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Published on: 15 June 2010

Statement No: 831

**STATEMENT THAT A STRATEGIC PROPOSAL MAY BE IMPLEMENTED
(PURSUANT TO THE PROVISIONS OF THE
ENVIRONMENTAL PROTECTION ACT 1986)**

SMITHS BEACH DEVELOPMENT, SUSSEX LOC 413, YALLINGUP

Proposal:

The strategic proposal is to:

- a) extend the Leeuwin Naturaliste National Park into the western part of Sussex Location 413; and
- b) develop the eastern part of Sussex Location 413 for tourism and residential purposes with associated public open space and foreshore reserves as generally depicted on the Development Guide Plan.

The strategic proposal and identification of future proposals is further documented in Schedule 1 of this statement.

Proponent:

Canal Rocks Pty Ltd

Proponent Address:

Suite A7
435 Roberts Road
SUBIACO WA 6008

Assessment Number:

1597

Report of the Environmental Protection Authority: Report 1318

The future proposals identified in the strategic proposal referred to Schedule 1 of this statement may be implemented. The implementation of the future proposals shall be subject to the following conditions and procedures (subject to the Minister for Environment's identification of relevant conditions under section 45A(3) of the *Environmental Protection Act 1986*):

1 Proponent Nomination and Contact Details

- 1-1 The proponent for the time being nominated by the Minister for Environment under sections 38(6) or 38(7) of the *Environmental Protection Act 1986* is responsible for the implementation of the proposal.

1-2 The proponent shall notify the Chief Executive Officer of the Office of the Environmental Protection Authority of any change of the name and address of the proponent for the serving of notices or other correspondence within 30 days of such change.

2 Time Limit of Authorisation

2-1 The authorisation to implement future proposals provided for in this statement shall lapse and be void within ten years after the date of this statement if the future proposals to which this statement relates are not substantially commenced.

2-2 The proponent shall provide the Chief Executive Officer of the Office of the Environmental Protection Authority with written evidence that demonstrates that future proposals have substantially commenced on or before the expiration of ten years from the date of this statement.

3 Compliance Reporting

3-1 The proponent shall prepare and submit a compliance assessment plan to the satisfaction of the Chief Executive Officer of the Office of the Environmental Protection Authority at least 6 months prior to the first compliance report required by condition 3-6 or prior to the commencement of future proposals, whichever is sooner.

3-2 The proponent shall implement and maintain to the Chief Executive Officer of the Office of the Environmental Protection Authority the compliance assessment plan required by condition 3-1. The compliance assessment plan shall indicate:

- a) the frequency of compliance reporting;
- b) the approach and timing of compliance assessments;
- c) the retention of compliance assessments;
- d) the reporting of potential non-compliances and corrective actions taken;
- e) the table of contents of compliance reports; and
- f) the public availability of compliance reports.

3-3 The proponent shall assess compliance with conditions in accordance with the compliance assessment plan required by condition 3-1.

3-4 The proponent shall retain reports of all compliance assessments described in the compliance assessment plan required by condition 3-1 and shall make those reports available when requested by the Chief Executive Officer of the Office of the Environmental Protection Authority.

- 3-5 The proponent shall advise the Chief Executive Officer of the Office of the Environmental Protection Authority of any potential non-compliance as soon as practicable.
- 3-6 The proponent shall submit a compliance assessment report annually from the date of the Minister for Environment's notice under section 45A(2) of the *Environmental Protection Act 1986* addressing the previous twelve month period or other period as agreed by the Chief Executive Officer of the Office of the Environmental Protection Authority. The compliance assessment report shall:
- a) be endorsed by the proponent's Managing Director or a person, approved in writing by the Office of the Environmental Protection Authority, delegated to sign on the Managing Director's behalf;
 - b) include a statement as to whether the proponent has complied with the conditions;
 - c) identify all potential non-compliances and describe corrective and preventative actions taken;
 - d) be made publicly available in accordance with the compliance assessment plan; and
 - e) indicate any proposed changes to the compliance assessment plan required by condition 3-1.

