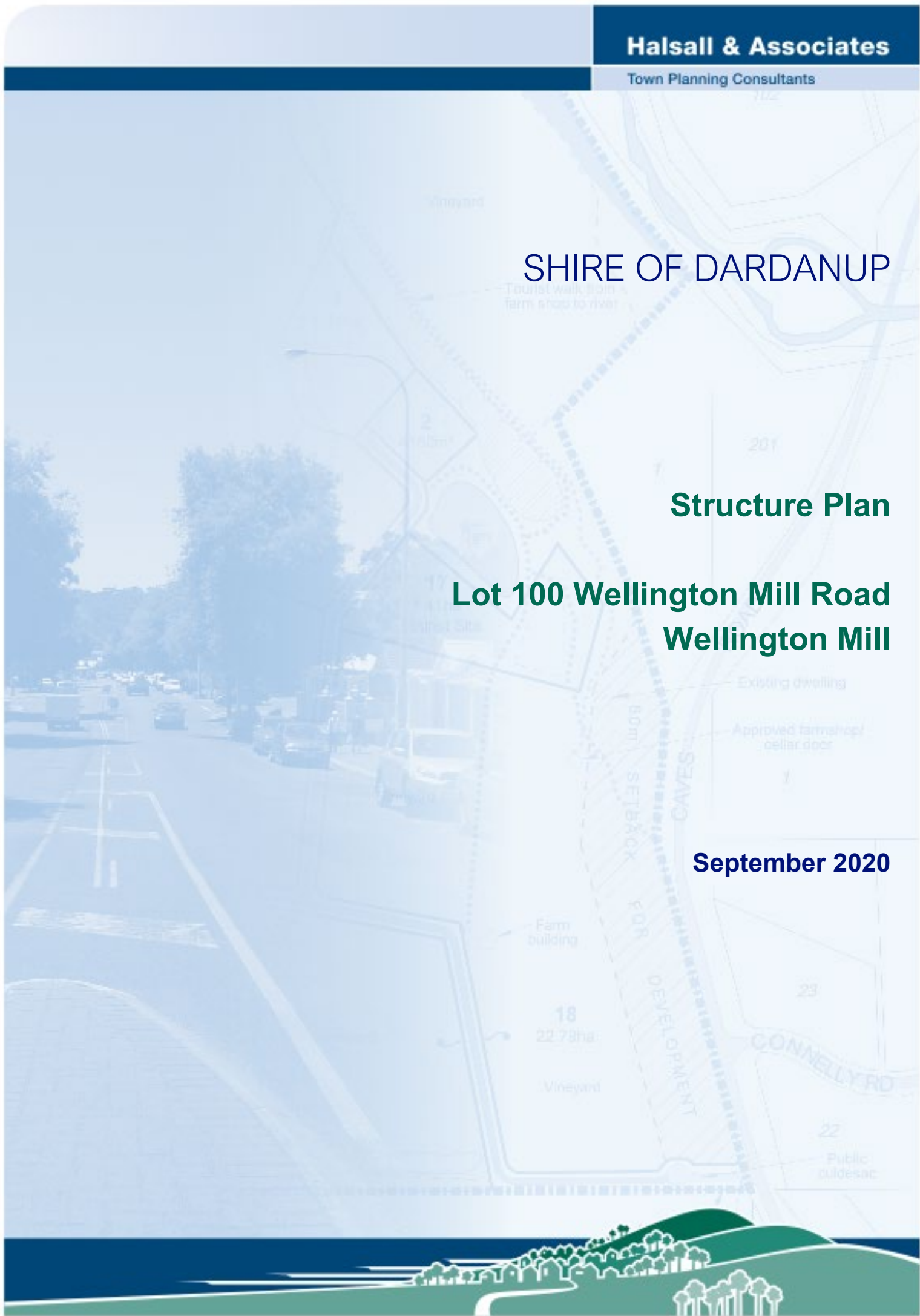


# SHIRE OF DARDANUP

## Structure Plan

### Lot 100 Wellington Mill Road Wellington Mill

**September 2020**



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**Version Control**

Report version	Revision No.	Purpose	H&A Author	Review date by officer	Date
Draft	1	Structure Plan	Andrew Blee		22 July 2016
Final	2	Structure Plan			September 2016
	3	Changes requested by Shire			7 November 2016
	4	Amended			22 September 2018
	5	Modifications as per Schedule of Modifications			13 September 2020
	6	Final modifications for endorsement			25 September 2020
	7	WAPC Modifications completed			9 May 2021

**Approval for Issue**

Name	Signature	Date
Andrew Blee		22/9/2018

This structure plan is prepared under the provisions of the Shire of Dardanup Local Planning Scheme No. 3.

