

**WESTERN AUSTRALIAN
PLANNING COMMISSION**

**STRUCTURE PLAN
Lots 11 - 15, 431 - 433, 18 - 20
and 22 Ashton Street,
Margaret River**

December 2016



Proposed Structure Plan

Lots 11 - 15, 431 - 433, 18 - 20 and 22 Ashton Street, Margaret River

This Structure Plan is prepared under the provisions of the Shire of Augusta Margaret River Local Planning Scheme No. 1.


IT IS CERTIFIED THAT THIS STRUCTURE PLAN

WAS APPROVED BY

RESOLUTION OF THE WESTERN AUSTRALIAN PLANNING COMMISSION ON:

24 October 2018

Signed for and on behalf of the Western Australian Planning Commission:



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



Witness

24 October 2018

Date

24 October 2028

Date of Expiry

Proposed Structure Plan

Lots 11 - 15, 431 - 433, 18 - 20 and 22 Ashton Street, Margaret River

TABLE OF AMENDMENTS

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

EXECUTIVE SUMMARY

Purpose

This Structure Plan has been prepared for the Shire of Augusta Margaret River ('the Shire') and the Western Australian Planning Commission ('WAPC') and relates to the enclave of rural residential landholdings to the north of Ashton Street, Margaret River identified under Local Planning Scheme No.1 Schedule 11 as Structure Plan Area No. 'SPA13'.

The Structure Plan was primarily prepared to address the intentions and objectives of Lot 22 Ashton Street, Margaret River ('the site') to facilitate opportunity for consideration of subdivision in a clustered form with an average lot area of one (1) hectare. This is based on the Local Planning Strategy minimum lot area requirements which also recognize that better use of land already committed for rural residential west of Margaret River should be considered which is also promoted by the Leeuwin Naturaliste Ridge State Planning Policy.

Essentially there will be no intensification of development and minimal modification to the servicing arrangements for Lot 22 as a result of the subdivision proposal, which will facilitate consideration of a boundary alignment over pre-existing structures under two separate tenures.

Prior to the preparation of this proposal consultation was held with representatives of the Local Government in order to secure due process in the preparation of this Structure Plan document. It was confirmed (informally) that incorporation of both the subject Site and the balance allotments as identified within the SPA 13 nominated area under the Scheme in a consolidated Structure Plan was logical way to proceed. The Structure Plan as proposed will effectively consolidate and supersede all other Structure Plans/guiding documentation associated with the adjoining allotments identified under SPA 13 on the Scheme Map and under Schedule 11 prior to the adoption of the Planning and Development (Local Planning Scheme) Regulations 2015 ('the Regulations') and will have the full force and effect of the Scheme. A separate Scheme Amendment is also proposed to amend Schedule 11 – 'SPA -13' to modify the Scheme provisions under Schedule 11 to reference the Structure Plan and an average lot areas permissible within the Structure Plan Area. Both proposals will be assessed con-currently. The Structure Plan is attached for review at Appendix A. The application is therefore applicable to the entire SPA13 area

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however the proposal as detailed within the explanatory section and the technical appendices are specific to Lot 22 Ashton Street, Margaret River.

The following report outlines the existing and proposed strategic framework for the preparation of a Structure Plan to guide the layout that will be used to guide subdivision and reference the relevant mechanisms to be implemented by way of a Scheme Amendment to the LPS No.1 to guide development within the Structure Plan area to effect consideration of subdivision.

EXECUTIVE SUMMARY TABLE

Item	Data	Structure Plan Ref. (section no.)
Total area covered by the Structure Plan	Approximately 19 Hectares	2.3.1
Area of each land use proposed:	Lot yield: 13 (one additional allotment from Lot 22 Ashton Street, Margaret River)	2.4.1
Rural Residential	Minimum lot area of 4000m ² and average lot area of one (1) hectare	
Estimated number of dwellings	Not applicable	-
Estimated percentage of natural area	Not applicable	-

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1.0 PART 1 – IMPLEMENTATION

1.1 Structure Plan Area

The Structure Plan is applicable to a rural residential precinct located on Ashton Street in Margaret River and inclusive of Lots 11-15, 431-433, 18-20 and 22.

