehicular) with formalised parking (18 bays);
- Shared paths with beach access;
- Rehabilitation of natural coastal landscape;
- Additional seating along the foreshore; and
- Informal access to the headland.

In addition to accommodating the existing values, functions and uses of the foreshore, there are a number of infrastructure items which do not exist in the current foreshore, and are considered appropriate to benefit the future community, including:

- Surf Life Saving Club comprising first aid/emergency services, club rooms with integrated toilet and changeroom facilities for public use;
- Cape to Cape Welcome Centre providing a curated selection of experiences for all visitors on the Cape to Cape Track and region, including immersive Aboriginal cultural experiences, hire facilities, tour information;
- Universal Access Ramp to Smiths Beach to provide easy access for the public and emergency vehicles to the beach;
- Continuation of a 'hard edge' between the private land and the foreshore via a shared path network and forecourt to the Tourist Development;
- Some turf areas suitable for gatherings, and other forms of passive recreation;
- Yarning Circle;
- Nature Play;
- Rock Pool (Nature Play);
- New staired access to Smiths Beach; and
- Smiths Beach Road new foreshore parking (51 bays) to supplement the existing foreshore bays (64) (by City of Busselton).

#### Adjacent the foreshore (on-site):

- Public beach/foreshore parking (92 shared bays);
- Restaurant, Café, General Store, Bakery;
- Terraces with seating to support all day dining for Restaurant, Café, Bakery etc; and
- Bushfire Refuge available for community access.

#### Public Car Parking

To enhance the amenity of the foreshore reserve, the proposed foreshore concept locates the public foreshore parking 'sleeved' behind the existing built form adjacent to Smiths Beach Road. Locating the car parking in this location has a number of benefits, as follows:

- An enhanced and superior landscape and visual amenity offer within the foreshore, which would otherwise have been in excess of 100 bituminised public car bays across multiple locations (noting the previously approved subdivision plan for this site);
- Improved safety and surveillance by locating the car parking within the Tourist Development - a highly activated access and entry to the development, which will be multipurpose in use, as opposed to being isolated from development and having no passive surveillance during the evening and off-peak times;
- Returning the foreshore to a natural landscape experience which provides an interface to an active coastal and vibrant tourism environment in the form of Cape to Cape Welcome Centre, Restaurant, Café and Bakery;
- Parking is located in close proximity to the beach and associated uses, benefiting all visitors (not only those utilising the actual beach);
- Co-location with the Tourist Development provides for more sustainable use of the land, by acknowledging the benefits of reciprocity of parking and complementary land uses which have varied parking demands throughout the day. This ensures large, unsightly bituminised areas are not laying vacant for significant parts of the day; and
- More efficient use of the foreshore area to provide for a range of recreational opportunities where pedestrians, cyclists and Cape to Cape walkers have priority.

Furthermore, additional public car parking is also proposed within Smiths Beach Road (by City of Busselton). Refer Transport Impact Assessment [Appendix G](#) for further details.

#### Interface to Tourism Development

Noting the importance of Smiths Beach as a Tourism Node for the region, and given its leadership role for the Cape to Cape Track, there are a number of important considerations that have influenced the relationship and interface between the Tourist Development and the foreshore extent, as follows:

- Ensuring the Surf Life Saving Club is positioned immediately adjacent the foreshore to enable emergency responders safe and immediate access to the beach, and to provide the appropriate surveillance and support to the beach, foreshore and Cape to Cape Track;
- Ensuring the Cape to Cape Welcome Centre is integral to the foreshore offer, and provides tourism and welcome advice relating to a wide variety of matters for the region, including the Cape to Cape Track, biodiversity of the region, cultural heritage education/information opportunities, a centre for tour ticketing/meeting etc;
- Ensuring the proximity of the Tourist Development engages with and activates the foreshore beyond peak times to support the recreational activities of the beach and foreshore;
- Ensuring the tourism offer supports and responds to the community with respect to anticipated uses, i.e. Restaurants, Cafés, General Store, Bakery, etc;
- Ensuring the Bushfire Refuge is available and easily accessible to the broader community/visitors at Smiths Beach;
- Providing co-located, shared parking, in close proximity to the Surf Life Saving Club and the foreshore through Smiths Lane; and
- Promotion of open and engaging forecourts, comprising seating and tables to facilitate public access and activation of the public realm at all times.