IT IS CERTIFIED THAT THIS STRUCTURE PLAN WAS APPROVED BY RESOLUTION OF THE WESTERN AUSTRALIAN PLANNING COMMISSION ON: **19 JULY 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

\_\_\_\_\_ 20 JULY 2021 Date

\_\_\_\_\_ 19 JULY 2031 Date of Expiry

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Attachment 1 – Structure Plan

## 1.0 INTRODUCTION

Halsall and Associates Town Planning Consultants have been engaged by Russell Harvie to assist with the preparation and lodgement of this Structure Plan which informs proposed Scheme Amendment No. 196 and will guide the future subdivision and development of Lot 100 Wellington Mill Road, Wellington Mill.

The Structure Plan proposes the creation of one (1) small holding lots and a balance agricultural lot. The proposed smallholding lot is 2ha in area.

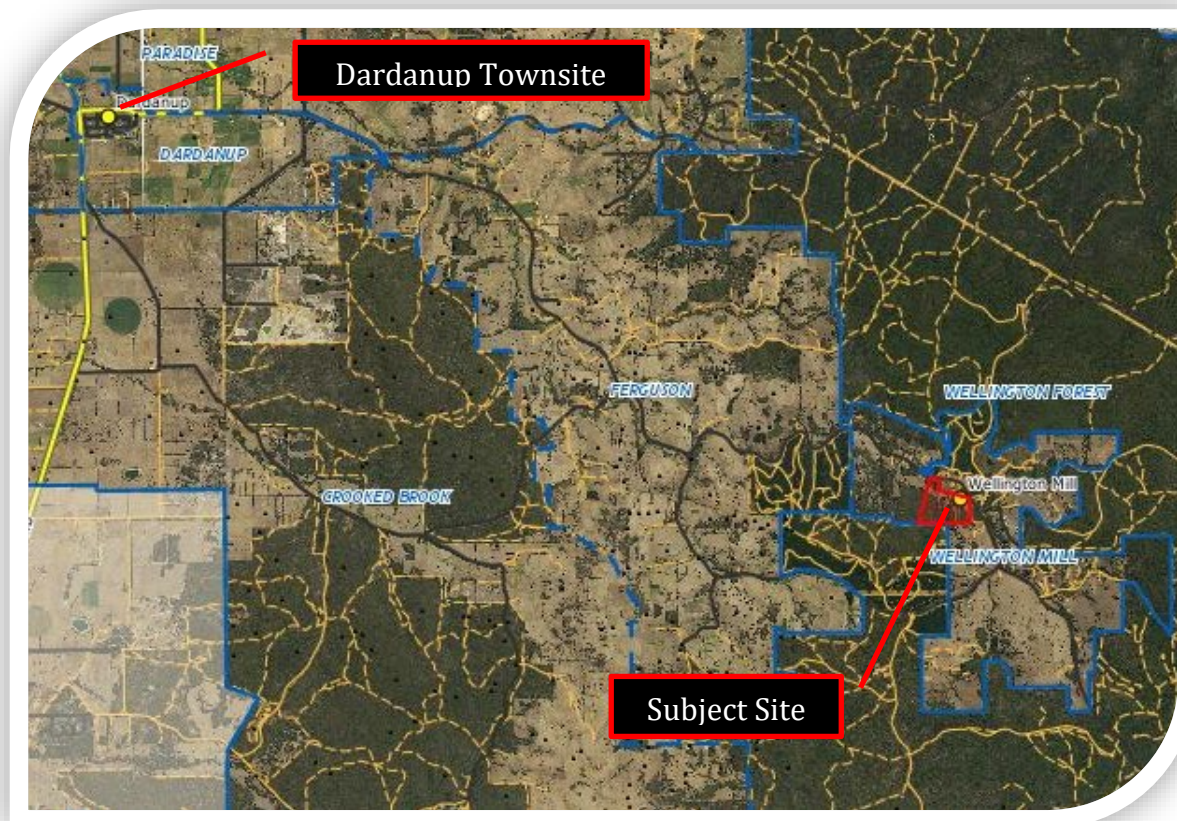
The proposal has been assessed against the relevant planning framework and it is considered that all relevant requirements have been met and therefore approval for the Structure Plan is respectfully requested.