1.2 Operation

The date the Structure Plan comes into effect is the date the structure plan is approved by the Western Australian Planning Commission ('WAPC').

1.3 Staging

Staging is not applicable to the operation of the Structure Plan.

1.4 Subdivision and Development Requirements

- a) Subdivision shall be generally in accordance with the endorsed Structure Plan
- b) Subdivision and development is to comply with an agreed Fire Management Plan.
- c) A reciprocal rights of access easement is to be applied to the battle-axe leg serving proposed Lots 221, 222 and benefit Lot 20 as a condition of subdivision.

1.5 Other Requirements

1.5.1 Servicing Considerations

The alignment of underground power supply Telstra services and reticulated water servicing Lot 22 may need to be realigned at subdivision stage.

Appendix A - Structure Plan





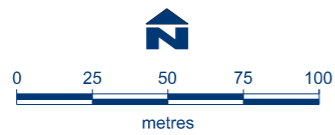
FORESHORE RESERVE TO BE CEDED FROM LOT 22 (7.0m IN WIDTH (999m²))

This concept has been prepared for the purpose of meeting client specifications. The drawing does not constitute an invitation, agreement or contract (or any part thereof) of any kind whatsoever.

Although care has been taken on the compilation of this document by Halsall & Associates, all parties associated with the proposed property development disclaim any responsibility for any errors or omissions. The right is reserved to change the plan at any time.

Liability is expressly disclaimed by Halsall & Associates for any loss or damage which may be sustained by any person acting on any visual impression gained from this drawing.

All areas and dimensions shown on this drawing are subject to final survey.



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LEGEND

- STRUCTURE PLAN BOUNDARY
- PROPOSED BOUNDARY
- PROPOSED BUILDING ENVELOPE
- EXISTING BUILDING ENVELOPE
- BUILDING ENVELOPE AREA 2035m²
- PROPOSED ACCESS EASEMENT TO BENEFIT LOT 221, 222 & 20

Title: DRAFT STRUCTURE PLAN - LOTS 11, 12, 13, 14, 15, 18, 19, 22, 431, 432 & 433 ASHTON STREET MARGARET RIVER

Date: August 2018

Scale: 1:2,500@A3

Revision No: E

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Rural & Urban Subdivisions
 Development Applications
 Structural Planning
 Tourism Projects
 Re-zonings
 Drafting

2.0 PART 2 - EXPLANATORY REPORT

2.1 Planning Background

2.1.1 Introduction and Purpose

Halsall and Associates Town Planning Consultants have been engaged by the landowner of Lot 22 Ashton Street, Margaret River ('the subject site') to prepare a Scheme Amendment to Local Planning Scheme No.1 ('the Scheme') and an associated Structure Plan to provide a mechanism for consideration of subdivision of the subject site in a clustered approach. This will result in two (2) rural residential lots with an average lot area of 1 hectare within the Structure Plan area. This will result in existing development identified under separate tenure with no intensification of the existing land use or development at the subject site. Further, the existing driveway arrangement within the battle-axe alignment will be retained under a reciprocal rights of access arrangement to service access requirements for both lots proposed, and also legalize the co-joint access arrangement with Lot 20 Ashton Street adjoining.

Prior to the preparation of this proposal, consultation was held with representatives of the Shire's Planning Department in order to secure due process associated in the preparation of this Structure Plan proposal to provide for an informed and orderly approach. It was confirmed (informally) that the preparation of a Structure Plan and a Scheme Amendment over the site for consideration of the potential for subdivision of the subject site was the logical way to proceed. It was also a directive of the Local Government to incorporate all lots identified within the Scheme under- Structure Plan Area 'SPA 13' to produce a consolidated and contemporary Structure Plan. This Structure Plan proposal and separate Scheme Amendment proposal have now been prepared as the recommended mechanism and it is anticipated that both documents will be assessed co-jointly.

