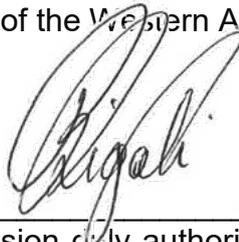


**Millbrook Farm Structure Plan - Millbrook  
Road, Yallingup  
Structure Plan Report**

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

IT IS CERTIFIED THAT THIS STRUCTURE PLAN WAS APPROVED BY RESOLUTION OF THE WESTERN AUSTRALIAN PLANNING COMMISSION ON: **07 APRIL 2021**

Signed for and on behalf of the Western Australian Planning Commission



an officer of the Commission duly authorised by the Commission pursuant to Section 16 of *the Planning and Development Act 2005* for that purpose, in the presence of:



Witness

08 APRIL 2021

Date

08 APRIL 2031

Date of Expiry

## Table of Amendments

Amendment No.	Summary of the Amendment	Amendment Type	Date approved by the WAPC

## EXECUTIVE SUMMARY

This Structure Plan primarily relates to Lot 30 (70) Millbrook Road, Yallingup and potential further subdivision of this land into a total of 9 rural residential lots. However, it is being presented in the context of reviewing the currently endorsed Development Guide Plan (DGP) which includes Lot 30 and other adjacent land. The proposed Structure Plan and current endorsed DGP form attachments of this report.

Lot 30 forms approximately 30% of the original DGP area with the entire DGP area having been subdivided and developed many years ago consistent with the requirements of the DGP.

Local Planning Scheme 21 (LPS21) also includes a number of Additional Uses under Schedule 2 (Additional Use 52) that relate to the current Lot 30. A separate but associated scheme amendment is proposed to run concurrently with this Structure Plan process. Amendment 45 aims at rationalising the available uses as some are now possible via a development application, some are no longer definitions in LPS 21 or the interpretations have altered slightly and other uses are proposed. Also, these uses will now be specific to proposed Lot 8 as identified on the new Structure Plan rather than currently being possible over the entire Lot 30. Additional Use 52 will be replaced with Special Provision 71 as part of this process.

Although details of this modification will be explained as part of the Amendment 45 application, in brief, potential tourist/commercial development will now be concentrated closer to the heritage buildings and further away from residents which will provide a better town planning outcome, including better levels of amenity for those residents

Lot 30 currently accommodates two heritage listed dwellings and several other heritage listed buildings. The lot is comprised of a total area of 24.3807 hectares. The property is essentially ex grazing land. It is zoned "Rural Residential" under The City of Busselton Local Planning Scheme 21.

The heritage buildings are referred to as Millbrook Farm and Water Mill. The place was classified by the National Trust of Australia (WA) in 1984, it was placed as a Permanent Entry on the Register of Heritage Place in 1999, it was included in the City of Busselton Municipal Inventory as Category 1 and the City of Busselton included both Millbrook Farm and Millbrook Water Mill to its Heritage List in 2014.

The buildings essentially comprise an old timber mill and associated buildings built in the 1920s and 1930s. The MHI describes the mill as an *"example of the original timber milling methods and novel use of gravity fed water as a source of power"*.

The current owner originally purchased the entire current DGP area over 40 years ago and has maintained the heritage buildings and place at his own cost during this period. There has been some commercial activities operate from the site however it has generally remained unused.

In 2005 the current DGP was endorsed which identifies 43 lots in total including Lots 30 and 43 which were subsequently created as one lot, the subject Lot 30. All lots have been created, sold and most have been developed for residential purposes. The original owner maintained ownership of Lot 30.

Further subdivision of Lot 30 in the form proposed by the Structure Plan is essentially based upon lot numbers created to date when compared to the numbers possible via the Commonage Policy Area Consolidated Structure Plan (CPACSP) and the community benefits of such a proposal, to be discussed later in this report.