Furthermore, the development will be managed through a body corporate arrangement under the Community Titles Scheme, and this will provide for management, place programming and maintenance of the foreshore infrastructure in conjunction with the City of Busselton. This will ensure a common approach between the “public foreshore” and the “public realm” (private) of the Tourist Development.

The Masterplan demonstrates that the proposed foreshore reserve is adequate to accommodate the present and prescribed values, functions and uses of the existing foreshore, and include additional amenities in response to the communities’ aspirations for the site. It also demonstrates the ability for the proposed foreshore reserve to:

- Maintain and enhance full public access and enjoyment of the foreshore and associated ‘beach uses’ such as the Cape to Cape Welcome Centre, Café, Restaurant, etc;
- Provide a wide range of local and regional recreational opportunities;
- Provide a clear demarcation between the public domain and the private development;
- Protect natural features of the coast through preservation and rehabilitation of degraded areas;
- Include additional amenities such that the foreshore will be a substantial improvement on the existing foreshore; and
- Interface with the proposed development in a manner that provides for passive surveillance and activation, sharing of parking, and provides for complementary uses that support recreation and tourism activities at Smiths Beach.

#### 8.4.2.4 Step 4 - Determine the width of the coastal foreshore to be reserved

Section 4.7 of SPP 2.6 states:

*“An appropriate coastal foreshore reserve will include the allowance for the physical processes and appropriate width to ensure a coastal foreshore reserve is maintained should the physical coastal processes impacts be realised over the planning timeframe”*

The proposed coastal foreshore reserve identified by MRA clearly achieves this objective. Furthermore **Figure 38** outlines the relationship of the 50m coastal setback with the HSD and the proposed coastal foreshore reserve boundary as proposed. The proposed foreshore reserve:

- Is protected for the 100 year planning timeframe by virtue of the igneous rock and the universal access ramp;
- Is responsive to the site and specific local context;
- Provides sufficient area within the foreshore reserve to continue to accommodate the prescribed values, functions and uses of the foreshore for the next 100 years and beyond;
- Provides sufficient area to deliver high-amenity foreshore and associated facilities that is a significant improvement on the existing Smiths Beach foreshore; and
- Integrates with the adjoining Tourist Development to ensure a coordinated outcome that supports and complements the tourism offers of the development with the recreation, environmental and community benefits of Smiths Beach.

## LEGEND

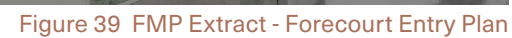
1. Cape to Cape Track
  2. National Park Extension (transfer to Crown from private ownership)
  3. Ocean Lookout
  4. Informal Headland Access
  5. Emergency Vehicle Access
  6. Seating and Viewing Deck
  7. Smiths Point Access & Parking
  8. Informal Foreshore Access
  9. Foreshore Revegetation Area
  10. Al Fresco Terrace
  11. Outdoor Showers / Drinking Fountain
  12. Universal Access Ramp
  13. Naturalised Seawall
  14. Smiths Common
  15. Stair Access to Beach
  16. Cape to Cape Welcome Centre
- Site Boundary  
 — Cape to Cape Track



Figure 38 FMP Extract - Foreshore Reserve



1. Proposed Formalized Car Parking
2. Split Pea Gravel Path 4m Wide
3. Stone Clad Seat x 3
4. Hardwood Post Beach Showers x 2
5. Timber Staircase
6. Boulder Seawall Batter
7. Hardwood Clad Beach Access Ramp
8. Rockpool Nature Play
9. Sand 6mm
10. Buried Concrete Seawall
11. Revised Spray-seal Beach Drop-off
12. Stone Yarning Circle
13. Hardwood Access Path 4m Wide
14. Granite Flagging Perimeter Wall
15. Bespoke Natural Material Play Elements
16. High Moisture Content Vegetation Roof Garden
17. Timber Shade Structure
18. Stone Paving/Split Pea Gravel