2.2 Land Description

2.2.1 Location

The Structure Plan is applicable to a rural residential precinct on Ashton Street, Margaret River which provides the lots with gazetted road frontage and incorporates Lots 11-15, 431-433, 18-20 and 22. As detailed previously, this proposal has been prepared to guide consideration of future subdivision opportunity for Lot 22 Ashton Street, Margaret River and for the purpose of this proposal this is referenced

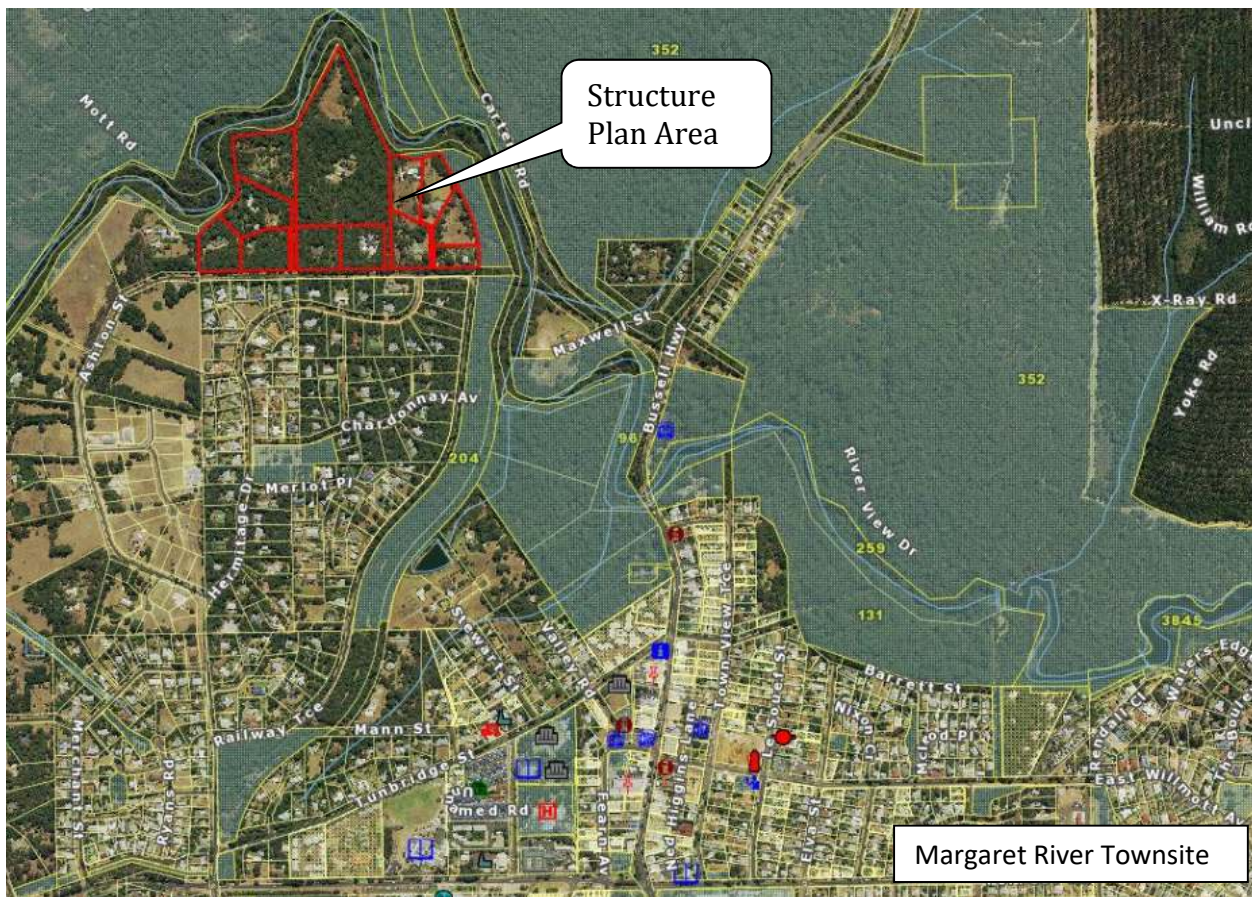
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as the 'subject site'. The lots are zoned 'Rural Residential' under the Shire of Augusta Margaret River Local Planning Scheme No.1 ('the Scheme'). This precinct is also identified under the Scheme and by designation on the Scheme map within 'Structure Plan Area – SPA 13'. The site is located approximately 1.2 kilometers to the North West of the Margaret River town centre and adjoins similarly zoned land and also the vegetated foreshore reserve (R47042) and the delineation of the Margaret River along the extent of the northern boundary alignment. The location of the precinct and site characteristics is evident in Figure 3 and 4 below.

