

ENDORSEMENT

This structure plan is prepared under the provisions of the Shire of Capel
Local Planning Scheme No. 8.

IT IS CERTIFIED THAT THIS STRUCTURE PLAN WAS APPROVED BY RESOLUTION OF THE
WESTERN AUSTRALIAN PLANNING COMMISSION ON:

20 FEBRUARY 2015

In accordance with Schedule 2, Part 4, Clause 28 (2) and refer to Part 1, 2. (b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Date of Expiry:

19 OCTOBER 2030



1. Upon land nominated within any Residential Density Code it is anticipated land use will be approved in a manner consistent with the uses permitted in the Residential Zone and development will be subject to the applicable R Code requirements as contained within the Residential Design Codes of Western Australia.
2. Within the land nominated as Town Centre, Mixed Use Precinct, Coastal Precinct and Local Centres it is anticipated that a Local Development Plan will be produced to further refine the land use proposals and that the Local Development Plan will specify appropriate development standards.
3. Notwithstanding any other provisions of the Scheme or the Shire of Capel Signs Hoardings and Bill Postings Local Laws Council may approve a comprehensive system of signs designed for the estate for the purposes of:
- Advertising the sale of property.
 - Informing the public of proposed uses for the development intended for particular sites.
 - To provide direction to services and facilities.
 - Interpret natural features of the site.

Once a comprehensive system of signage is approved all signage shall conform to design guidelines and finishes set out therein.

4. Prior to approval of any development within areas identified as ‘Areas For Further Investigation For Urban Land Use Options’, a detailed assessment of the land and associated plans shall be submitted for approval by each of the Shire of Capel and Western Australian Planning Commission. Such proposals shall be considered as a ‘major modification’ to an Outline Development Plan and be subject to the requirements of sub-clause 5.10.9 of the Shire of Capel Town Planning Scheme No.7
5. Earthworks associated with urban development are a permitted use subject to compliance with the following to the satisfaction of the Shire of Capel:
- Preparation of and compliance with a clearing and timber disposal strategy and site stabilisation and revegetation strategy.
 - Compaction Certification shall be confirmed by competent geotechnical engineers for all earthworked areas.
 - A building license shall be obtained for all retaining walls.
 - Areas to be subject to public open space development improvement shall comply with an overall program for the estate which provides for consistency of finishes and sustainable maintenance.
 - All works as outlined in the foreshore management plan that are undertaken on Lot 100 are to be implemented by the applicant to the satisfaction of the Western Australian Planning Commission in consultation with the Shire of Capel.
 - An access agreement with the Western Australian Planning Commission for the works within Lot 100 as set out in the foreshore management plan will be required prior to the commencement of any works.
6. Design plans setting out finishes shall be submitted together with an explanation of the placement of the area of development within the overall public open space development distribution and maintenance strategy.
- Preparation and endorsement of a detailed foreshore management works plan to be implemented with each adjacent stage of subdivision. Prior to undertaking works that require entry into the proposed foreshore reserve to create sustainable levels an on-site meeting with the Shire will take place to confirm clearing lines.
 - Stages of earthworks and levels will be related to an overall levels and drainage strategy for the estate to be confirmed with the Shire prior to commencement of works.
 - An overall approval to earthworks is not to be construed as any form of subdivision approval that must be obtained from the WAPC.
 - All works as outlined in the foreshore management plan that are undertaken on Lot 100 are to be implemented by the applicant to the satisfaction of the Western Australian Planning Commission in consultation with the Shire of Capel.
 - An access agreement with the Western Australian Planning Commission for the works within Lot 100 as set out in the foreshore management plan will be required prior to the commencement of any works.
7. Subdivision shall be generally in accordance with the endorsed Dalyellup Beach Estate Local Structure Plan.
8. Within the area of land nominates as R5 the setbacks from lot boundaries for all buildings shall be:
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|-----------|--|
| Front | minimum 9m with an average of 12m |
| Rear | minimum 9m |
| Side | minimum 3m (this will allow vehicle access to the rear of the property whilst maintaining a non-combustible area for fire protection). |
| Secondary | minimum 6m street |
9. Within the area of land nominated R10 the setbacks from lot boundaries for all buildings shall be in accordance with the Residential Design Codes of Western Australia. A minimum lot size of 1300m² will apply to lots coded R10 and no further subdivision of such lots will be permitted.
10. A Water Management Plan to integrate approval of the use of water within public open space development shall be prepared to the satisfaction of the Shire of Capel prior to the development of additional areas of public open space.
11. The maximum wall height for outbuildings in areas coded R20 is 2.7m.
12. The subdivider shall provide level building pads of a minimum area 1500m², a site survey and geotechnical report for all possible future community purpose sites and such shall be provided with connections to reticulate sewer, water, underground power, gas and telephone services prior to seeking final approval to an adjacent stage of subdivision. An area adjacent to the building pad areas shall be demonstrated to be suitable for the development of car parking. In so far as certain sites (Green Patch and old tip site) are not related to areas of POS a bond to the value of the estimated cost of providing service connections to a total of two new sites shall be lodged with the Shire of Capel prior to clearance of the Stages 14 and 15 subdivision areas respectively.
13. The Shire of Capel may adopt by minor modification to this Local Structure Plan a Public Open Space Staging Strategy and thereafter the subdivider shall provide public open space at the time of subdivision in accordance with the strategy.