### 8.4.3 Conclusion - Proposed Coastal Foreshore Reserve

As outlined above, the proposed foreshore reserve has been determined in accordance with the requirements of SPP 2.6, and having regard to the site-specific requirements of this Proposal. The foreshore concept demonstrates a high amenity foreshore which also captures the objectives of restoring the landscape to its natural state. Moreover, the proposed foreshore reserve considers the role of the Tourist Node in contributing to and supporting the tourism and activities of Smiths Beach and providing for the values, function and uses of the existing foreshore, existing community and future expectations for a location of this type.

It is important that the requirement for a coastal foreshore is balanced against other competing planning objectives. In this instance, there are a number of other important considerations which include:

- Ensuring that the regional nature of the tourism opportunity, and the leadership role it will have as a tourism centre for the Cape to Cape Track, and the benefits it offers the region are appropriately accommodated within the development, and adjacent the foreshore;
- Facilitating tourism facilities and infrastructure such as the Cape to Cape Welcome Centre, Surf Life Saving Club and the Bushfire Refuge (within the management regime of the Community Scheme);
- Ensuring the proximity of the Tourist Development engages with and activates the foreshore space beyond peak times and throughout the entire year, not just the busy summer and school holiday periods;
- Ensuring that parking is able to be sleeved into the development, to reduce the physical impact of these large spaces and enable the foreshore environment to be returned to its natural state; and
- Supporting reciprocity arrangements for parking noting the wide and varied peak times for the various parking generators and the beach and foreshore users.

The proposed foreshore reserve has been determined following an extensive environment and landscape led design process by an experienced team of environmental, landscape, and coastal engineers. Having regard to the regional nature of the tourism opportunity and the leadership role the location will play to the Cape to Cape Track, it is important that the Proposal delivers a high amenity and sustainable public foreshore and tourism interface for the future.





Section

9.0

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# SIGNIFICANT DEVELOPMENT CONSIDERATIONS

## 9.0 Significant Development Considerations

### 9.1 Introduction

This Development Application is made pursuant to Part 17A of the *Planning and Development Act 2005* (SDA Pathway). Part 17A includes the requirements for what is known as 'significant development' applications being those with a construction value over \$20 million in the metropolitan area or \$5 million in a regional area. The Project has an estimated development cost of \$280 million.

This section discusses the rationale for lodging this application via the Part 17A pathway and provide an analysis against the four considerations under Section 275(6) of the Act.

The proposed development is within the City of Busselton municipal area which is within an area defined as 'a Regional Area'.

Pursuant to Section 275(6) of the *Planning and Development Act 2005*, in considering and determining the Development Application, the WAPC must have due regard to several key matters, as follows:

1. The purpose and intent of any planning scheme that has effect in the locality to which the Development Application relates;
2. The need to ensure the orderly and proper planning and the preservation of amenity, of that locality;
3. The need to facilitate development in response to the economic effects of the COVID-19 pandemic; and
4. Any relevant State planning policies and any other relevant policies of the Commission.

These are addressed in detail as follows.

### 9.2 Purpose and Intent of the Local Planning Scheme

The Proposal is subject to the City of Busselton LPS 21. Whilst pursuant to S273(3) of the Act, the decision maker is not necessarily bound to make a decision consistent with LPS 21, it is required to give due regard to LPS 21, being proper, genuine and realistic consideration when considering an application for development approval.

This Development Application contains a detailed assessment against the provisions of LPS 21 (refer [Section 7.0](#) Statutory Planning Framework), including, but not limited to land use permissibility and applicable development standards, along with a performance assessment, that appropriately justifies those matters that require the exercise of discretion (refer [Section 8.0](#) Performance Assessment).