Figure 3 - Location Plan – Structure Plan Precinct

Source: ARMSC Intramaps



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Figure 4 – Aerial Image – Structure Plan Precinct

Source: AMRSC Intramaps



The location of the subject site in relation to the precinct area is provided in Figure 5 below.

Proposed Structure Plan

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Figure 5 – The Subject Site

Source: AMRSC Intramaps



The Scheme at Schedule 11 identifies the subject site and those adjoining within the Structure Plan area 'SPA 13'. It is noted that there is a significant distribution of lots within the structure plan area with a reduced area to the three (3) hectares as generally applied to the rural residential zone under Clause 4.22. This includes Lot 15 Ashton Street with an area of 5140m². The primary objective of this proposal is to identify by way of an endorsed Structure Plan referenced under Schedule 11 'SPA 13' to provide for consideration of subdivision of the subject site in a clustered approach and identify an average lot area of 1 hectare for the Structure Plan area.

2.2.2 Area and Land Use

The precinct area is approximately 19 hectares in area with the subject site approximately 1.9 hectares in area. This area is located within an established rural residential area to the north of Ashton Street, which primarily incorporates pre-existing residential and ancillary development and a distribution of short stay

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uses as promoted under Schedule 11 for SPA 13. Lots 18 and 19 are also identified under Schedule 2 'Additional Uses' for consideration of two chalets per lot. Land use to the immediate south of Ashton Street is designated for residential use at a density of R5. This area is also largely characterized by pre-existing residential development.

The precinct area incorporates a distribution of rural residential allotments that incorporate existing residential development and associated uses that are promoted within the precinct area under the Scheme.

The subject site is characterised by the distribution of peripheral remnant vegetation which is contiguous to vegetation within the adjoining lots, the Margaret River foreshore reserve and also extensive reserve area situated north of the Margaret River. Access to the site is taken via a battle axe alignment from Ashton Street to the south of the site.

The subject site incorporates existing development originally constructed as a compartmentalized dwelling. This was subsequently approved as a Guesthouse in January 2015 (Planning Reference P214390) and is currently operational under this use. The distribution of development incorporates separate structures that consist of:

- Garage;
- Bedroom 1;
- Bedroom 2;
- Bedroom 3;
- Caretakers residence;
- Kitchen/living area;
- Toilet/shower; and
- Woodshed.

The development also incorporates a defined access way, turnaround area, car parking and ancillary swimming pool/gazebo. There is extensive parkland clearing that has been undertaken around the location of all existing development undertaken for compliance with the Fire Management Plan as previously prepared to support the approval and operation of the Guesthouse.

2.2.3 Legal Description and Ownership

The Certificate of Title for Lot 22 Ashton Street, Margaret River is submitted together with the application form associated with this proposal. This identifies that the owner of the subject site is Kim Bryan. It should be noted that the balance allotments have been included under the Structure Plan at the direction of the Local Government to provide a cohesive outcome for the precinct area overall.