#### Summary of Key Statistics

Item	Data
Total area covered by the Structure Plan	24.3807ha
Number of Lots	9

# TABLE OF CONTENTS

## EXECUTIVE SUMMARY

## TABLE OF CONTENTS

<b>PART ONE – IMPLEMENTATION</b>	<b>1</b>
<b>1.1 Structure Plan Area</b>	<b>2</b>
<b>1.2 Operation</b>	<b>2</b>
<b>1.3 Subdivision and Development Requirements</b>	<b>2</b>
<b>PART TWO: EXPLANATORY REPORT</b>	<b>5</b>
<b>PLANNING BACKGROUND</b>	<b>6</b>
<b>1.1 Introduction and Purpose</b>	<b>6</b>
<b>1.2 Land Description</b>	<b>6</b>
<b>1.2.1 Location</b>	<b>6</b>
<b>1.2.2 Area and land use</b>	<b>6</b>
<b>1.2.3 Legal description and ownership</b>	<b>6</b>
<b>1.3 Planning Framework</b>	<b>6</b>
<b>1.3.1 Local Planning Scheme 21</b>	<b>6</b>
<b>1.3.2 Planning Strategies</b>	<b>8</b>
<b>1.3.3 Planning Policies</b>	<b>9</b>
<b>1.3.4 Other approvals decisions</b>	<b>11</b>
<b>1.3.5 Pre-lodgement consultation</b>	<b>11</b>
<b>1.4 Site Conditions and Constraints</b>	<b>12</b>
<b>1.4.1 Biodiversity and natural assets</b>	<b>12</b>
<b>1.4.2 Landform, soils and groundwater/surface water</b>	<b>12</b>
<b>1.4.3 Bushfire hazard</b>	<b>12</b>
<b>1.4.4 Heritage</b>	<b>12</b>
<b>1.5 Other considerations</b>	<b>13</b>

**TABLES**

**Table of Amendments**

**Summary of Key Statistics**

**FIGURES**

**Figure 1 – Structure Plan**

**APPENDICES**

**Appendix One – Certificate of Title**

**Appendix Two – Bushfire Management Plan (Prepared by Emerge Associates)**

**Appendix Three – Current Endorsed Development Guide Plan which includes Lot 30 Millbrook Road, Yallingup**

**Appendix Four – Heritage Assessment (Prepared By Judith Murray – Heritage Consultant)**

# **PART ONE: IMPLEMENTATION**

## 1.1 Structure Plan Area

This Structure Plan proposes modification to the currently endorsed DGP which included original Lots 1 and 114 Millbrook Road, Yallingup. Although the main purpose of the Structure Plan is to provide for further subdivision of Lot 30 it will also provide an opportunity to rationalise the current DGP to reflect existing subdivision and development and to comply with current town planning statutory positions. The Structure Plan is at Figure 1.

## 1.2 Operation

The Structure Plan comes into effect on the date it is approved by the Western Australian Planning Commission.

## 1.3 Subdivision and Development Requirements

The subject land forms part of a DGP endorsed in 2005 which identifies 43 rural residential lots ranging in size from 1 hectare to 14.9 hectares. Lots identified as Lots 30 and 43 on the DGP were subsequently created as one lot, the subject Lot 30.

As mentioned, all lots identified in the DGP have been created, sold and most have been developed. It is now the intention of the owner of Lot 30 to further subdivide Lot 30 and this is the main purpose of revising the endorsed DGP in the form identified in the attached Structure Plan.

The proposed Structure Plan identifies 9 Lots in total within current Lot 30. They range in size from 1.02 hectares in to 10.8 hectares. A new road is proposed to provide vehicular access to several lots via Millbrook Road. There is also an existing emergency fire access easement that will be modified slightly to connecting the new road with Dress Circle.

Proposed Lots 4 and 5 will each contain one of the two existing dwellings. The current owner resides in the dwelling situated with proposed Lot 5. Proposed Lot 5 is also intended to include two existing dams to the north-east. These dams provide a water supply to the subject dwelling and grounds.

Proposed Lots 7 and 9 are essentially isolated pockets of the current Lot 30 that lend themselves for creation into two individual lots.

Proposed Lot 8 contains the heritage listed mill, associated buildings and a large dam. The additional uses being considered by the associated Amendment 45 will now be restricted to proposed Lot 8 rather than potentially across the entire Lot 30 which is considered a good planning outcome, including in relation to assisting in protecting the amenity of existing residents.

For instance, the current DGP and associated Millbrook Farm Development Plan identify the potential for 4 chalets within proposed Lot 9 as identified on the new Structure Plan and 6 chalets within proposed Lot 7. Moving these essentially commercial type uses away from existing residents and concentrating them into the one larger lot and closer to the heritage buildings is considered a good town planning outcome.