The Proposal is demonstrated to be consistent with LPS 21, with the exception of building height, land use permissibility and the preparation of a Community Facilities and Infrastructure Contribution Principles Plan, that have been appropriately justified in [Section 8.0](#). It is considered that the Proposal is consistent with the purpose and intent of the LPS 21 provisions where discretion is required to be applied, and will result in a superior environmental, community and tourism outcome.

Clause 1.6 of LPS 21 lists the aims of the scheme, one of which relates to development at Smiths Beach and is pertinent to the Proposal:

*“to provide for the development and, where necessary, the improvement of the City of Busselton in physical, social and economic terms (and, in particular, to broaden its economic base) and for orderly and economic development and optimum use of its land and other resources, consistent with the conservation of important natural and man-made features, and to do so in such a way that the likely need and aspirations of the people of the City, the region and the State will be provided for and realised”.*



In response, the Proposal seeks to deliver a world class coastal tourist village at Smiths Beach which supports the tourism role of the Cape to Cape Track, in an environmentally sensitive and landscape responsive way in this high amenity locality. The Proposal will also deliver a significant range of tourism and community assets including Cape to Cape Welcome Centre, Community Hub comprising Reception Hall, Café, General Store/Bakery, Hire Store, Restaurant, Wellness Centre - Spa and Gym for the local community and visitors. With regard to the objectives of the Tourism Zone and special provisions applying to the site, **Table 8** to **Table 13** detail how the Proposal responds to each objective and requirement.

The SDA Pathway provides the opportunity for the decision maker, being the WAPC, to have due regard to such requirements whilst considering the merits of the Proposal. In this regard, the current Proposal will provide an informed and well considered tourism offering for Smiths Beach, and the region more broadly, and supports its leadership role for the Cape to Cape Track. We propose this be the measure for the achievement of a predominant tourism use which is also more sustainable in the long term due to consideration of its year round functionality, which is supported by the Holiday Home activities, and non-seasonal activities offered through the Community Hub and Cape to Cape Welcome Centre.

In light of the above, the proposed development is consistent with the purpose and objectives of LPS 21 and warrants approval accordingly.

### 9.3 Orderly and Proper Planning

The principle of orderly and proper planning requires that new development represents a logical and efficient extension of existing development in the locality and is consistent with the planning vision for the area. A specific planning framework applies to the site, as discussed herein. This was facilitated in accordance with the higher order guiding documents such as SPP 6.1 and the Leeuwin-Naturaliste Sub-Regional Planning Strategy, the City of Busselton Local Planning Strategy and LPS 21. When combined with other regulatory documents which guide specific aspects of development such as the approved SP, a highly prescriptive and detailed planning framework is formed to guide development on the site.

All planning instruments have been given due and proper regard in this assessment and local amenity has been considered in this design. Inconsistencies with the current planning framework have been considered and a strategy to address these is included in **Section 8.0**.

The planning, consultation, design response, interrogation, and evolution through the SDRP process represents orderly and properly planning of the site whilst having due regard to the approved SP, previously approved subdivision and environmental approvals, and State and Local Planning Policies.

The planning assessment has revealed that there is a substantial amount of overlap and repetition between the various schedules in the Scheme and the Structure Plan and its conditions. Given the significant amount of time that has passed since the planning framework was implemented, there is the opportunity for this to be reviewed and streamlined. There are also a number of instances where the planning framework provides for the application of discretion against the broad planning principles defined either within the Scheme or within the Structure Plan.

Discussions have occurred with the City of Busselton and DPLH SDA Unit about progressing an amendment to the Scheme acknowledging this, in the spirit of orderly and proper planning. Whilst it is maintained that the Proposal is capable of being progressed through the SDA pathway, it is acknowledged that there would be benefit in addressing some of the anomalies and repetition in the existing planning framework and normalising this to reflect the development outcome. The suitability and appropriateness of initiating an amendment to the Scheme was assessed against the Development Application and environmental assessment processes and it was resolved this should occur following determination of this application for the following reasons:

- In the absence of a Development Approval the scope of any Scheme amendment is unclear, and could change as a result of the WAPC's consideration and determination;
- A State and Federal Environmental Approval is being sought over the subject land, concurrently with this Development Application. Until such time as this has been approved, the scope of the Scheme amendment could change. In addition, the EPA is unable to consider a Town Planning Scheme Amendment whilst progressing a S38 assessment.
- We understand the City of Busselton is currently preparing a new Scheme which is likely to review the Tourism zoning and its applicability on sites such as Smiths Beach and the land use permissibility for this zone. Any amendment to the existing Scheme is likely to be superseded by the new scheme.
- A CDS will be prepared to implement a Community Scheme for the development. It is the intent of the CDS to refer to the Development Approval, and in doing so this addresses any inconsistencies between the local planning scheme and the Development Approval in the interim.

### 9.3.1 Approved Structure Plan

The Proposal generally aligns with the intent of the approved SP, with the provision of the Tourist Development, Campgrounds and Holiday Homes on the eastern portion of the site, and National Park and foreshore reserve extensions and open space throughout the development. The location and extent of the development footprint has been refined in response to the detailed site investigations, existing site conditions, and a refined vision for the site. As a result, the Proposal represents a site responsive, environmentally sensitive and sustainable tourism development that will support the Smiths Beach Tourism Node and the activities of the Cape to Cape Track and Smiths Beach into the future.

A number of inconsistencies exist with specific provisions within the approved SP and these are addressed in [Section 8.3](#).

### 9.3.2 Subdivision Approval and Tenure

Subdivision approval had previously been granted over the site, consistent with the approved SP. Noting the recent introduction of the *Community Titles Act 2018*, a Community Scheme is proposed to be implemented for the development. The Community Scheme will be progressed with the preparation of a CDS, following Development Approval.

As outlined above, the Proposal is generally consistent with the objectives, intent and requirements of the applicable planning framework. The proposed development responds to and builds upon the development intent for the site as represented by the current planning framework, demonstrating orderly and proper planning and design excellence through the provision of this contemporary development Proposal that utilises best practices with respect to the delivery and implementation of tourism development.

## 9.4 Preservation and amenity of the locality

Amenity is defined as:

*“...all those factors which combine to form the character of an area and include the present and likely future amenity”. – Planning and Development Act 2005, Planning and Development (Local Planning Schemes) Regulations 2015).*

The Proposal responds to the findings of the extensive number of technical reports prepared to assess the existing site conditions, preservation of the existing landscape and visual amenity of the locality, whilst also enhancing the overall amenity of the area.

The development footprint has been positioned to retain the local landform. It prioritises the retention of “Excellent” quality vegetation and the Priority Ecological Communities and protects the rocky headland and ridge, as demonstrated in the Environmental Assessment Report in [Appendix L](#).

The remnant vegetation within the development footprint will be retained, managed and protected through the Community Scheme. The managed vegetation approach will provide an emphasis on landscape rehabilitation and conservation of high quality, priority and threatened vegetation as well as ensuring vegetation is managed to satisfy the requirements of the BMP.

Additionally, the National Park and foreshore reserve extensions will both be vested in the State, to ensure protection of high value conservation areas. Additional open space will be protected as a combination of public and private open space, with public accessibility and conservation of high quality vegetation guaranteed through the Community Scheme. The Visual and Landscape Assessment also demonstrates that the development preserves the existing visual amenity. The site has been designed so the built form and height is not observable from Canal Rocks, and key locations from the west and south-west on the Cape to Cape Track, in order to maintain the present landscape characteristics and ‘wilderness’ like qualities.

A key objective of the Proposal is to achieve a non-obtrusive development and visual integration when the site is viewed from the east (i.e. Torpedo Rocks). This has been achieved through several design initiatives including protection of the ridgeline, the dispersed layout of the development, avoiding straight lines, retaining vegetation, and selection of colour recessive materials.

The development will also enhance the existing foreshore area, through the implementation of the Foreshore Management Plan, which provides for rehabilitation and controlled access and recreation with improved parking, access and beach safety.