4 Development

- 4-1 Development of Sussex Location 413 shall be generally in accordance with the *Smith's Beach - Development Guide Plan (Mediated Plan) Plan No. 160-60K* dated 18 June 2009 ("DGP") (Figure 1).
- 4-2 There shall be no development of Sussex Location 413 outside the Identified Development Land Area shown on the *Smith's Beach - Development Guide Plan — IDLA Plan No. 160-73G* dated 18 June 2009 (Figure 2), other than development of public infrastructure such as works, public facilities, infrastructure and amenities within foreshores reserves; community facilities; landscape works; stormwater and drainage infrastructure; and utilities and services.
- 4-3 Development on Sussex Location 413 shall not exceed the heights indicated on the *Smith's Beach - Development Guide Plan - Special Height Control Area Map Plan No. 160-61M* dated 18 June 2009 (Figure 3).

5 National Park Extension

- 5-1 The 20.97 ha depicted as "National Park Extension" in the DGP (Figure 1) shall be incorporated into the Leeuwin-Naturaliste National Park prior to any subdivision or development 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).

5-2 The Fire Management Plan referred to in Figure 1 shall be to the requirements of the Department of Environment and Conservation in relation to impacts on the Leeuwin-Naturaliste National Park and the extension to the Leeuwin-Naturaliste National Park.

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 the granite heath vegetation.

6 Revegetation

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 proponent shall revegetate 20 hectares of the 'Mt Duckworth Site' (shaded area in Figure 4) and 2.4 hectares of the 'Gunyulup 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.

Hon Donna Faragher JP MLC
MINISTER FOR ENVIRONMENT; YOUTH

Schedule 1

The Strategic Proposal and Identification of Future Proposals (Assessment No. 1597)

The Strategic Proposal is to:

- a) extend the Leeuwin-Naturaliste National Park into the western part of Sussex Location 413; and
- b) develop the eastern part of Sussex Location 413 for tourism and residential purposes with associated public open space and foreshore reserves as generally depicted on the Development Guide Plan (Figure 1).

Future proposals will include:

- Subdivision and development proposals for tourism or residential purposes;
- The provision of public infrastructure within Sussex Location 413 directly related to the above mentioned derived proposals.

The main characteristics of the strategic proposal and extent of future proposals are summarised in Table 1 below.

Table 1: Summary of Key Proposal Characteristics

Strategic proposal	
Element	Description
Overall area	Sussex Location 413
Development area	The Identified Development Land Area as delineated in <i>Smith's Beach - Development Guide Plan — IDLA Plan No. 160-73G</i> dated 18 June 2009 (Figure 2).
National Park Extension area	The National Park Extension as delineated in the <i>Smith's Beach - Development Guide Plan (Mediated Plan) Plan No. 160-60K</i> dated 18 June 2009 (Figure 1).
Future proposals	
Type of future proposal	Key characteristics
Tourist	<ul style="list-style-type: none"> • generally in accordance with the <i>Smith's Beach - Development Guide Plan (Mediated Plan) Plan No. 160-60K</i> dated 18 June 2009 (Figure 1). • within the 'Identified Development Land Area' (Figure 2). • compliant with the <i>Smith's Beach - Development Guide Plan - Special Height Control Area Map No. 160-61M</i> dated 18 June 2009 (Figure 3). • sets out building envelopes. • includes Development Guidelines specifying an

	<p>acceptable colour palette.</p> <ul style="list-style-type: none"> • prohibits fencing apart from a private courtyard. • restricts plantings to an approved plant species list of appropriate native plants.
Residential	<ul style="list-style-type: none"> • generally in accordance with the <i>Smith's Beach - Development Guide Plan (Mediated Plan) No. 160-60K</i> dated 18 June 2009 (Figure 1). • within the 'Identified Development Land Area' (Figure 2). • compliant with the <i>Smith's Beach - Development Guide Plan - Special Height Control Area Map Plan No. 160-61M</i> dated 18 June 2009 (Figure 3). • includes Development Guidelines specifying an acceptable colour palette • prohibits fencing apart from a private courtyard. • restricts plantings to an approved plant species list of appropriate native plants.
Public Infrastructure	<ul style="list-style-type: none"> • generally in accordance with the <i>Smith's Beach - Development Guide Plan (Mediated Plan) Plan No. 160-60K</i> dated 18 June 2009 (Figure 1).

Figures:

Figure 1: *Smith's Beach - Development Guide Plan (Mediated Plan) Plan No. 160-60K* dated 18 June 2009.