Assessment of bushfire requirements has formed part of the preparation of this Structure Plan. Emerge Associates has prepared a bushfire management plan (BMP) (see attached).

The Emerge Associates report confirms that it is not required nor intended to retrofit the entire Structure Plan area and as such the BMP mainly involves Lot 30, the portion of land intended for further subdivision.

One of the requirements of this BMP is that a fire fighting water tank be provided with a capacity of 50,000 litres. This tank will potentially be placed within the Millbrook Road reserve adjacent to an existing stand pipe which was provided as part of the initial subdivision of the land. The exact location is to be determined at any future subdivision stage.

The BMP confirms that the Structure Plan is compliant with current standards.

With this Structure Plan, a development exclusion area has been introduced on all proposed lots within Lot 30 rather than building envelopes as was previously the preferred method.

This development exclusion area has been developed by Emerge Associates as not only is it for protection of vegetation but it is also to establish a setback line for development from the vegetation in relation to fire compliance.

In relation to land outside Lot 30, it is intended that the already endorsed building envelopes remain as these lots are in multiple ownership and most of these lots have been already developed consistent with the endorsed building envelopes. An existing restrictive covenant refers to all development being restricted to the endorsed building envelopes and a plan attached to the covenant identifies the building envelopes.

This Structure Plan will provide a higher level of vegetation protection than that provided by the existing DGP in relation to Lot 30. For instance, the portion of Lot 30 nearest Wildbrook Place will now form part of proposed Lot 8 rather than potentially be developed for 6 chalets. The very good quality vegetation on this land will therefore be maintained. This will be the same situation with proposed Lots 7 (potentially 6 chalets) and proposed Lot 9 (potentially 4 chalets).

Another community benefit is the fact that these tourist/commercial type facilities will be moved further from residents and closer to the heritage buildings within proposed Lot 8, therefore improving the amenity of those residents.

Any heritage features will be protected via existing listings and via any future potential development application process.

The endorsed DGP contains a number of planning policy statements which are no longer placed on Structure Plans but are included within Structure Plan report document.

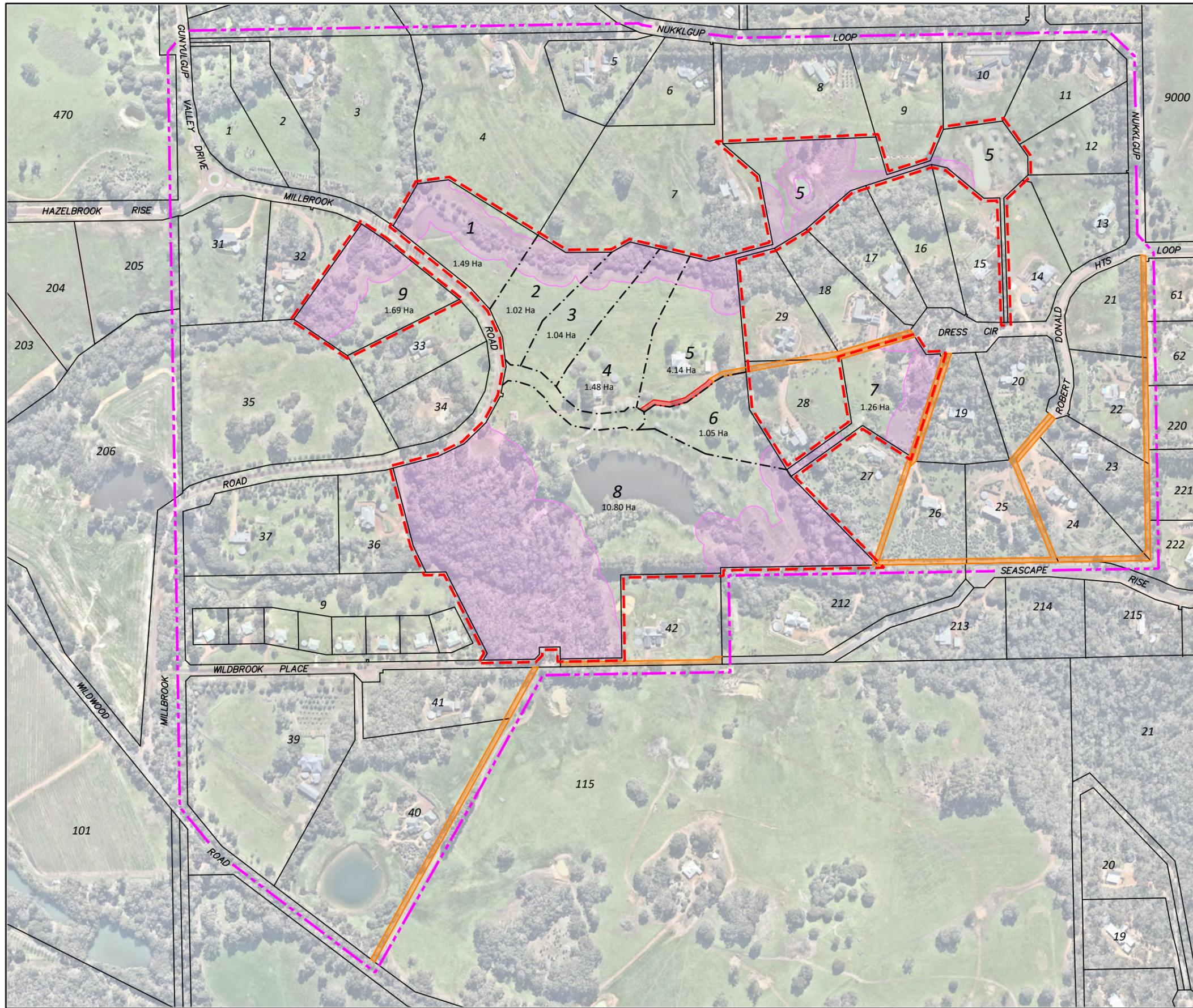
DGP includes many superfluous statements as most of the area has been developed and therefore a number of the requirements have been satisfied (i.e. creation of easements, preparation and implementation of a revegetation plan), various matters specifically referring