2.3 Planning Framework

2.3.1 Deemed Provisions

Essentially forming part of the Scheme are the provisions of the *Planning and Development (Local Planning Scheme) Regulations 2015 Schedule 2, Part 4*, which reference the preparation of Structure Plans.

Clause 15 of the Deemed Provisions indicates when a Structure Plan may be prepared and in this case the Scheme indicates the need for structure planning and the Commission also requires a Structure Plan to be prepared which is generally the case with such planning objectives.

Clause 16 of the Deemed Provisions outlines the preparation of Structure Plans and the information to be considered which are embodied within this report. Clause 17 and 18 deal with the processing of a Structure Plan and Clause 19 outlines the consideration of submissions. Following clauses of the Regulations dictate how the Structure Plan would be referred to the Commission and decision making of the Commission and relevant processes and the effect of a Structure Plan once adopted. It is noted the Structure Plan is valid for a period of 10 years and amendments to Structure Plans can be proposed through relevant procedure.

It is therefore duly noted that the Structure Plan relevant to this proposal would be assessed under the relevant provisions of the Regulations 2015. It is also noted the Structure Plan is the relevant plan in this case given that Structure Plans are defined as follows: “*Structure Plans means a plan for the coordination of future subdivision and zoning of an area of land*” the Structure Plan references subdivision and is therefore relevant in this case.

The Structure Plan for this proposal is included at Appendix A and includes relevant information including:

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- Illustrating the area covered by the Structure Plan and nominated building envelopes for all lots;
- Includes an estimate on the future lot configuration (Lot 22) and proposed access arrangement, and
- Identifies implementation of the Bushfire Management Plan at subdivision stage.

pp

2.3.2 Scheme Amendment No.47

To facilitate consideration of a site area within the Rural Residential zone it is necessary to modify the provisions of the Scheme under Schedule 11 – ‘SPA 13’ to reduce the minimum allowable lot size and call in the relevance of the Structure Plan by way of a Scheme Amendment.

Schedule 11 ‘SPA 13’ currently describes the Structure Plan Area and sets out the land use expectations, matters to be addressed and associated provisions of the Structure Plan area.

The original relevant excerpt Schedule 11 –‘SPA – 13’ specific to the site (and those adjoining) provides:

Area No. (SPA)	Description of Land Area	Land Use Expectation	Matters to be addressed in Structure Plans (in addition to Clause 6.2.4)	Associated Provisions
13	Ashton Street Lots 11-15, 431-433, 18-20 and 22	Retain present form of subdivision as rural residential land use	No additional provisions	<ol style="list-style-type: none">1. Minimum 1 hectare lot size.2. Tourist development comprising low density development may be permitted providing such development has minimal impact on the character and amenity of the area, facilitates public access to the Margaret River where appropriate, result in a wider public foreshore area being created.

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It should be noted there are already a number of lots within the Structure Plan area that are under 1 ha in area and the conflict between schedules used for minimum lot sizes for rural residential can be rectified for this area.

Scheme Amendment No. 47 has been finalised and this amends Schedule 11 –‘SPA 13’ as follows:

Area No. (SPA)	Description of Land Area	Land Use Expectation	Matters to be addressed in Structure Plans (In addition to Part 4 of the Deemed Provisions)	Associated Provisions
13	Ashton Street Lots 11-15, 431-433, 18-20 and 22	<u>Rural residential land use</u>	No additional provisions	<ol style="list-style-type: none"> 1. Notwithstanding the provisions of clause 4.22.1 (a) an average lot area of 1 hectare shall be achieved. 2. Tourist development comprising low density development may be permitted providing such development has minimal impact on the character and amenity of the area, facilitates public access to the Margaret River and, where appropriate, results in a wider public foreshore area being created. 3. Subdivision and/or development of the area shall be in accordance with the adopted Structure Plan or a subsequent Structure Plan approved by the Western