## 2.0 THE SITE

The subject site is identified as Lot 100 Wellington Mill Road, Wellington Mills and is approximately 40.1ha in area. The land is currently zoned 'Rural' under the Scheme. Figure 1 shows the land in the context of the broader area including the Dardanup townsite.

The subject site has frontage to Wellington Mill Road at two separate points. The frontage to the east is currently being increased through a land acquisition process of State Forest 25. The second frontage to the west contains the main driveway to the existing dwelling and outbuildings which are located centrally along the northern boundary of the site.

Figure 1: Location Plan Source



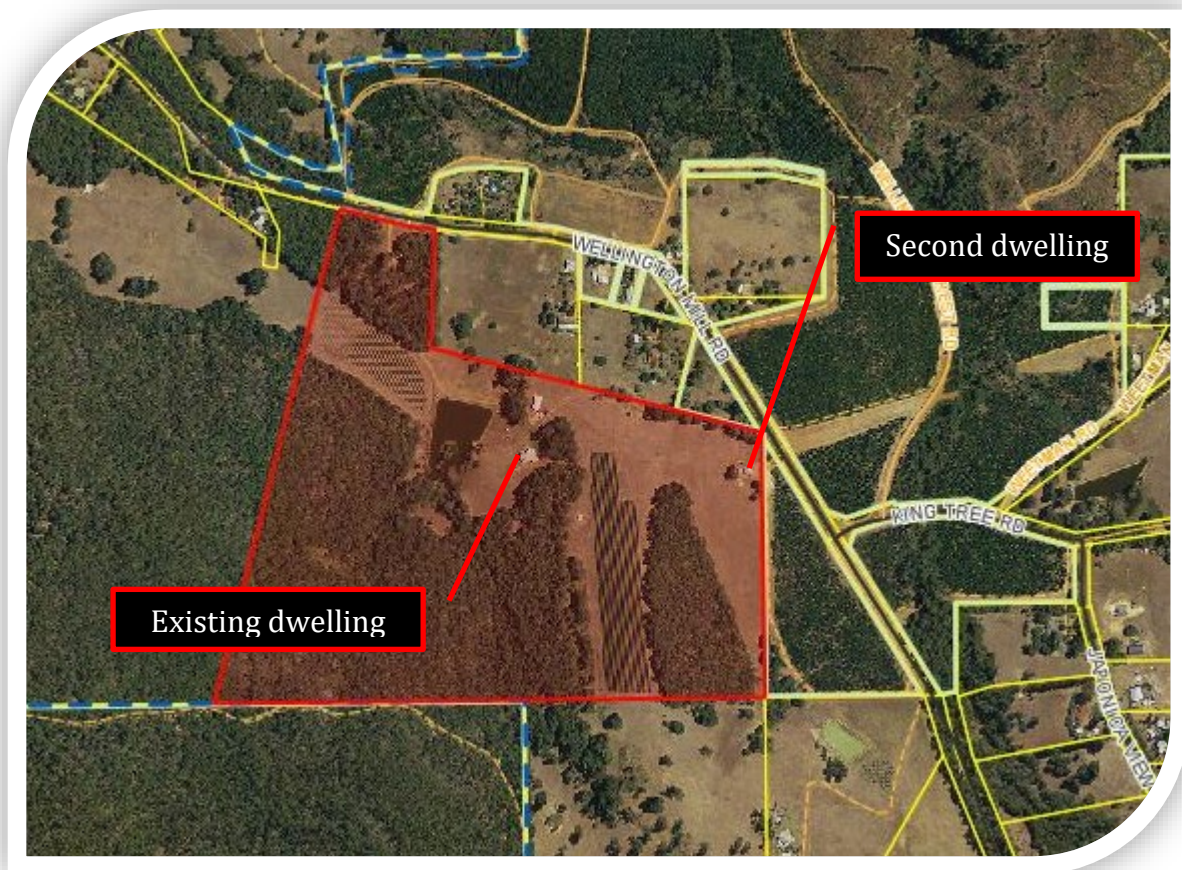
Source: Shire IntraMaps

As mentioned previously there is an existing dwelling and outbuildings located centrally on the lot, there is also a second dwelling located on the eastern boundary and second frontage to Wellington Mill Road. There is a vineyard on the property with vines located to the west and east of the main homestead. A large dam is also located centrally next to the main homestead.