to Lots 30 and 43 which are no longer applicable and matters that can be included as conditions of any subsequent subdivision approval process.

The Structure Plan requirements have therefore been reviewed and set out as follows:

1. Subdivision shall be generally in accordance with this Structure Plan.
2. No further subdivision of lots identified on the approved Structure Plan Map shall be allowed.
3. As a condition of subdivision, unless acceptable alternative arrangements are made, a pedestrian access way shall be provided between the end of the proposed new cul de sac and the eastern boundary of existing Lot 30, and that access way shall be placed between proposed Lots 5 and 6.
4. As a condition of subdivision and prior to subdivisional works, a Drainage/Stormwater Management Plan is to be prepared to the satisfaction of Local Government.
5. As a condition of subdivision, an "Interpretation Plan" specific to proposed Lot 8, and an "Archaeological Management Plan", the later prepared by an appropriately qualified and experienced archaeologist, will be required to be submitted to the satisfaction of the Department of Planning, Lands and Heritage.
6. No development, fencing or clearing of may take place in a Building Exclusion Area (BEA) except:
  - for the construction and maintenance of a Local Government approved access way or firebreak; or
  - where Development Approval for fencing or associated clearing has been obtained from the Local Government.
7. In considering any Development Applications, there will be a general presumption against supporting works within the "Building Exclusion Areas".

DATE PLOTTED: 26 February, 2021 - 3:44pm



Revision	Date	Description
E	25.02.2021	Submission Issue
D	26.11.2019	Preliminary - Issued for Information
C	25.11.2019	Preliminary - Issued for Information
B	22.09.2019	Preliminary - Issued for Information
A	27.08.2019	Preliminary - Issued for Information

- LEGEND :**
- - - - - Overall Structure Plan Area
  - - - - - Area Subject to Re-Subdivision
  - - - - - Proposed Lot Boundary
  - — — — — Existing Emergency Access Way
  - — — — — Pedestrian Access Way (PAW)
  - Building Exclusion Area

**Development Summary :**  
( Overall Structure Plan Area )

Total Site Area : 99 Ha  
 Total Number of Lots : 50  
 Overall Density : 1 Lot / 1.98 ha  
 Minimum Lot Size : 1.02 Ha  
 Maximum Lot Size : 10.80 Ha