A highly curated construction methodology will be applied for the duration of the construction of the Proposal. This will be required to ensure the development vision and commitments are implemented through construction. This will involve a multidisciplinary team across the built form, engineering, environmental and landscape disciplines.

Overall, the very high-quality design, materials, landscaping and superior construction methodology is a legacy to the region with particular emphasis on development which sits carefully and comfortably within the existing landscape.



## 9.5 Any relevant State planning policies, and other relevant policies of the Commission

Relevant State planning policies have been identified in this document. In particular, a detailed assessment against the State Planning Framework has been provided in [Section 7.3](#). It is demonstrated that the Proposal achieves the objectives and requirements of the State planning policies.

## 9.6 COVID-19 economic recovery

The State Development Assessment Unit Guidelines state that a proposed development seeking determination through the WAPC pathway must clearly demonstrate the need for the development in response to the economic effects of the COVID-19 pandemic. An Economic Benefit Study which addresses this requirement is included in [Appendix Q](#). In this regard, the following summary is provided:

### Public interest and the delivery of public benefits to the locality or region

As demonstrated in this Development Application, the Proposal will deliver a range of community facilities and infrastructure to form a Tourist Node, and establish the Cape to Cape Track as an iconic tourist attraction and economic driver for the region. The benefits will include:

- Contemporary Surf Life Saving facility and Cape to Cape Welcome Centre;
- New innovative accommodation which will diversify holiday accommodation styles, as well as new retail and service facilities in the area, in the form of restaurants, Cafés and bars, that will attract visitors to the South West and help the current shortfall in the tourist accommodation market;
- Improved protection of Smiths Beach coastline and foreshore for continued community enjoyment;
- Delivery of new National Park areas to ensure ongoing protection of the existing natural vegetation;
- Total direct and indirect Gross Value-Added to the State economy is estimated at \$201 million over the construction period of the development in constant 2020 dollars;
- Upon completion, there will be an estimated \$12.5 million per annum in direct and indirect GVA contribution to the WA economy generated from the daily operation and management of the development;
- The development is likely to draw 54,531 visitor nights in a year and an estimated total operational expenditure of \$20.5 million per annum; and
- A focus on Aboriginal employment, education and supply chain opportunities, and procurement to be sourced locally from South West and WA.

#### **The creation of jobs in the locality or regional area both during the construction phase and on an ongoing basis**

Delivery of the entire Proposal will support a total estimate of 1,106 FTE direct & indirect jobs during the construction phase, with many accruing locally. These jobs will add approximately \$201 million in gross value added (GVA) to the WA economy.

Once complete, the Proposal will support approximately 92 FTE ongoing jobs (directly and indirectly). There will be an estimated \$12.5 million per annum direct and indirect value-added contribution generated from the daily operation and management of the development to the Western Australian economy.

#### **The extent to which funding for the Project is secured, and/or finance is committed**

Smiths 2014 Pty Ltd has the ability to fund and commence the Project without debt or the need to meet pre-sale hurdles. In addition, an assessment of the commercial viability of the Project has been completed and it concluded that the demand for this type of development exists within the South West of WA, further supporting our ability to commence the project immediately following receipt of relevant approvals.

#### **Whether there are any key site or other constraints that might impact the ability of the Project to meet the anticipated construction timeframes**

The Project has a highly experienced design and delivery team, including:

- Nationally and internationally recognised award-winning consultant team that have rigorously considered and tested the vision and design philosophy, culminating in a highly resolved and deliverable plan; and
- Extensive experience in the delivery of large-scale tourism, mixed use and community infrastructure.

This, together with the funding in place, hotel management experience and strong relationships with trusted and experienced contractors means the Proposal has the ability to be delivered on time, within budget, and in a safe and environmentally sensitive manner.