The subject site is located adjacent to farmland to the west and south-east. State Forest adjoins the site to the south and east. There are smaller 'small holding' size lots directly north.

The subject site contains a large amount of native vegetation with the main stand occupying the majority of the south-western portion of the site. A separate stand is located close to the eastern boundary and another in the north western corner fronting Wellington Mill Road. Figure 2 shows the subject site and surrounds.

Figure 2: Site and surrounds



Source: Shire IntraMaps

There are a number of power lines that transverse the eastern portion of the site that provide power to both dwellings and the lot directly adjacent to the north.

The topography of the site is steep with a number of valleys and ridges. The heights vary from approximately 140m AHD to 215m AHD with the existing dwellings constructed at approximately 160m AHD.

### 3.0 THE PROPOSAL

The proposed Structure Plan as shown at Attachment 1 will guide the future subdivision of the land and will supersede the Wellington Mill Structure Plan for the subject site only.

The proposal is to subdivide the land to create one additional lot and the balance agricultural lot.

The power constraints as outlined in the existing Wellington Mill Structure Plan are acknowledged. However, given that all development is existing and no new development is proposed as part of this proposal, it would not be fair and reasonable to require any changes to existing power arrangement. Any such changes would render the proposal unviable.



## 4.0 PLANNING CONTEXT

### 4.1 Deemed Provisions

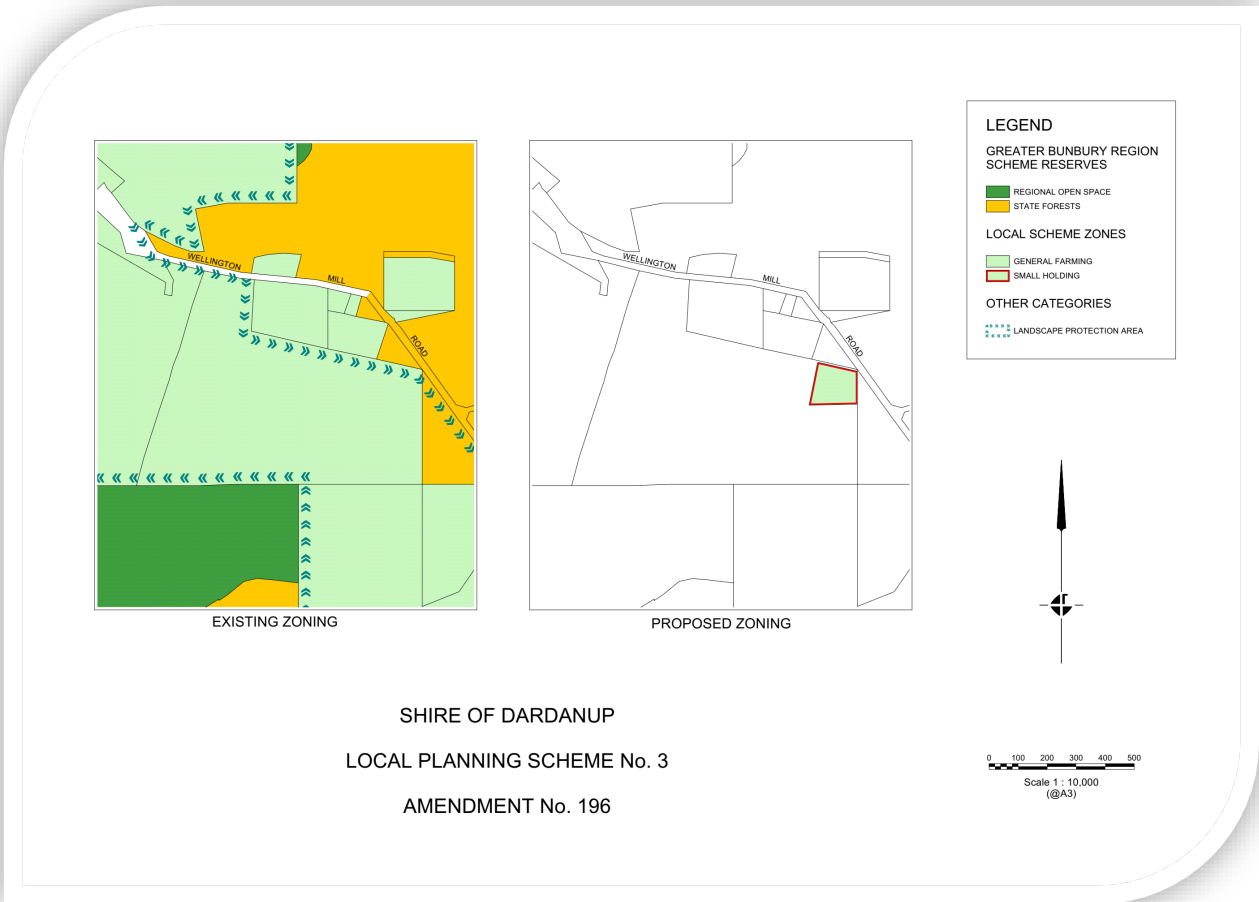
The deemed provisions set out the requirements that are required to be addressed as part of the assessment and approval of a proposed Structure Plan. These include:

- i. the key attributes and constraints of the area covered by the plan including the natural environment, landform and the topography of the area;
- ii. the planning context for the area covered by the plan and the neighbourhood and region within which the area is located;
- iii. any major land uses, zoning or reserves proposed by the plan;
- iv. estimates of the future number of lots in the area covered by the plan and the extent to which the plan provides for dwellings, retail floor space or other land uses;
- v. the population impacts that are expected to result from the implementation of the plan;
- vi. the extent to which the plan provides for the coordination of key transport and other infrastructure;
- vii. the proposed staging of the subdivision or development covered by the plan.

It is considered that the relevant elements above have been addressed in this report.

### 4.2 Proposed Scheme Amendment No. 196

This Structure Plan informs proposed Scheme Amendment No. 196 which will zone a portion of the subject site to 'Small Holding' as shown on the following zoning map which compares the existing and proposed zoning.



Once the rezoning is approved by the Minister and Gazetted it will facilitate the subdivision of the land in accordance with this Structure Plan.

### 4.3 Town Planning Scheme No. 3

Clauses 3.14.1 and 3.14.2 have been reviewed and where relevant have helped shape the proposed Structure Plan. They state as follows:

- “3.14.1      *The following provisions shall apply within Small Holding Zones:*
- (a)      *So far as is practicable, the rural character of the area shall be maintained and native trees shall be retained.*

- (b) Residential development shall in the case of a separate lot of less than 2ha, be limited to a single house only. For a separate lot of 2ha or larger, Council may approve not more than two grouped dwellings.
- (c) No dwelling shall be constructed unless it is connected to the water mains but the Council may relax this requirement if it is satisfied that there is a supply of potable water available on the site either in the form of a rain water storage tank of not less than 92,000 litres or a bore from which an adequate quantity of potable water can be obtained.
- (d) No dwelling shall be constructed within 20 metres of the front lot boundary provided that where it can be established to the satisfaction of the Council that due to the topography the shape of the lot or the existing vegetation, this requirement is unreasonable or undesirable the Council may at its discretion vary the requirement, provided such variation does not permit a setback of less than 10 metres.
- (e) No building shall be constructed within this zone of materials the colour or texture of which, in the opinion of Council, is undesirable for the locality.
- (f) Commercial pig farming, commercial poultry farming and feed lot farming shall not be permitted. The keeping of more than one pig for domestic or hobby purposes on a lot within a Small Holding Zone shall not be permitted without the special approval of Council.
- (g) After the initial subdivision of the land within the Small Holding Zone, the Council will not recommend further subdivision of the lots created.
- (h) No person shall display or permit to be displayed a sign hoarding or billboard other than one not exceeding 0.2m<sup>2</sup> in area advertising the activity conducted on the site.
- (i) Where lots below 8,000 square metres in area are to be used for the keeping of a horse or horses, then that use shall be limited to the keeping of horses for the personal use and enjoyment of the lot owner.
- (j) If there exists a building envelope for a lot, no person shall construct a dwelling outside the building envelope. Council may approve the location of outbuildings outside the building envelope provided that no loss of trees will result and Council is satisfied that the specific proposal is consistent with the general objectives of the special rural area and a reduction in amenity will not result.