**Development Summary :**  
( Area Subject to Re-Subdivision )

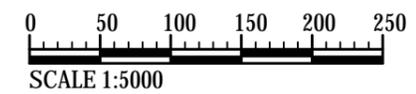
Total Site Area : 24.38 Ha  
 Total Number of Lots : 9  
 Overall Density : 1 Lot / 2.7 ha  
 Minimum Lot Size : 1.02 Ha  
 Maximum Lot Size : 10.80 Ha

**NOTES :**

- Base Cadastre has been compiled from Landgate Information.
- Nearmap Aerial dated 18/08/2018
- Boundaries, areas and dimensions are subject to final survey.

: CLIENT  
 1 : 5000 : SCALE  
 25.02.2021 : DATE  
 201907-SP-01 : PLAN No  
 E : REVISION  
 T. Koroveschi : PLANNER  
 Civil Graphix : DRAWN


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**MILLBROOK FARM STRUCTURE PLAN - MILLBROOK ROAD, YALLINGUP**

## **PART TWO: EXPLANATORY REPORT**

# 1 PLANNING BACKGROUND

## 1.1 Introduction and Purpose

This Structure Plan has been prepared in accordance with the obligations set out under Part 4 – Structure Plans of Schedule 2 – Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

## 1.2 Land Description

### 1.2.1 Location

The Structure Plan area originally comprised Lots 1 and 114 Millbrook Road, Yallingup. The land was subsequently subdivided and sold with the subdivider maintaining ownership of Lot 30.

### 1.2.2 Area and land use

Lot 30 currently contains two dwellings, one being the owner's dwelling, several other heritage listed buildings and a several dams. The land is ex grazing land but it has not been used for this purpose for many years. There is also some excellent natural vegetation on the land. The land area is 24.3807 hectares.

### 1.2.3 Legal description and ownership

The overall area of the Structure Plan is now in multiple ownership. Given that any further subdivision potential in this case relates to Lot 30, a Certificate of Title for only Lot 30 is included at Appendix One.

## 1.3 Planning Framework

### 1.3.1 Local Planning Scheme 21

Applicable sections of LPS 21 as they relate to the proposed Structure Plan are discussed below.

Part 3 – Zones identifies the various zones of LPS 21. The subject area is zoned "Rural Residential" under LPS 21.

The objectives of the "Rural Residential" zone read as follows:

- "a. To provide for lots primarily for residential purposes generally in the range of 1 ha to 4 ha.*
- b. To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.*

*c. To set aside areas for retention of vegetation and landform or other features which distinguish the land.”*

In relation to objective a, all proposed lots comply with the 1-4 hectare range except for proposed Lot 8. Proposed Lot 8 is larger as it accommodates most of the heritage buildings, a large dam, a significant amount of remnant vegetation and it is the site that is intended to accommodate potential tourist/commercial uses.

In relation to objective b, most of the additional uses proposed via Special Provision 71 are uses available via the current Additional Use 52, the endorsed DGP and the Millbrook Development Plan. However, they are now proposed closer to the main heritage buildings and further away from existing residents.

Amendment 45 will also now restrict further the amount of additional tourist/commercial development by imposing a maximum additional floor space figure of 2,500 m<sup>2</sup> NLA. As a comparison, the current DGP allows for, inter alia, up to 34 chalets. At 150 m<sup>2</sup> per chalet this would represent a total floor space of 5,100 m<sup>2</sup>, excluding other potential uses which currently have no floor space controls.

Therefore, the Structure Plan is consistent with the general intent of objective b in relation to protecting amenity and protecting conservation and landscape values of the land.

In relation to objective c, as part of subdivision of the existing DGP, areas of vegetation were planted to assist in providing vegetation linkages. The new Structure Plan proposes a development exclusion area within proposed Lot 30 to protect vegetation and for fire control.

Significant vegetation will also be further protected within proposed Lot 8 as the area is designated a Landscape Value Area under LPS 21 (Clause 5.4) where removal of remnant vegetation is discouraged.

LPS 21 contains Table 1 – Zoning Table. As discussed, the separate but associated Amendment 45 is proposing to carry over a number of uses not normally permitted under the “Rural Residential” zoning of the subject land under Table 1, rationalise some uses and introduce others. This will be achieved by deleting the current Additional Use 52 and replacing it with Special Provision 71.