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				<p>Australian Planning Commission in accordance with the process set out in Part 4 of the Deemed Provisions</p> <ol style="list-style-type: none">4. Lots created from the subdivision of Lot 22 Ashton Street are to be limited in their development to a single dwelling land use, with associated outbuildings.5. Low key tourism development will only be supported where it can be located to minimize impact on the natural environment and the function of the area as an environmental corridor, where it can be clearly demonstrated that a proposal ensures compliance with bushfire planning requirements.6. Prior to the subdivision of land, a Bushfire Management Plan shall be prepared, adopted and implemented in accordance with the provisions of State Planning Policy 3.7 Planning in Bushfire Prone Areas and the Guidelines for Planning in Bushfire Prone Areas to the satisfaction of the Department of Fire and Emergency Services.
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The Structure Plan has been prepared specifically as there is no conflict between the plan and the provisions of the Scheme of substance. Relevant issues that are required to be addressed are also covered.

Once the Scheme Amendment is approved by the Minister and gazetted it will facilitate the subdivision of the subject site in accordance with the Structure Plan.

2.3.3 Local Planning Scheme No. ('the Scheme')

The subject site and those adjoining are zoned 'Rural Residential' under the Scheme. The subject site and those adjoining are also located within a Structure Plan Area – 'SPA 13' by designation on the Scheme Map. Part 6 of the Scheme provides for consideration of Special Control Areas and provides that Structure Plan Areas are included under Schedule 11 which sets out the provisions that relate to SPA 13.

The general provisions of the rural residential zone are relevant and the Scheme specifies the following as the purpose of the Rural Residential zone:

"to provide and recognize established rural residential lifestyle development opportunities in strategic rural locations but to confine any further such development to land where such activities are consistent with the provisions of the LNRSP, the conservation of the significant landscape values and environmental attributes of the land and with appropriate fire management".

The following are identified as the objectives of the Rural Residential zone:

- a) *"to limit the extent of the land set aside for rural residential use to that consistent with the objectives and policies of the LNRSP;*
- b) *to recognize that the conservation of the physical, environmental and landscape characteristics of the land is paramount;*
- c) *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;*
- d) *to facilitate the conservation of native vegetation and to promote revegetation with suitable indigenous species consistent with sound bushfire management practices and;*
- e) *to require adequate bushfire management consistent with the objectives of preserving environmental and landscape values."*

The Structure Plan demonstrates both the purpose and objectives of the Scheme can be met at subdivision stage and in consideration of future development. This requires attention to be given to the general provisions for development in the rural residential zone provided by Clause 4.22.

The Structure Plan indicates the suitability of the Lot 22 for subdivision into lot sizes with an average lot area of one hectare within the precinct area as may be considered in accordance with the provisions of the LPS and LNRSP.

Clause 4.22 provides for consideration of development within the Rural Residential zone. This states the following:

'Land uses and development within this zone shall comply with the following general provisions and where appropriate with the site specific conditions relevant to particular land areas nominated in Schedule 7. In the event of any conflict between the provisions of Clause 4.22 and the site specific conditions of Schedule 7, conditions of Schedule 7 shall prevail'.

4.22.1 provides for consideration of subdivision in the rural residential zone as follows:

- a) *'The minimum lot size for land within the Zone is 3 hectares unless otherwise specified under Schedule 7 and shown on the applicable Structure Plan.*
- b) *'Subdivision is to be preceded by the preparation of a Structure Plan. Subdivision, which is inconsistent with an endorsed Structure Plan, will not be supported. All subdivision is to be consistent with the objectives and policies applicable to the Rural Residential Zone'.*

The Shire's planning department has directed that, notwithstanding the provisions of 4.22.1 (a), Schedule 11 - SPA 13 is relevant in this instance, as this directly relates to the enclave area. As such the proposal seeks to amend provisions under Schedule 11 – Structure Plan Areas 'SPA 13' to identify consideration of lot areas to an average of 1 hectare together with reference to an endorsed Structure Plan.