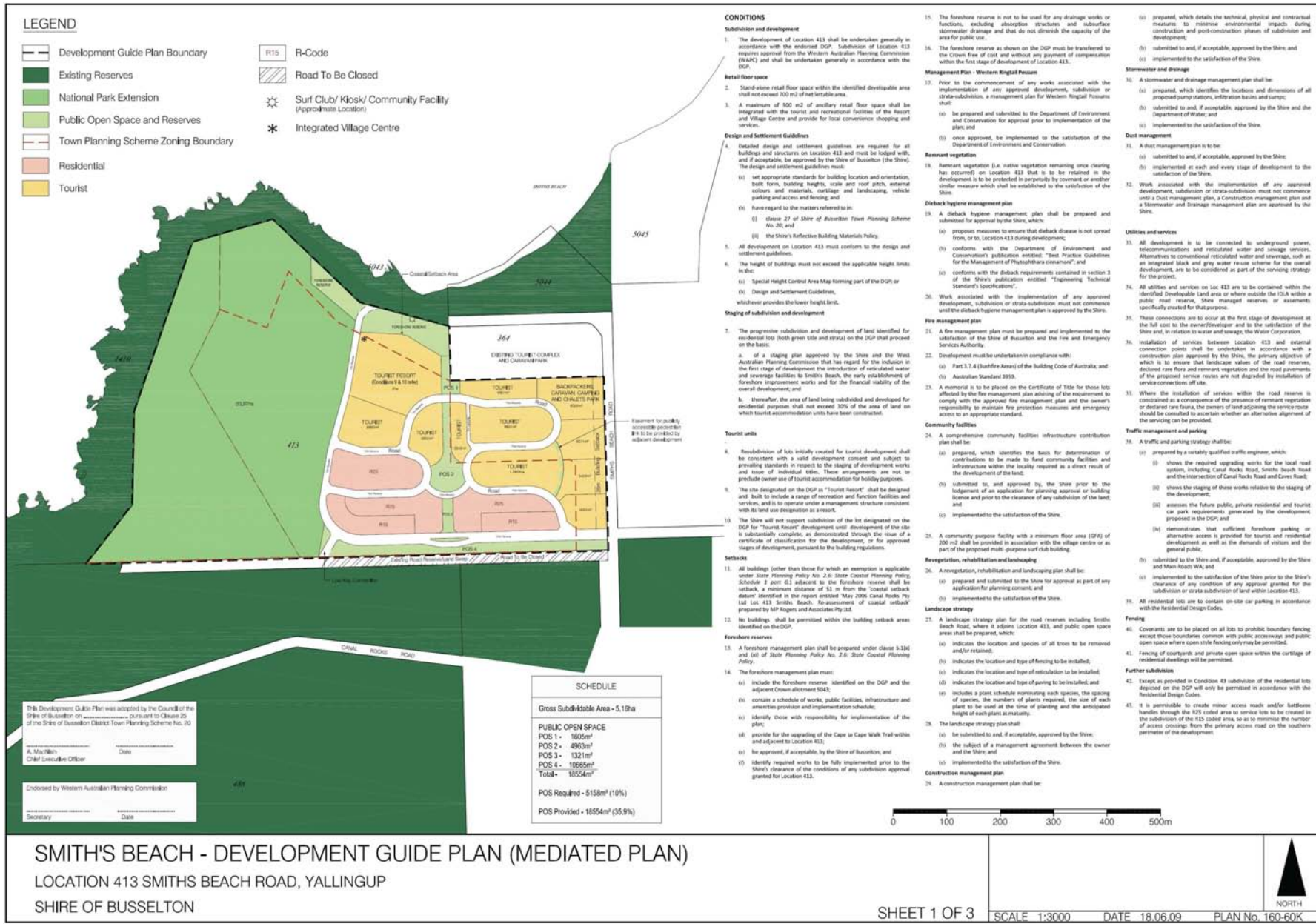
Figure 2: *Smith's Beach - Development Guide Plan - IDLA Plan No. 160-73G* dated 18 June 2009.

Figure 3: *Smith's Beach - Development Guide Plan - Special Height Control Area Map Plan No. 160-61M* dated 18 June 2009.

Figure 4: Revegetation - Mt Duckworth Site.

Figure 5: Revegetation - Gunyulup Site.