Clause 5.3 of LPS 21 deals with Special Provision Areas and reads as follows:

*“5.3 Special Provision Area*

*5.3.1 Notwithstanding any other provisions of the Scheme, use and development of land identified on the Scheme map within a Special Provision area and specified in Schedule 3, shall be subject to those provisions listed within Schedule 3 specific to the land in addition to any provisions which are generally more applicable to such land under the Scheme.”*

Clause 5.12 of LPS21 relates to development contribution areas and reads as follows:

*“The purpose of having development contribution areas is to –*

*(a) provide for equitable sharing of the costs of infrastructure and administrative costs between owners;*

*(b) ensure that cost contributions are reasonably required as a result of the subdivision and development of land in the development contribution area;*

*(c) coordinate the timely provision of infrastructure.”*

The subject site is within the LPS21 Development Contribution Plan Area (DCA 1) – ‘Rural Remainder’. The policy was originally gazetted in 2013 and carried over into the existing Planning Scheme. In accordance with Local Planning Policy 6 - *Development Contribution Policy* (2010), the subject land will require a “per lot/unit monetary contribution” for local and district level community facilities.

This contribution is imposed as a condition of planning consent (paid prior to issue of an associated building licence) or as a condition of subdivision approval (paid at the time of clearance of conditions). Appropriate conditions in this regard will be imposed at any such future relevant stage(s).

There are other clauses in LPS 21 that apply to the “Rural Residential” zone however such requirements are more applicable to actual development rather than this Structure Plan process.

### **1.3.2 Planning Strategies**

#### ***City of Busselton Local Rural Planning Strategy.***

This Strategy was endorsed in 2006 and the subject land is located within the Precinct 6 – Commonage under the Strategy. Precinct 6 comprises the existing Commonage Rural Residential Policy Area south of Dunsborough and north of Wildwood Road which will be discussed later in this report.

The Precinct vision reads as follows:

*“- Consolidate rural residential land use and provide for diversification in small scale and low-key tourist, rural and home based activities in a manner that sustains the existing natural environment, landscape values and residential amenity of the area with well-developed pedestrian and habitat biodiversity links.*

*- Promote the retention of rural amenity and appropriately scaled rural land uses where compatible with rural residential amenity.”*

It is considered that the subject Structure Plan achieves this vision more so than the existing DGP for reasons essentially already explained, including that it consolidates the potential tourist/commercial activities within a much smaller portion of current Lot 30 (proposed Lot 8)

which is closer to the main heritage features of the land and generally further way from residents. The natural environment is also protected by removing potential development (i.e. chalets) from heavily vegetated areas and therefore protecting habitat biodiversity links.

Part 7.6.8 of the Strategy refers to subdivision criteria within Precinct 6. Relevant points read as follows:

*“- Rural residential subdivision is limited to existing Rural Residential zones and is to be in accordance with adopted Structure and Development Guide Plans (including the Commonage Policy Area Consolidated Structure Plan).*

*- In accordance with the LNRSPP.”*

The proposed Structure Plan is generally consistent with the Commonage Policy Area Structure Plan and the Leeuwin Naturaliste Ridge Statement of Planning Policy with these matters being expanded upon later in this report.

### ***City of Busselton Draft Local Planning Strategy***

At the time of preparing this report the Local Planning Strategy (LPS) was still in draft form.

The LPS does identify the opportunity for further subdivision of existing rural residential land within the Commonage area however the opportunity it provides is not required in this case for reasons explained in this report in relation to the CPACSP and the community benefits of the proposal.

### **1.3.3 Planning Policies**

#### ***State Planning Policy 3.7 Planning in Bushfire Prone Areas***

This policy document directs how land use should address bushfire risk management in Western Australia. It applies to all land which has been designated bushfire prone by the Fire and Emergency Services Commissioner as highlighted on the Map of Bushfire Prone Areas. The subject land is identified as bushfire prone and in accordance with this policy a bushfire management plan has been prepared by Emerge Associates as part of the Structure Plan process confirming compliance.