Section

**10.0**

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# CONDITION REQUEST AND APPROVAL TIMEFRAME



## 10.0 Condition Request and Approval Timeframe

### 10.1 Condition Request

In response to the planning framework, we respectfully request and acknowledge the imposition of conditions as follows:

- Various Management Plans, as follows:
  - Vegetation Management Plan
  - Construction Management Plan
  - Dust Management Plan
  - Waste Management Plan (complete – implementation)
  - UWMP (complete – implementation)
  - BMP (complete – implementation)
  - Lighting Management Plan (complete – implementation)
  - Landscape Management Plan (including Revegetation Plan) (complete – implementation)
- Detailed landscape plan/implementation
- Car parking requirements
- Engineering drawings and specifications
- Noise Assessment (complete – implementation)
- Servicing connections
- Public Art Strategy/implementation

### 10.2 Approval Timeframe

Commencement of the development will occur immediately upon all necessary approvals being received. This will include satisfying the conditions of Development Approval, civil construction approvals and built form approvals to follow receipt of the Development Approval. Refer [Table 27](#).

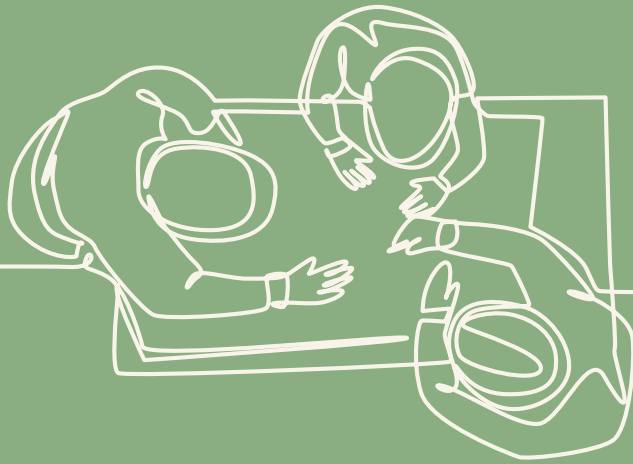
A precinct scaled development of this nature is complex and will require the concurrent progression of various processes to ensure a coordinated and sequential approach to project delivery, across infrastructure, civil construction, environment, landscape, built form (tourism) and built form (community) and public realm.

For this reason, it is respectfully requested a 3 year (36 months) approval timeframe for substantial commencement is applied. Implementation of the Development Approval will commence immediately (conditions of Development Approval).

Construction of the civil works is anticipated to commence in early to mid 2023, with construction of the built form components to follow, and be complete by the end of 2026 / early 2027.

Table 27 Smiths Beach Indicative Programme

			Year 1				Year 2				Year 3				Year 4			
	Item	Duration	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Conditions of Development Approval	Implementation of Environmental Approval Conditions	12 Months																
	Green Title Subdivision of Foreshore Reserve, National Park & Campground	6 Months																
	Management Plans Implementation	12 Months																
	Community Scheme - CDS & Scheme Subdivision	12 Months																
Civil Construction	Civil Construction Approvals & Tender	6 Months																
	Civil Construction (inc.offsite works)	12 Months																
Built Form Construction	Schematic Design of Community Hub & Hotel	3 Months																
	Design Development	6 Months																
	Tender (Hotel & Community Hub)	3 Months																
	Contract Execution & Building Permit	6 Months																
	Construction Works (Tourist Development & Holiday Homes)	36 Months																



Section

11.0

CONCLUSION



## 11.0 Conclusion

For over 20 years, the privately owned land at Smiths Beach has been zoned and ready for development. During this time, there has been very limited private investment in tourism infrastructure in the South West, particularly short stay accommodation. The result of this failure to attract and encourage new facilities is ageing hotel stock and amenities that do not meet the needs and expectations of contemporary tourists and visitors.

We are proud to present this highly considered Development Application which represents the culmination of an extensive process of engagement, collaboration and consultation with key stakeholders, design and technical experts and state and local government agencies over the last two years.

Our vision is to create a sensitively designed coastal village anchored in a unique place and culture. Guided by the landscape and its natural beauty, our philosophy is to retain, rehabilitate and create with purpose. In contrast to previous proposals for the site and the currently approved Structure Plan, we are seeking to reduce the number of buildings and disperse these across a greater area which significantly improves the vegetation retention and environmental outcomes of our Proposal.