Figure 1 Smith's Beach - Development Guide Plan (Mediated Plan) Plan No. 160-60K dated 18 June 2009



SMITH'S BEACH - DEVELOPMENT GUIDE PLAN (MEDIATED PLAN)
LOCATION 413 SMITHS BEACH ROAD, YALLINGUP
SHIRE OF BUSSELTON

Figure 2 Smith's Beach - Development Guide Plan - IDLA Plan No. 160-73G dated 18 June 2009.

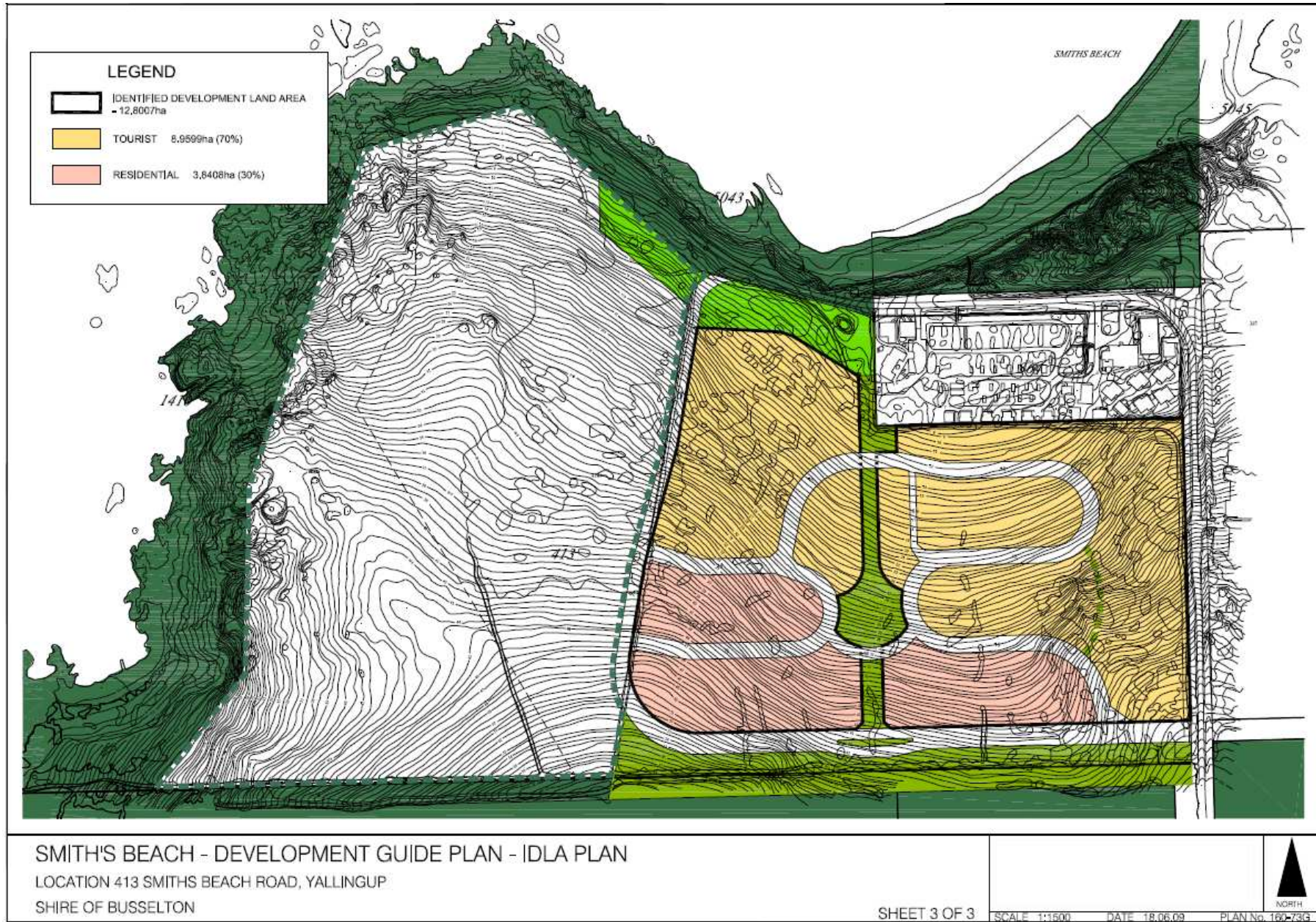


Figure 3 Smith's Beach - Development Guide Plan - Special Height Control Area Map Plan No. 160-61M dated 18 June 2009.