- (k) *The erection of second hand buildings or the use of used building materials for external walls and roofs shall not be permitted without the special approval of the Council.*
- (l) *No person shall allow derelict outbuildings, car bodies, machinery, boats, caravans or other accumulations of rubbish to remain on a lot.*
- (m) *The use of asbestos, metal sheeting, barbed wire or wooden pickets as boundary fencing materials will not be permitted.*
- (n) *The position of the crossover between the road and the lot and the driveway to the house shall require the approval of the Council.*
- (o) *The entry gate on the road frontage of the lot shall be of a standard approved by the Council.*
- (p) *No person shall keep any mature male goat on any lot unless specific approval has been granted by the Council, with or without conditions.*
- (q) *Where, in the opinion of Council, excessive livestock number of a lot are causing environmental damage or nuisance, it may take appropriate action to eliminate or reduce the effects and recover the costs of such action from the registered proprietor of the lot.*
- (r) *A person shall not without the prior approval of Council damage, fell or remove a tree; except -*
  - (a) *A tree that is dead or is diseased and likely to die;*
  - (b) *For the purpose of clearing of a fire break;*
  - (c) *A tree contained within a building envelope or other approved location for a building which in the opinion of the Council would unreasonably obstruct or interfere with the erection of a dwelling, house or on outbuilding. AMD 183 GG 25/11/13*
- (s) *Council may permit an amendment to the position or size of a building envelope if it is shown to the satisfaction of Council at the time of application for planning approval that a proposed relocation is desirable or necessary and having regard to the criteria set out in clause 7.6.2 and shall not exceed 10% of any lot area.*

*3.14.2 The additional requirements and modifications to the provisions contained in the preceding clause and to the Zoning and Development Tables are specified in Appendix VIII and apply to the areas set against those requirements and modification in that Appendix.”*

The above provisions are relevant to both the subdivision and development of the proposed area subject to rezoning to 'Small Holding'. These provisions have been carefully reviewed and have been used to develop the proposed Structure Plan. In addition to these clauses and as allowed for in Clause 3.14.2 above, additional provisions specific to this are proposed to be inserted into Appendix VIII as outlined in Section 3 above. This ensures that the proposal is fully compliant with the Scheme provisions relating to the 'Small Holding' zone.

The balance lot will remain in the 'General Farming' zone. The objectives of this zone are:

- *“To provide for a wide variety of productive farming activities, ranging from broadacre grazing to horticulture, which are compatible with the capability of the land and retain the rural character and amenity of the locality.*
- *To protect areas of significant agricultural value, particularly those in irrigation districts, from conflicting land uses.*
- *To facilitate low-key tourist development where it is incidental to the use of the land for farming purposes and where land use conflict can be minimised.”*

The proposed lot is heavily constrained from an agricultural perspective. There are some existing vineyards that are proposed to be accommodated into the new 'Small Holding' lots as these were the areas identified for rezoning under the Strategy and relevant Structure Plans. The remaining portions of land contain significant stands of native vegetation, the existing house and outbuildings and the substantial dam.

Despite the constraints, it is considered that the proposed balance lot still meets the objectives above. The first objective discusses agricultural land uses that are compatible with the capability of the land. It is considered that the land has minimal capability based on the vegetation and topography and therefore there is a limited range of viable uses that could be considered regardless.

The second objective refers to protecting significant agricultural land. The point above demonstrates that the site is not significant. This is further justified by the Shire identifying the land for small holding development.

Point three is irrelevant to this proposal.

The subject site is also located within a Landscape Protection Area under Clause 5.2 of the Scheme. Under this Clause the following should be considered when proposing a rezoning:

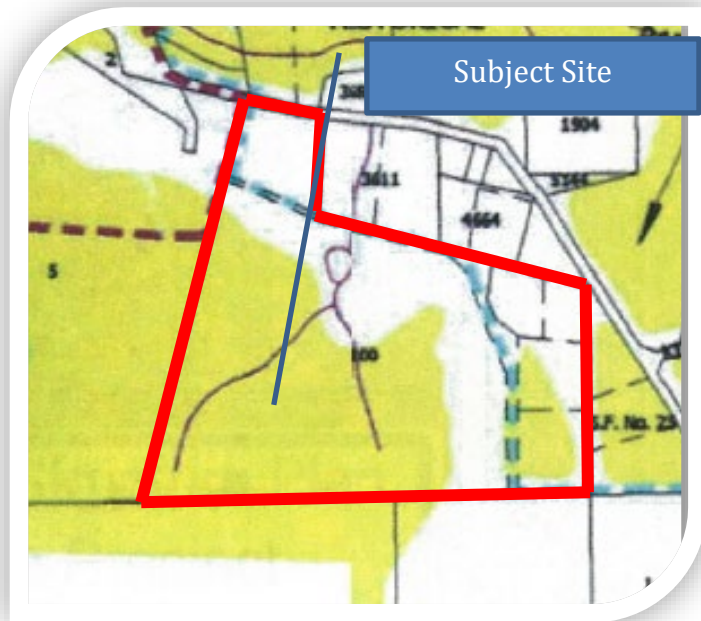
- a) *The areas included within Landscape Protection Areas are considered to be areas of significant landscape beauty.*
- b) *Buildings and associated services should be regarded as being secondary to the natural features of the area and should not usually be permitted in visually exposed areas.*
- c) *Buildings should be set back at least one hundred metres from public roads except where the natural vegetation is such that buildings sited closer to a road will be screened by natural vegetation or dense planting of native vegetation.*
- d) *Farm outbuildings should where possible be clustered with the farm house and other outbuildings.*
- e) *Subdivision proposals should reflect the high quality rural landscape of the area and lots less than four hectares in area and with less than a one hundred metre frontage to a road should not be permitted.*
- f) *Subdivision necessitating new road construction of a nature that would involve cut and fill earthworks or the removal of trees should not be permitted.*
- g) *Small holding subdivision and development should not be permitted.*
- h) *Where subdivision is not only a minor boundary adjustment, important landscape features such as watercourses wetlands, hilltops and areas on which tree-lines are situated, and major rock outcrops should be vested in the Crown as a condition of subdivision.*

It would appear that the provisions above are somewhat contradicting to the land being identified for small holding development by the Shire. It is noted that only due regard is required when considering each requirement and given that all development is existing there will be no impact on the landscape value.

#### 4.4 Wellington Mill Structure Plan

The existing Wellington Mill Structure Plan (the Plan) was endorsed by the WAPC in August 2007 and sets a number of parameters for the subject land. The Plan identifies the subject site to be subdivided into 6 lots including the balance agricultural land as shown on the extract in Figure 4 below.

Figure 4: Structure Plan Extract



The Plan identifies the following issues that are relevant to this proposal:

- a) Limited power capacity;
- b) Indicative subdivision layout;
- c) Building envelopes and land capability;
- d) Bushfire Management; and
- e) Managing potential land-use conflict.

The Wellington Mill Structure Plan has been used as the basis for the preparation of the proposed Structure Plan and has informed the location of proposed Lot 1. The broad issues above have been addressed in a more site specific context on the proposed Structure Plan.

## 5.0 OTHER CONSIDERATIONS

### 5.1 Population

The proposed Structure Plan has a total lot yield of 2 lots. Given that the property contains 2 existing dwellings, there will be no population increase as part of this proposal.