Our Proposal represents a substantial investment in the South West region for much-needed contemporary tourism facilities, accommodation and important community infrastructure, including a new Surf Life Saving Club, upgraded public foreshore, open spaces and associated amenities. The Proposal has been designed to provide:

### Environmentally sensitive outcomes

- Reduced density and dispersed buildings to maximise vegetation retention (larger lot sizes).
- Key habitats retained for better fauna protection.
- 41% of site transferred by owners to National Park.
- Additional 10% of site set aside as natural open space.
- Coordinated vegetation management to facilitate a sensitive, site responsive bushfire management approach.

### Better visual response

- Buildings nestled within larger areas of retained/managed vegetation.
- Low profile and dispersed built form.
- Site specific building envelopes selected to manage visual integration.

### Well defined, contemporary tourism offering

- Dedicated Cape to Cape Welcome Centre.
- Cultural education through immersive Aboriginal experiences.
- Diverse range of accommodation – hotel, camping, holiday homes (short stay).

### Meaningful community assets

- New Surf Life Saving Club.
- General Store/Bakery, café, hire shop.
- Rehabilitated foreshore.
- Improved pedestrian and vehicle access to Smiths Beach and Smiths Point.
- Additional public foreshore parking.

The summary above, along with the extensive planning and technical assessment provided throughout this Application, demonstrates the proposed development is generally consistent with the applicable planning framework and technical requirements. The Proposal is also consistent with the four considerations under Section 275(6) of the *Planning and Development Act (2005)*.

For the reasons outlined above, we respectfully request development approval by the WAPC.

Smiths 2014 Pty Ltd, Taylor Burrell Barnett, the design and technical teams would like to thank the SDAU and City of Busselton for their engagement to date, and look forward to working with the City, WAPC and other stakeholders during the assessment and implementation process.

Appendix

**A**

## **APPLICATION FORMS AND CHECKLIST**

Appendix

**B**

**CERTIFICATE OF TITLE**



Appendix

C

DEVELOPMENT PLANS

Appendix

D

# ARCHITECTURAL DESIGN REPORT

PREPARED BY KERRY HILL, MCGREGOR COXALL AND  
PETER HOBBS ARCHITECTS

Appendix

E

# VISUAL AND LANDSCAPE ASSESSMENT

PREPARED BY EPCAD



Appendix

F

# LANDSCAPE REPORT

PREPARED BY MCGREGOR COXALL

Appendix

G

**BUSHFIRE MANAGEMENT PLAN AND BUSHFIRE  
EMERGENCY MANAGEMENT PLAN**

PREPARED BY STRATEGEN-JBS&G

Appendix

H

# TRANSPORT IMPACT ASSESSMENT AND PARKING DEMAND ANALYSIS

PREPARED BY CARDNO



Appendix



# WASTE MANAGEMENT PLAN

PREPARED BY ENCYCLE

Appendix

J

# **NOISE ASSESSMENT**

PREPARED BY LLOYD GEORGE ACOUSTICS

Appendix

K

## HERITAGE REPORT

PREPARED BY ETHNOSCIENCES



Appendix



# ENVIRONMENTAL ASSESSMENT REPORT

PREPARED BY STRATEGEN-JBS&G

Appendix

M

# FORESHORE MANAGEMENT PLAN

PREPARED BY STRATEGEN-JBS&G

Appendix

N

# COASTAL HAZARD ASSESSMENT

PREPARED BY MP ROGERS & ASSOCIATES



Appendix

O

# ENGINEERING REPORT

PREPARED BY STANTEC

Appendix

P

# URBAN WATER MANAGEMENT PLAN

PREPARED BY HYD20

Appendix

Q

## ECONOMIC BENEFIT STUDY

PREPARED BY URBIS



Appendix

R

# SUSTAINABILITY STRATEGY

PREPARED BY STANTEC

Appendix

S

## R-CODE ASSESSMENT

PREPARED BY PETER HOBBS ARCHITECTS