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PROVENCE STRUCTURE PLAN

Busseil Highway & Vasse Highway, Yalyalup

PART ONE – IMPLEMENTATION

1.0 Structure Plan Area

This Structure Plan applies to Lots 9033 and 2 Bussell Highway, Lots 9032 and Cable Sands Road, and Lot 501, and Part Lots 75 and 76 Vasse Highway, Yalyalup being the land contained within the inner edge of the line denoting the Structure Plan boundary on the Structure Plan Map.

The Structure Plan Map is provided in **Attachment A**.

This Structure Plan is identified as the Provence Structure Plan, Bussell Highway and Vasse Highway, Yalyalup(PSP).

2.0 Operation

The date the structure plan comes into effect is the date the structure plan is approved by WAPC. This Structure Plan replaces the Development Guide Plan (DGP) Busselton Airport (North) dated 4 November, 2014 and approved on 17 December, 2014.

3.0 Interpretation and Relationship with the Scheme

The Provence Structure Plan, Bussell Highway and Vasse Highway, Yalyalup constitutes a Structure Plan pursuant to Part 4 of the deemed provisions of the City of Busselton Local Planning Scheme No. 21.

The Structure Plan Map (**Attachment A**) outlines future land use and zones applicable within the structure plan area.

Pursuant to the Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 – Deemed provisions for local planning schemes, a decision maker of an application for development approval or subdivision approval is to have due regard to the provisions of this Structure Plan, including the Structure Plan Map, Implementation Report, Explanatory Report and Technical Appendices.

4.0 Subdivision/Development

4.1. Land use

- a) The subdivision and development of land is to be generally in accordance with the zones and reserves which appear in the structure plan map.
- b) Residential densities applicable to the structure plan area shall be those residential densities shown on the structure plan map.

4.2. Vegetation Survey

- a) Identification and retention of scattered stands of native trees within reserves and other land parcels – including widening of road reserves – is to be undertaken prior to subdivision to enhance the local area character, provide a stronger sense of place, provide visual relief and soften the urban landscape.

4.3. Hazards and separation areas

Bushfire Management

- a) A notification to be placed on the Certificate(s) of Title(s) will be required as a condition of subdivision approval where land or lots are deemed to be affected by a Bush Fire Hazard as identified in the Bushfire Management Plan (BMP) contained within **Appendix E**.
- b) Building setbacks and construction standards to achieve a Bushfire Attack Level -29 or lower in accordance with Australian Standards (AS3959-2009): Construction of buildings in bushfire prone areas shall be complied with for land or lots that are deemed to be affected by a Bush Fire Hazard as identified in the Bushfire Management Plan.

Noise Management

- (a) A notification to be placed on the Certificate(s) of Title(s) will be required as a condition of subdivision approval where land or lots are deemed to be affected by transportation noise as identified in Noise Assessment contained within **Appendix I**.
- (b) Construction standards to achieve quiet housing design in accordance with State Planning Policy 5.4 *Road and Rail Transportation Noise and Freight Consideration in Land Use Planning* (as amended) shall be complied with for lots that are deemed to be affected by transportation noise as identified in the Noise Assessment.
- (c) Aircraft Noise - A notification to be placed on the Certificate(s) of Title(s) and advice to purchasers will be required as a condition of subdivision approval where land or lots are deemed to be affected by aircraft noise in accordance with the provisions of State Planning Policy SPP5.1 and 5.3.

Water Quality Management

- (d) Specific Water Quality Management measures and monitoring are required to address the future water quality environment of the footprint lake, prior to subdivision or development to the satisfaction of the local government.

Mosquito and Midge Breeding Mitigation

- (e) The preparation of a mosquito and midge breeding mitigation plan may be required for subdivision applications which include or abut drainage areas and/or other water bodies.

Extractive Industries

- (f) While any unmined resource remains within 1,000m of the subject land, any future subdivisions are likely to be subject to a notification being required on title.
- (g) Measures are to be applied to mitigate or remove any potential for land use conflict prior to subdivision.

4.4. Residential Densities

- a) The residential densities which appear in the structure plan map are consistent with residential density targets under the Commission's Liveable Neighbourhoods Policy (LN) and the

required low density development around the southern and western periphery of the Structure Plan Area.

- b) The subdivision and development of land is to be generally in accordance with the densities which appear in the structure plan map.

4.5. Traffic Modelling

- a) Prior to any further stages of subdivision, traffic modelling to the forecast year of 2040 is required, with all assumptions and inputs verified to the specification of Main Roads WA and to the satisfaction of the WAPC.

5.0 Local Development Plans

Local Development Plans (LDP's) shall be prepared and implemented for lots comprising one or more of the following site attributes:

- a) Lots with direct boundary frontage (primary or secondary) to an area of Public Open Space
- b) All land identified as 'Local Centre' on the structure plan map. The LDP should address the following principles:
- Delivery of a sustainable, vibrant and fully functional 'main street' outcome in accordance with Liveable Neighbourhoods;
 - Orientation and public entry of the supermarket and retail/commercial elements to/from the main street;
 - No internal pedestrian malls or internal walkways;
 - No rear access to the supermarket from car parks;
 - Specially designed slow vehicle speed and pedestrian crossings for the street separating the Local Centre and Primary School; and
 - Raised pedestrian crossings.

6.0 Staging

The progressive development of the Structure Plan area will be dictated by market demand, provision of new or upgraded road connections and will be delivered consistent with servicing efficiencies and contained to those areas forming a logical progression of development. Areas remote from services or the current development front are likely to be avoided unless determined otherwise for commercial and/ or sound planning reasons. This will assist to ensure that existing and future facilities are used to maximum efficiency, and can continue to operate effectively.

The undeveloped areas of the Structure Plan area will be designed and implemented to a high quality, including provision of community facilities and 'hard' infrastructure to correspond with land release and development.

The implementation of 'soft' infrastructure items are typically demand-driven and will be delivered as the population and catchment grows. While there is often a lot of uncertainty around the timing and responsibility of delivering community infrastructure, developer contribution plans are generally accepted as a means to levy and recoup costs towards district and local community facilities and key infrastructure items that are required as a consequence or provided in anticipation of development. This approach has been adopted for the existing Structure Plan area through the adoption of the "Yalyalup Developer Contribution and Staging Plan". This document will need to be updated and adopted for the future urban expansion areas as a clear statement of the scope, process and method of exacting equitable developer contributions to ensure that demands are fairly apportioned to the share of the need created by each landowner's subdivision and/or development of their respective landholding.

In determining both 'hard' and 'soft' infrastructure requirements, attention needs to be given to ensuring that

any requirements that add costs to development can be borne by the market and not act as a disincentive to land development. This is critical in ensuring an adequate land supply is created that does not adversely affect housing affordability.

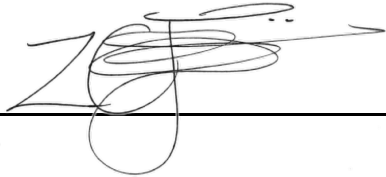
Endorsement Page

This structure plan is prepared under the provisions of the City of Busselton Local Planning Scheme No. 21.

IT IS CERTIFIED THAT AMENDMENT NO. 1 TO THE PROVENCE ESTATE LOCAL STRUCTURE PLAN WAS APPROVED BY RESOLUTION OF THE WESTERN AUSTRALIAN PLANNING COMMISSION ON:

14 August 2023

Signed for and on behalf of the Western Australian Planning Commission



An officer of the Commission duly authorised by the Commission pursuant to section 24 of the *Planning and Development Act 2005* for that purpose.