#### ***Commonage Policy Area Consolidated Structure Plan***

This document provides guidance in relation to land use and development (including subdivision) within the Commonage (Rural Residential) Policy area within which the subject land is located.

The land is situated within Precinct 4 of the CPACSP which identifies a minimum lot size of 1 hectare and an average of 2 hectares.

The existing DGP is over an area of 99.19 hectares and the DGP identifies 43 lots. Therefore, based upon the average lot size of 2 hectares a total of 49.59 lots is possible.

Under the current DGP, two of the 43 lots (Lots 30 and 43) are situated over the area of land which is now Lot 30. Therefore, outside of Lot 30, 41 lots exist. It is proposed to subdivide Lot

30 into 9 lots bringing the total number of lots up to 50. This creates an average lot size 1.98 hectares which is slightly under the average of 2 hectares. This is considered acceptable given that it is a minor variation and because of the community benefits that will result from this new design as discussed below.

It should be noted that a portion of the site is also identified as “Closer Subdivision Units” under the CPACSP and the document suggests lot sizes down to 5,000 m<sup>2</sup> in this case. However, lot sizes of over 1 hectare is considered more in keeping with nearby lot sizes.

Community benefits include:

1. Portion of Lot 30 (proposed Lot 8) near Wildbrook Place as identified on the endorsed DGP and Millbrook Development Plan will no longer have the opportunity of being developed for 6 chalets under the new Structure Plan. This portion of the site contains very good quality remnant vegetation which is now intended to be maintained in its natural form.
2. A significant amount of vegetation will also be preserved within proposed Lots 7 and 9 which have the capacity of accommodating a total of 10 chalets under the current DGP and Millbrook Development Plan. These lots will now only have the capacity of accommodating single dwellings via the proposed Structure Plan.
3. The amenity of existing and proposed residents will be improved significantly by the new Structure Plan by concentrating potential tourist/commercial activities within proposed Lot 8 rather than potentially be spread across the entire existing Lot 30.
4. The bushfire management plan prepared as part of this Structure Plan and to be implemented at any subdivision stage will improve fire control in the immediate vicinity by, inter alia, the introduction of a new road which will allow easier access into and through the site by fire appliances and residents and by the introduction of a 50,000 litre water tank for fire-fighting purposes.
5. Further in relation to improving the amenity of existing and proposed residents is that the lot size of proposed Lot 8 will be 10.8 hectares in area which will limit the amount of tourist/commercial development possible beyond the current Lot 30 lot size of 24 hectares.

The current DGP and associated Millbrook Development Plan identify a total of, inter alia, 34 chalets and generally much closer to existing residential lots. This new Structure plan and the associated Amendment 45 will now restrict additional development to 2,500 NLA and as explained earlier in this report this represents a developable area significantly less than currently possible.

6. The CPACSP identifies vegetation corridors within the subject area. These mainly follow two creek lines that traverse the land. This vegetation will be protected by the introduction of a development exclusion area as part of the subject Structure Plan.
7. Policy Statement 2 on the current DGP allows for recreation agriculture including viticulture within Lot 30. This policy statement is removed via this Structure Plan process and therefore the land will no longer be able to potentially be utilised for intensive agriculture (i.e. viticulture)

which will be of benefit to nearby residents in relation to protection of amenity and by avoiding any potential related health issues (i.e. by the use of chemicals).

Also, viticulture now fits the definition of Agriculture – Intensive under LPS 21 which is not permitted under the “Rural Residential” zoning of the land.

### ***Leeuwin-Naturaliste Ridge Statement of Planning Policy***

This document was mentioned earlier in this report when discussing the City of Busselton Local Rural Planning Strategy in that any rural residential subdivision needs to be in compliance with this document.

Under this document, the subject land is identified as Rural Residential and the specific area is referred to as Commonage.

Policy LUS 1.25 has relevance and reads as follows:

*“LUS 1.25 Subdivision and development design that facilitates better use of land already committed for Rural Residential development will be encouraged. Assessment of proposals will address the following criteria:*

- provision for clustered settlement;*
- provision of community-based activities and services;*
- provision for walking, cycling and possible future transport;*
- opportunities for local enterprise development such as limited small scale tourism development, including accommodation, attractions and cottage industries; and*
- suitability for small-scale intensive agriculture.”*

Again, the subject Structure Plan/subdivision design for Lot 30 facilitates limitations on the amount and spread of potential tourist/commercial activities to a more confined area and generally away from residents which will improve the amenity of those residents, it provides greater protection for remnant vegetation, it improves fire control and it allows better circulation through the immediate area by the introduction of a new road.

