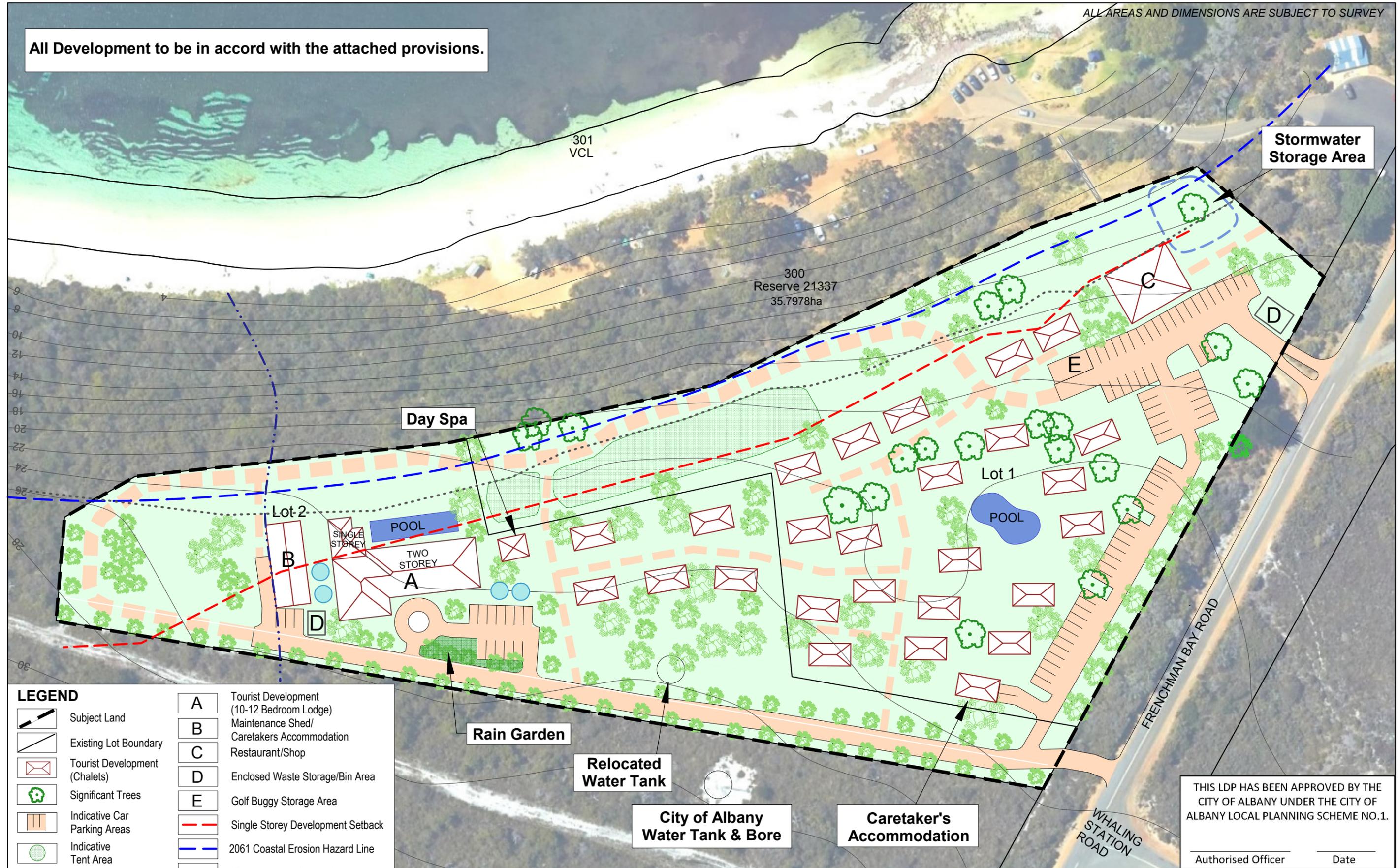
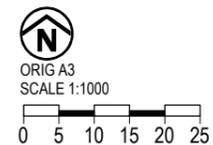


All Development to be in accord with the attached provisions.