Other provisions of the Scheme that follow include the application of building envelopes which become relevant as shown on Structure Plan which depicts the endorsed subdivision plans for the precinct area such that a consolidated and contemporary outcome is achieved. Clearing outside of building envelopes is not permitted other than for fire management purposes. Further bushfire protection is important including the preparation of Bushfire Management Plan. A Bushfire Management Plan has been prepared for Lot 22

and the Bushfire Management Plan can be effectively implemented at subdivision stage, as referenced via notation on the Structure Plan.

Landscape character is also considered and the Structure Plan will introduce controls to limit the siting of development by way of designated building envelopes to designate an appropriate development footprint.

Specific land use controls are also provided and fencing and the keeping of livestock are covered at Clause 4.22.7. Agricultural use is also addressed at Clause 4.22.8 because the Scheme allows for small boutique agriculture activities on cleared rural residential lots where appropriate.

Another aspect of the Scheme that is relevant to the Structure Plan is the general development standards at Schedule 9. A table documents the applicable setbacks, plot ratio and landscaping. The front and rear setbacks are 30 metres whereas the side setback is 10 metres. The required setbacks have been generally adhered to as evident by the siting of the building envelopes within the Structure Plan which are cognisant of specified setback requirements also as per the configuration of existing building envelope plans previously supported over the lots as integrated within the Structure Plan at the direction of Local Government.

The aspects of the general provisions of the Scheme are considered in the preparation of the Structure Plan under the special provisions at Schedule 11. The proposal has been prepared specifically so there is no conflict between the plan and the provisions of the Scheme.

The provisions incorporated within the Structure Plan will also help guide at subdivision stage, specifically relating to implementation requirements relative to implementation of bushfire management mechanisms as summarised within a later section of this report.

The proposal is also consistent with the previous subdivision of Rural Residential land predominantly in the Margaret River area.

2.3.4 Planning Strategies

2.3.4.1 Local Planning Strategy ('LPS')

The role of the LPS is to set out the medium to long term planning strategy. Specifically the LPS sets out the strategies for the next 15 years.

In regard to consideration of rural residential land, the Strategy identifies that rural residential subdivision outside of areas as identified within the strategy and under the Leeuwin Naturaliste Ridge State Planning Policy ('LNRSP') will not be supported to avoid the fragmentation of potential viable and productive agricultural land. Where possible, rural residential settlement in cluster form will be encouraged to minimise the environmental footprint and provide for proper fire management regimes whilst retaining the landscape values and, where appropriate allow for some rural pursuits.

At the Ordinary Meeting of Council 13th August 2014, Council resolved to adopt an amendment to the LPS as a means of guiding the consideration of future proposals for the re-subdivision of rural residential land:

Locational Criteria

The re-subdivision of area which displays any of the following attributes is unlikely to be supported:

- *“Significantly vegetated – subdivision of densely vegetated land would result in an undesirable environmental outcome, would likely put future residents at higher risk of bushfire, and have greater potential to be inconsistent with the environment and landscape provisions of the LNRSP.”*
- *Located in areas which have an extreme fire risk and/or have poor fire management characteristics.*
- *Located along Caves Road – Caves Road is identified as a travel route corridor by the LNRSP wherein development should be sited so as to be in evident from the road. Subdivision would result in additional development and thus a greater potential for adverse visual impact.*
- *Located in an identified Environmental Corridor (LPS) or National Park Influence Area.*
- *Located in areas which have been developed around the maximisation of views, where additional development would impact upon such views and landscape character.*
- *Isolated from all other lots having potential for subdivision (i.e. – would commence rather than complete a pattern of subdivision inconsistent with the character of the locality).*
- *Not easily accessible, for example – no direct road frontage, located at end of long cul- de- sac, etc.”*

Subdivision Criteria

Once an area has been determined to be suitable for re-subdivision (refer to locational criteria for guidance) proposal should be required to meet the following criteria;

“Subdivision at a ratio of less than 1ha (average) will not be supported.