14. The Shire of Capel may adopt a Building Envelope Plan for the lots included within the blue boundary and thereafter, notwithstanding Land Use Note No. 8, setbacks shall be in accordance with the following:
- i. The approved building envelope plan.
 - ii. Any approved Fire Management Plan.
 - iii. For side setbacks - whichever is the greater of the building envelope or R20 standards (including any other relevant elements of the Residential Design Codes)."
15. The Shire of Capel may agree to the endorsement of a group of lots as a ‘Display Home Centre Precinct’ wherein display home, sales office, carparking and other associated incidental uses are deemed ‘AA’ uses under the Scheme. An endorsed precinct shall be demarcated on the local structure plan by a dark blue border and blue cross hatching.
- All development within a Display Home Centre Precinct will require planning consent and is subject to compliance with:
- Design Guidelines for ‘Sustainability Display Home Centres’ as endorsed by the Shire of Capel for the precinct.
 - A Signage and Advertising Device Strategy as endorsed by the Shire of Capel for the precinct; and
 - An Urban Landscape Improvement Plan adopted by the Shire of Capel for the street verges contained within the precinct.
16. Any development within the identified Bush Fire Prone Area is to demonstrate compliance with AS 3959: Construction of Buildings in Bush Fire Prone Areas and to demonstrate compliance with relevant components of the Fire Management Plan as approved by the Department of Fire and Emergency Services.
17. Prior to any subdivision of any of the land designated as ‘undeveloped land’ or within the identified ‘Amendment No. 14 boundary’ on the structure plan, a Bushfire Management Plan (including a Bushfire Attack Level (BAL) Contour Map) is to be prepared and implemented in accordance with State Planning Policy 3.7 Planning in Bushfire Prone Areas. A condition of subdivision may be imposed requiring the preparation of a Local Development Plan to specifically exclude development on land subject to a BAL of BAL-40 or BAL-FZ.
18. Within the 'Amendment No.14 boundary' staging of any subdivision is to ensure that access requirements as set out in State Planning Policy 3.7 - Planning in Bushfire Prone Areas can be satisfied, including provision of two access routes, in the first and any subsequent subdivision stages.
19. A Development Application for the Community Purpose site on Lot 9109 is to be lodged and approved prior to commencement of any works on site. The Development Application will address the following requirements to the satisfaction of the Shire of Capel:
- i. The location and design of building infrastructure, including, but not limited to, the Surf Club, change rooms and cafe;
 - ii. Landscaped vegetated buffers, fencing/walls, drainage and landfill;
 - iii. Vehicle and pedestrian access to the site, car parking, 4wd vehicle and pedestrian access to the foreshore reserve;
 - iv. The interface with proposed adjoining residential lots, public roads and the Regional Open Space;
 - v. Fire management and emergency access;
 - vi. Management of coastal erosion and inundation risks"
20. Prior to any subdivision of the Coastal Precinct south of Dalyellup Boulevard, a revised earthworks plan is to be prepared to demonstrate to the satisfaction of the Western Australian Planning Commission that no earthworks will encroach into the Foreshore Reserve (Area C) or surrounding Regional Open Space reserve (Lot 100 - Area B).
21. Prior to the commencement of works for the construction of the southern extension Norton Promenade, suitable arrangements are to be made with and to the satisfaction of the Western Australian Planning Commission, to demonstrate that the road and associated battering (as may be applicable) are contained entirely within Lot 9109.
22. Should access be required to Lot 100 (Area A) during subdivision or development for works that do not form part of the endorsed foreshore management plan (i.e. general subdivisional or development works) a separate access agreement with the Western Australian Planning Commission for the works will be required.

December 2020