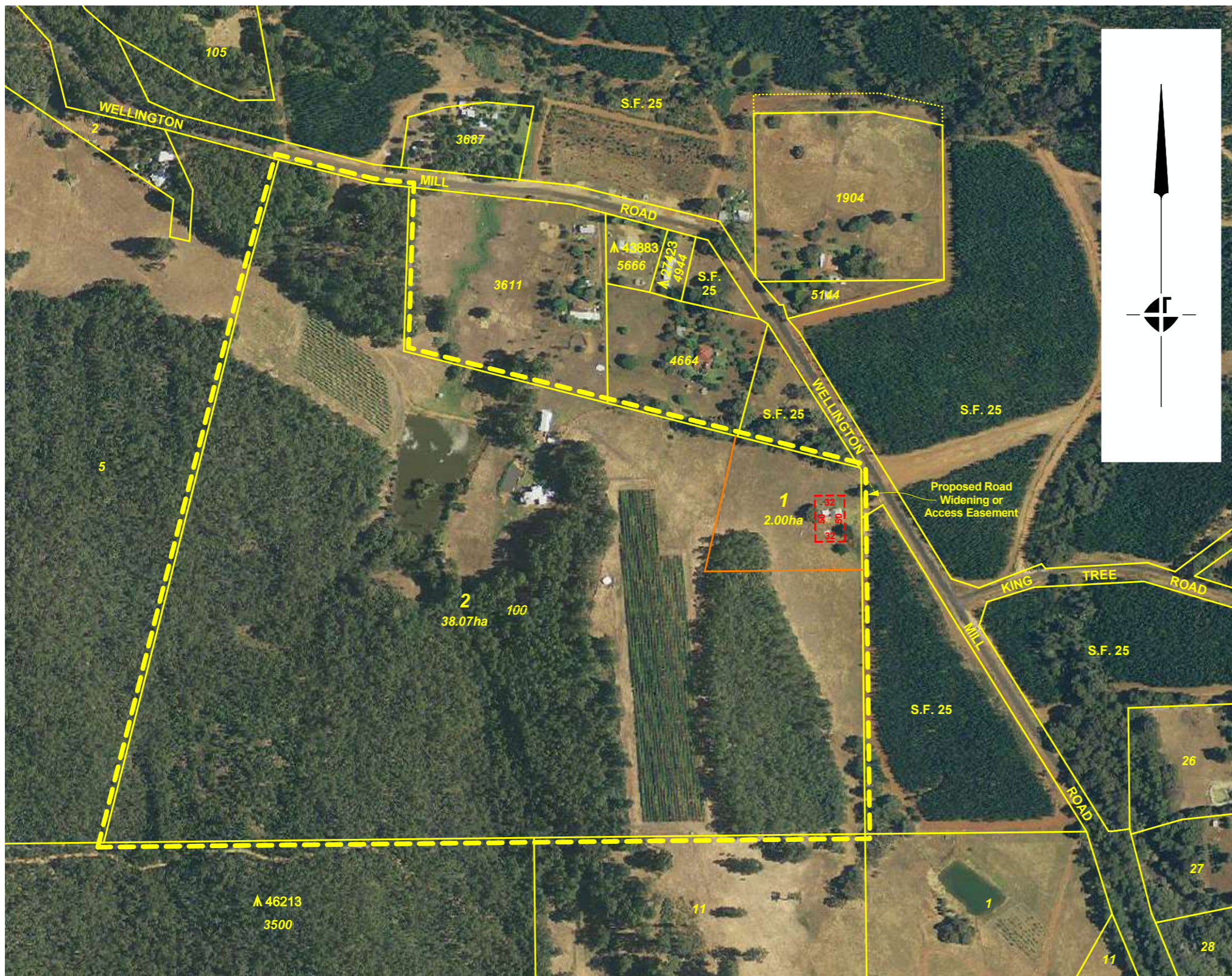
## 6.0 CONCLUSION

The Structure Plan has been prepared with careful consideration given to the planning framework and the topography of the site.

The provisions and proposed lot sizes are consistent with the Scheme provisions for other smallholding areas in proximity to the subject site. Given that no new development is proposed, it is considered that no upgrades or changes to the power infrastructure are justified at the time of subdivision. The WAPC have supported similar proposals where no new development is proposed on the basis that it is not fair and reasonable to expect significant upgrades to simply formalize the existing development on the site.

It is proposed that this Structure Plan will be considered concurrently with the scheme amendment and as such the advertising period extended to correspond with the 42 days required for the Amendment. The new regulations have provisions that facilitate this and the client is happy for the change in advertising period.

Based on the above report, support for the proposed Structure Plan is respectfully requested.



**STRUCTURE PLAN PROVISIONS**

**Provision for Structure Plan**

**Subdivision**

1. Prior to subdivision, that portion of State Forfeiture to the east of the existing dwelling on indicative Lot 1 shown as "Proposed Road Widening or Access Easement" must be acquired and amalgamated into Lot 100 Wellington Mill Rd, and re-zoned accordingly, or an easement be granted over the appropriate width of land by and at the expense of the developer, such that vehicular access complying with the SPP3.7 (as amended) to indicative Lot 1 can be accommodated in that location.
2. As a condition of subdivision approval, an Emergency Access Way carriageway easement must be created as shown on the Structure Plan, to burden and benefit both lots in order to provide emergency access/egress.
3. As a condition of subdivision the existing driveways to and within both indicative lots must be upgraded to the satisfaction of the Local Government.
4. Subdivision shall be generally in accordance with this Structure Plan.
5. Section 70A notification on titles advising landowners that the lot is located in close proximity to General Farming zoned land and may be affected by agricultural activities.

**Development**

1. All development shall be contained within the designated building envelope shown on the Structure Plan aside from Lot 2 which will require development to comply with the requirements of the 'General Farming' zone.

**Access**

1. Access to proposed Lot 2 will be via Wellington Mill Road to the North.

**Legend**

- Structure Plan Area
- Proposed Lots
- Cadastre
- Building Envelope

Date of LandGate Aerial Photography: December 2013



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