Clustered development and intensive agriculture is not intended in this case for reasons already provided.

The Structure Plan therefore complies with this policy position.

### **1.3.4 Other approvals and decisions**

As stated, Amendment 45 to LPS21 has been prepared to run concurrent with this Structure Plan process to review current Additional Use 52 and to reflect the new Structure Plan.

### **1.3.5 Pre lodgement consultation**

Pre lodgement consultation occurred with City of Busselton staff and the Heritage Council of WA prior to preparation of the subject Structure Plan and associated Amendment 45.

The City of Busselton provided initial advice acknowledging that there is planning merit in progressing this application based upon investigations but that it be presented in the context of reviewing the existing Development Guide Plan. Further discussions also occurred prior to finalising and submitting the application.

Preliminary discussions also occurred with the Heritage Council of WA regarding the proposal and in particular the fact that heritage components will end up on three separate lots the (proposed Lots 4, 5 and 8) as part of the revised Structure Plan, although mainly within proposed Lot 8. The Heritage Council did not raise any issues that would prevent moving forward with the application.

The Heritage Council advised that that as the application will contain an assessment from a heritage consultant and based on what is being proposed that it did not require any preliminary assessment but would provide any comment at any formal advertising/referral stage.

Judith Murray Cultural Heritage & History has viewed the Structure Plan in relation to the heritage values of the site and has prepared an assessment in this regard (see attached). It is confirmed by this assessment that the Structure Plan will have no adverse effects on the heritage values of the property.

## **1.4 Site Conditions and Constraints**

### **1.4.1 Biodiversity and natural assets**

The portion of the subject land with the highest level of biodiversity and natural assets is contained within portion of proposed Lot 8 closest to Wildbrook Place. This area contains high quality natural vegetation with an excellent tree canopy and understorey. As stated, this area is identified for 6 chalets under the endorsed DGP and Millbrook Development Pan however it is intended to remain in its natural state via this new Structure Plan process.

Other areas of biodiversity value will be protected by the introduction of a development exclusion area.

### **1.4.2 Landform, soils and ground water/surface water**

The subject land is undulating, has two creek lines, several dams, it contains stands of remnant and planted vegetation with cleared pasture areas. Apart from the heritage buildings connected with milling the remainder of the property was originally utilised for sheep grazing purposes. The proposed new lots are high land, dry land and therefore easily developable.

### **1.4.3 Bushfire hazard**

As stated, this area is identified as being bushfire prone. A BMP plan has been prepared in this regard confirming compliance with relevant statutory/policy positions.

### **1.4.4 Heritage**

The subject site contains a heritage place and buildings and this matter has been discussed earlier this report.

## **1.5 Other Considerations**

### **1.5.1 Servicing**

This is essentially a rural area and therefore reticulated services are limited.

There is existing Western Power underground power in the area and this service will be extended to the proposed new lots.

Any proposed effluent disposal will need to be via approved on site systems with these details normally resolved at any building licence stage.

Provision of a potable water supply is also a matter controlled at any building licence stage with Clause 4.11 of LPS21 requiring dwellings be provided with a potable tank water supply of a minimum capacity of 135,000 litres with a minimum roof catchment of 150 m<sup>2</sup>.

The BMP requires a water tank with a capacity of 50,000 litres for fire-fighting purposes which will be provided via a condition of any associated subdivision approval process.

**APPENDIX ONE – CERTIFICATE OF TITLE - LOT 30 (70)  
MILLBROOK ROAD, YALLINGUP**

**APPENDIX TWO – BUSHFIRE MANAGEMENT PLAN  
(Prepared by Emerge Associates)**

**APPENDIX THREE – CURRENT ENDORSED  
DEVELOPMENT GUIDE PLAN (Which includes current Lot  
30 Millbrook Road, Yallingup, shown as Lots 30 and 43 on  
the DGP)**

# **APPENDIX FOUR – HERITAGE ASSESSMENT (Prepared By Judith Murray Cultural Heritage & History)**