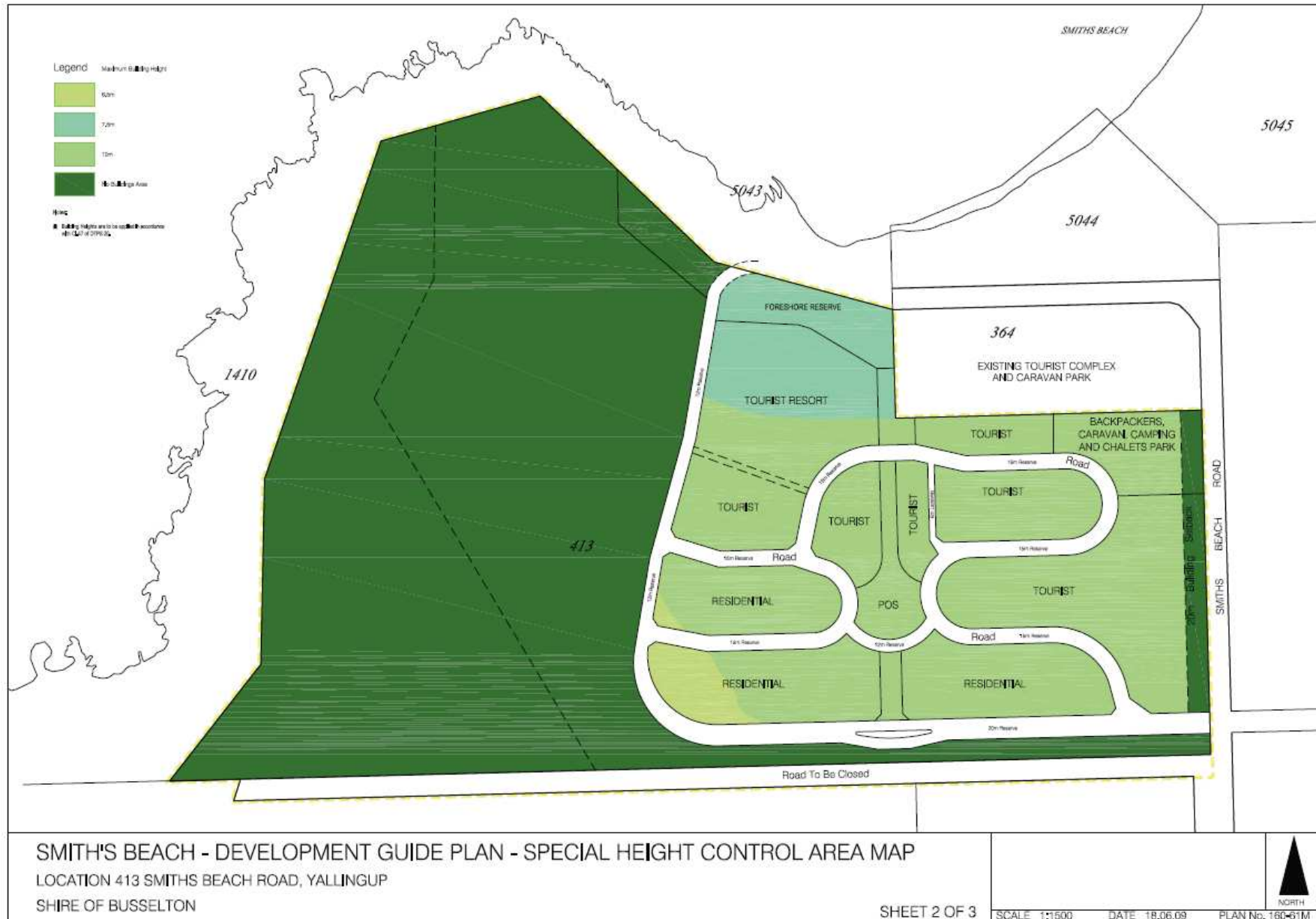


Figure 4 Revegetation - Mt Duckworth Site

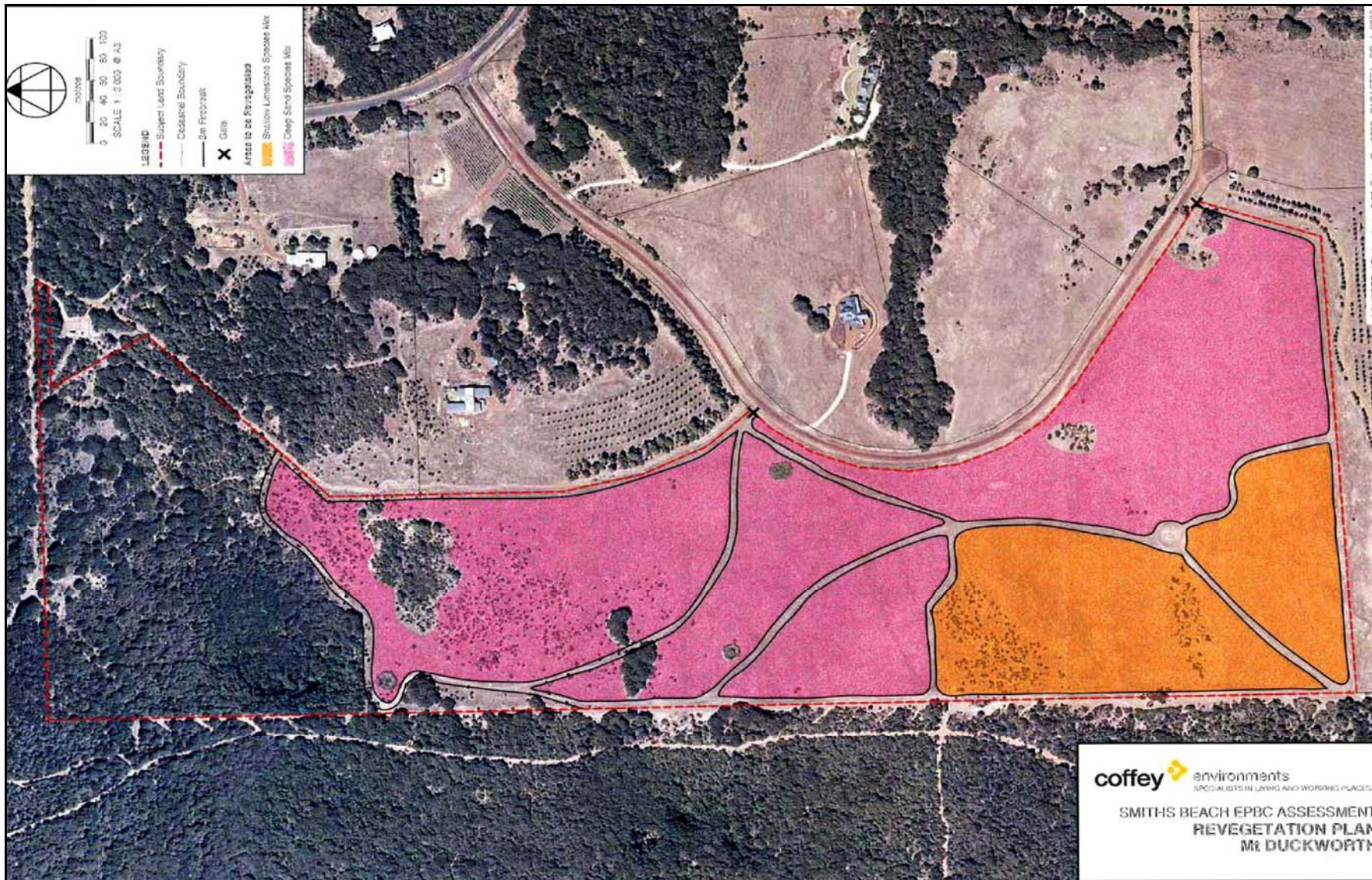
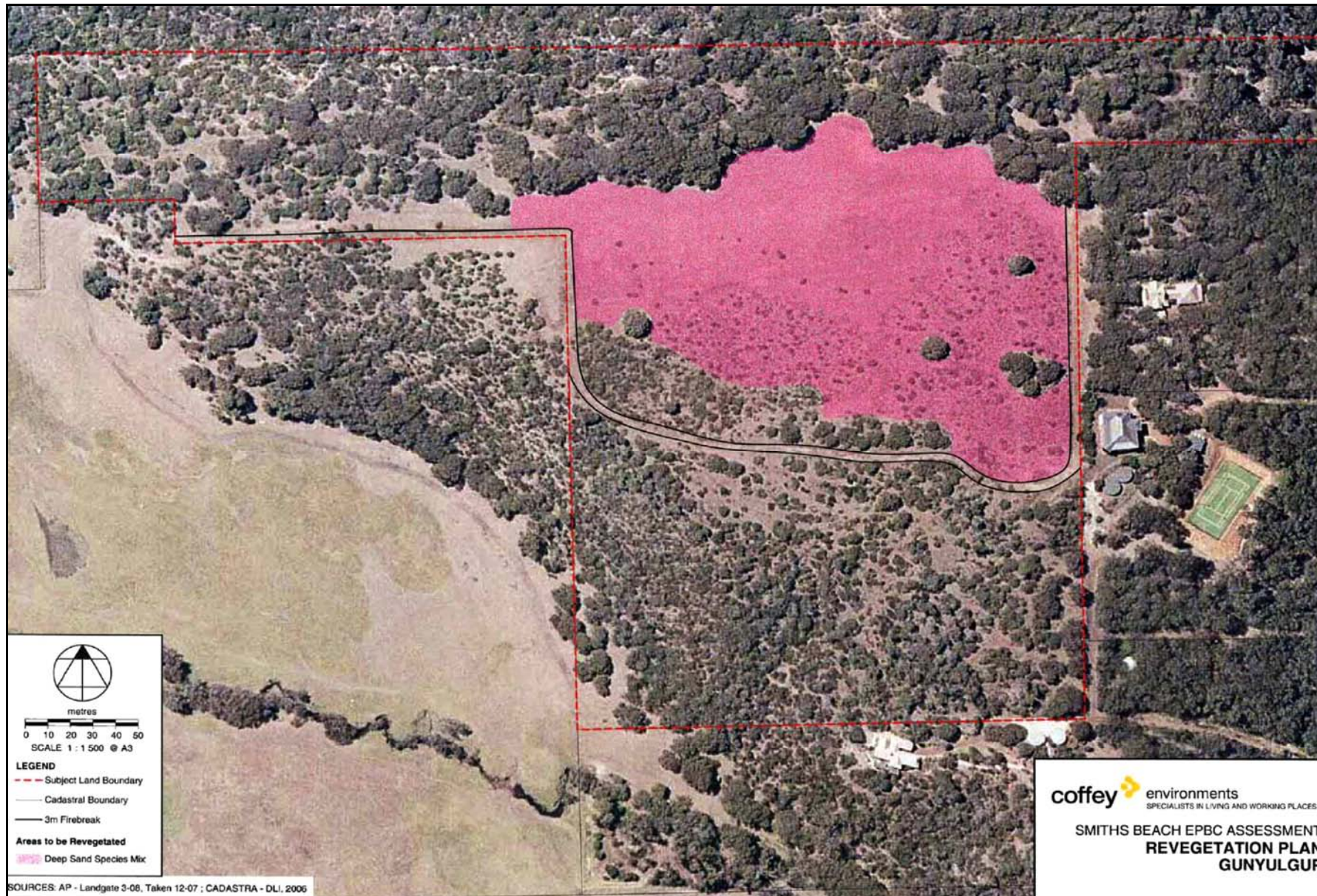


Figure 5 Revegetation - Gunyulup Site



Attachment 1

Species mix for revegetation (percentage of tubestock seedlings)

Mt Duckworth Site	Gunyulgup Site
Sandy Soils	Whole Site
<i>Agonis flexuosa</i> (WA Peppermint)	<i>Agonis flexuosa</i> (75%)
<i>Corymbia calophylla</i> (Marri)	<i>Corymbia calophylla</i> (15%)
<i>Eucalyptus marginata</i> (Jarrah)	<i>Banksia grandis</i> (5%)
Shallow Limestone Soils	<i>Banksia sessilis var cordata</i> (5%)
<i>Banksia sessilis var cordata</i> (formerly <i>Dryandra sessilis var cordata</i>) (Parrot Bush) (50%)	
<i>Agonis flexuosa</i> (30%)	
<i>Hakea oleifolia</i> (10%)	
<i>Corymbia calophylla</i> (10%)	