LEGEND

- Subject Land
- Existing Lot Boundary
- Tourist Development (Chalets)
- Significant Trees
- Indicative Car Parking Areas
- Indicative Tent Area
- A Tourist Development (10-12 Bedroom Lodge)
- B Maintenance Shed/ Caretakers Accommodation
- C Restaurant/Shop
- D Enclosed Waste Storage/Bin Area
- E Golf Buggy Storage Area
- Single Storey Development Setback
- 2061 Coastal Erosion Hazard Line
- 65m Vancouver Spring Setback
- 75m Horizontal Setback Datum
- Lane Way / Fire Access
- Potable Water Tanks



THIS LDP HAS BEEN APPROVED BY THE CITY OF ALBANY UNDER THE CITY OF ALBANY LOCAL PLANNING SCHEME NO.1.

 Authorised Officer Date

LOCAL DEVELOPMENT PLAN : TOURIST DEVELOPMENT
 Lots 1 & 2 Frenchman Bay Road, Frenchman Bay
 City of Albany OCTOBER 2022

Local Development Plan No. 1 Provisions for Lots 1 and 2 Frenchman Bay Road, Frenchman Bay (Tourist Development, Caravan Park (Glamping) And Restaurant)

Heritage

1. Future development of the LDP1 area needs to ensure that the heritage significance of the site and adjacent heritage-protected places *Frenchman Bay Whaling Station (ruin)* (P16612) and *Kep Mardjit / Vancouver Spring & Dam* (P15602) is retained.
2. Any proposed works within the curtilage of adjacent heritage-protected places shall require submission of a development application, including formal referral to the Heritage Council of WA for consideration.
3. Future development in the LDP1 area adjacent to the heritage-protected places *Frenchman Bay Whaling Station (ruin)* (P16612) and *Kep-Mardjit / Vancouver Spring & Dam* (P15602) should consider any relevant policies and recommendations outlined in the *Archaeological Management Plan for Frenchman Bay Whaling Station (ruin)* (Archae-aus, 2022).

Land use

4. The Local Development Plan shall be updated to replace reference to 'Bar/Kitchen/Shop' with 'Restaurant/Shop'.

Advice: *The LDP should not reference land uses that are unable to be considered under the City of Albany Local Planning Scheme No.1*

5. No building is permitted to be used/occupied as a caretaker's dwelling until such time as a tourist development on the same lot has commenced operations.
6. More than one caretaker's dwelling as part of facilities for the management of a tourist development in the LDP1 area may be considered, subject to the following:
 - Where separate owned and managed tourist developments operating within the LDP1 area demonstrate that on-site caretaker's dwelling is required to support management of the facilities, and cannot otherwise be addressed through alternative arrangements;
 - A caretaker's dwelling shall be on the same lot as the tourist development it is directly associated with;
 - If further subdivision or amalgamation of the lots within the LDP1 area occurs, a caretaker's dwelling shall remain to be contained on the same lot as the tourist development it is directly associated with;
 - Should any of the tourist developments operating within the LDP1 area amalgamate with another tourist development within the LDP1 area or cease operations, any approved caretaker's dwelling directly associated with the tourist development shall also cease and be required to be removed, or converted to form part of the tourist development.

Car parking

7. Car parking shall be provided in accordance with Local Planning Scheme requirements and AS 2890.

Water

8. All development shall be connected to a reticulated water supply, unless evidence of a viable alternative source can be provided with a development application and subsequently agreed to in writing by the City of Albany, following consultation with appropriate authorities.

Environmental

9. A Fauna Management Plan is to be prepared and implemented, consistent with the requirements of the Department of Biodiversity Conservation and Attractions, to manage threatened species during each stage of development works.
10. Prior to the commencement of any tourist development, surface and groundwater monitoring shall be undertaken in accordance with the approved Surface Water and Ground Water Monitoring Plan.
11. Development water cycle management shall be in accordance with the approved Local Water Management Strategy.
12. All necessary approvals shall be obtained prior to any clearing of vegetation outside of lot boundaries.

Advice:

- *The applicant should contact the City of Albany Reserves to commence arranging obtaining relevant approvals.*
- *State and Federal clearing approval may also be required.*

13. Prior to submitting any development application for the tourist development, in-situ soil infiltration testing shall be undertaken to the satisfaction of the Department of Water and Environmental Regulation. If required, the Site and Soil Evaluation Report shall be updated to reflect amended land application areas and shall be submitted to the City of Albany for approval.

Advice:

- *Further referrals to State Agencies may be required.*

14. All on-site wastewater systems are to comply with relevant Health Regulations, *Government Sewerage Policy 2019*, and *Health (Miscellaneous Provisions) Act 1911 Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*. Land application areas must be located a minimum of 100m from the Vancouver Spring Catchment Area.

Amenity

15. All dwellings, outbuildings and other structures (such as water tanks) shall be designed and constructed of material which allows them to blend into the landscape of the site. The use of natural materials such as stone and timber will be encouraged.
16. In order to protect visual amenity and reduce glare from a building (including water tanks) the use of reflective materials and white/off-white colours shall not be permitted.

Built form

17. Building heights within the 'single storey development setback' shall generally be consistent with the maximum heights (from natural ground level) established within

Table 3: Maximum Building Heights – Category A of SPP3.7 – Residential Design Codes Volume 1.

Advice: *This provision provides guidance on the application of the Local Planning Scheme height requirements.*

18. Building heights outside the ‘single storey development setback’ shall generally be consistent with the maximum heights (from natural ground level) established within Table 3: Maximum Building Heights – Category B of SPP3.7 – Residential Design Codes Volume 1.

Advice: *This provision provides guidance on the application of the Local Planning Scheme height requirements.*

Bushfire

19. Prior to the lodgement of any development application for the site, a written declaration shall be submitted to the City of Albany by a Level 3 bushfire consultant, confirming that a suitable area for on-site shelter, with radiant heat flux not exceeding 10kW/m² can be provided on-site to support all proposed future development (lodge, chalets, restaurant, day spa and associated caretaker’s dwellings).

Advice:

- *The ability to achieve a suitable area for on-site shelter, with a radiant heat flux not exceeding 10kW/m² should not be dependent on clearance/vegetation maintenance outside of lot boundaries, unless the necessary approvals have been obtained.*
- *The purpose of this condition is to confirm the development can safely proceed (capacity restrictions may still apply) without a suitable destination being identified, given concerns as to whether a suitable destination could be arranged.*
- *This condition does not preclude a suitable destination being explored or proposed within an amended Bushfire Management Plan.*

20. Prior to lodgement of a development application for any tourism development, an updated Bushfire Management Plan and Bushfire Emergency Evacuation Plan, demonstrating compliance with *State Planning Policy 3.7- Planning in Bushfire Prone Areas*, shall be submitted for endorsement by the City of Albany, in consultation with relevant state government agencies, with the requirements implemented thereafter.

Advice:

- *The current Bushfire Management Plan dated #### does not demonstrate compliance with the requirements of SPP3.7 and has therefore not been endorsed by the City of Albany.*
- *Given the unlikelihood in a compliant ‘suitable destination’ becoming available within a reasonable timeframe, and the proponent’s expectation to accommodate more than 100 guests on-site, it is recommended that preparation of an updated BMP is commenced as soon as possible, to mitigate potential delays in consideration of a future development application for any tourist development.*

- ***Clearing of vegetation outside of lot boundaries shall not be relied upon unless the appropriate approvals have been obtained.***
21. Total site capacity (guests, staff and caretakers) shall be limited to a maximum of 100 persons unless a greater capacity is supported under ***State Planning Policy 3.7 - Planning in Bushfire Prone Areas*** and associated Guidelines, and subsequently agreed to in writing by the City of Albany, and following consultation with relevant state government agencies.
 22. On-site shelter shall be provided in accordance with an approved Bushfire Management Plan and shall be designed and constructed in accordance with the National Construction Code and the ABCB Community Shelter handbook, unless an alternative is supported under the ***State Planning Policy 3.7 - Planning in Bushfire Prone Areas*** and associated Guidelines, subject to agreement in writing by the City of Albany and following consultation with relevant state government agencies.
 23. Indicative tent area is permitted subject to compliance with ***State Planning Policy 3.7 - Planning in Bushfire Prone Areas***.
 24. Strategic on-site water shall be provided in accordance with the ***State Planning Policy 3.7 - Planning in Bushfire Prone Areas*** and associated Guidelines.
 25. Prior to lodgement of a development application for any tourism development, a notification pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the Certificate of Title of the proposed development lots advising of the existence of a hazard. The notification is to state as follows:

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

Coastal

26. The landowner is to undertake monitoring and review the coastal hazards every five years as identified in the Frenchman Bay Coastal Hazard Risk Management and Adaptation Plan. The landowner is to provide reporting to the Local Government on this matter to the satisfaction of the Local Government.
27. Development approval will be time limited (temporary planning approval) and shall cease to have effect when any of the following situations occur:
 - a. Shoreline retreat reaches 33m from any asset
 - b. The most landward part of the Horizontal Shoreline Datum is within 15 metres of the most seaward part of the lot boundary
 - c. Public road is no longer available or able to provide legal access to the property; or
 - d. Water, sewerage or electricity to the lot is no longer available as they have been removed/decommissioned by the relevant authority due to coastal hazards.

28. Once the development approval expires in accordance with the above, the development shall be removed and:

- a. The land shall be rehabilitated to its pre-development condition, to the specifications and satisfaction of the Local Government, at the landowners cost; and
- b. The affected area (processes area and foreshore) shall be ceded to the Crown, free of cost and without any payment of compensation by the Crown; and
- c. Should managed retreat be proposed, the landowner will need to apply to relocate the development to a safe position on the lot.

Advice: Horizontal Shoreline Datum means the active limit of the shoreline under storm activity, as defined in State Planning Policy 2.6 – State Coastal Planning Policy (2013).

29. Prior to lodgement of a development application for any tourism development, suitable arrangements shall be made with the City of Albany for pedestrian access from the subject site to the foreshore/beach.

Advice:

- ***Appropriate pedestrian access may be informed by results of the Foreshore Management Plan to be prepared by the City of Albany.***
- ***The existing vehicular access to the foreshore/beach is not safe for pedestrian access.***
- ***Future access shall ensure the beach/foreshore is accessible to people with a disability.***

30. Prior to lodgement of a development application for any tourism development, a notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the Certificate of Title of the proposed development lot advising of the existence of a hazard. The notification is to state as follows:

'VULNERABLE COASTAL AREA - This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years from the date this notification is registered and is subject to conditions which require removal and rehabilitation of development to pre-development conditions at the landowners cost, and ceding of the land to the Crown, free of cost and without any payment of compensation by the Crown at the time the situations specified in the Local Development Plan occur.

31. Prior to lodgement of a development application for any tourism development, the amalgamation of lots 1 & 2 should be progressed or suitable easements shall be arranged to address the following matters:

- **Reciprocal rights of access for Lot 1 over the Lot 2 (lodge) entry**
- **Access rights for emergency fire purposes in favour of the Local Government and public authority**
- **Access rights for strategic water supply for firefighting purposes**
- **Access rights to on-site shelter (if relevant); and**
- **Rights to use land outside of lot boundaries for effluent disposal application areas and associated maintenance.**

General Advice:

- i. In regard to the timing indicated on the above provisions, the ‘tourist development’ means any part of the development indicated on the LDP diagram, with the exception of the maintenance shed.***
- ii. Resolution of outstanding matters relating to bushfire management, effluent disposal, clearing outside of lot boundaries and LDP provisions may necessitate changes to the approved LDP prior to the tourist development commencing. The applicant should be advised that any required amendments to the LDP may necessitate a full assessment, advertising and referral process in accordance with statutory requirements, depending on the significance of the amendments.***
- iii. The City of Albany has no obligation to protect against coastal hazards and/or inundation, and is not liable for any harm caused by coastal hazards and/or inundation***
- iv. A Section 40 approval from the Department of Biodiversity, Conservation and attractions will be required prior to any clearance likely to disturb habitat or potential habitat for threatened species.***
- v. The DPLH recommends that proponents refer to the State’s Aboriginal Heritage Due Diligence Guidelines (Guidelines). The Guidelines can be found on the DPLH website at the following link: <https://www.dplh.wa.gov.au/information-and-services/aboriginal-heritage/land-use-under-the-aha>***
- vi. The development area is within a proclaimed groundwater area under the Rights in Water and Irrigation Act, 1914. A licence to construct a well and take water is required in most instances (DWER).***