- *Lots of not less than 4000m² may be considered where a clustered subdivision approach is appropriate notwithstanding that the 1ha average lot size will still need to be met.*
- *Rezoning and structure planning necessary to support subdivision should be undertaken on a precinct (rather than lot by lot) basis unless completing a pattern of subdivision.*
- *Subdividers will be required to contribute to the proportional upgrade of infrastructure necessary to adequately service the intended additional population.*
- *Opportunities for re-subdivision should seek to provide enhanced environmental outcomes.*
- *A bushfire hazard assessment and Bushfire Management Plan is to be prepared and implemented at the time of subdivision.”*

In relation to the above, none of the lots proposed under the Structure Plan exhibit issues outlined in the locational factors that may influence Council not to support the proposal, particularly given subdivision will not result in development or land use intensification. Likewise, the subdivisional criteria are generally met by this proposal. Importantly, the proposal is consistent with other proposals which have been entertained by the Shire and the Commission.

The proposal has clearly been prepared with regard for the planning rationale specified under the Strategy for consideration of rural residential subdivision in a clustered approach as detailed above. It should be noted that recent rural residential subdivision occurring within both the Structure Plan area and general locality is down to a one (1) hectare average lot size with minimums as little as 2000m². Similar access arrangements have also been supported within adjoining Structure Plan areas within the locality. The proposal is therefore reflective of previous decisions made immediate to the site.

Forming part of the LPS is the visual management strategies. This identifies that the Site is located within an area designated ‘Landscape Protection’ under Figure 5.

The LPS identifies that the general policies relating to landscape protection provide that Council will be cognisant of the policies and recommendations of the Leeuwin Naturaliste Ridge Statement of Planning Policy, which is provided in the following section of this report.

2.3.5 State Planning Policies

2.3.5.1 Leeuwin Naturaliste Ridge Statement of Planning Policy ('LNRSP')

The LNRSP provides for policies for the Rural Residential zone, existing and committed rural residential development as shown on the Strategy Plan. The site is identified as 'Rural Residential' under the Strategy. The LNRSP identifies that for areas identified for Rural Residential land use, infill subdivision is proposed in areas designated rural residential and should adopt cluster principles that are more responsive to retaining landscape values and allowing some agricultural pursuits'.

It is noted there are significant areas that have been re-subdivided down to one (1) hectare west of Margaret River including notably within the immediate Kevill Road/Trinder Drive/Devon Drive and Illawarra locality. These were the subject of similar amendments to the Local Planning Scheme together with Structure Plans. Clustered subdivision to a minimum lot size of 2000m² have also been provided for west of Caves Road.

In the preamble to the general policies of the LNRSP it states that *"new areas of Rural Residential subdivision will not be supported therefore the strategy does not designate new areas for such uses. Where possible, infill development within the areas designated Rural Residential should adopt cluster principles that are more responsive to retaining landscape values and allowing some agricultural pursuits"*.

Policy statement LUS1.25 states that *"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 of clustered settlement;*
- *Provision for community based activities and services*
- *Provision for walking, cycling and possible future public transport*

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- *Opportunities for local enterprise development such as limited small scale tourist development, including accommodation, attractions and cottage industries; and*
- *Suitability for small scale intensive agriculture”.*

The LNRSP provides scope for better use of land in the area providing the qualities of the landscape corridor are maintained and clustering is pursued. Cluster principles are incorporated by way of envelopes, with vegetation taken into account by way of limiting the location of future development. The subdivision of one lot alone does not warrant upgrading of walking or cycling facilities and this has not been a requirement across all existing Structure Plan areas to the west of the town site. In relation to opportunities for local enterprise and small scale intensive agriculture, subdivision design will allow local enterprise to continue to be proposed under the provisions of the Scheme however small scale agricultural activities would be based on merit given the majority of lots within the Structure Plan area are extensively vegetated. The existing Guesthouse use is an example of a more likely appropriate form of enterprise.

Further, LUS1.26 states that *“consolidation and diversification of existing rural residential land to the west of Margaret River will be compatible with the regional environmental corridor functions and landscape values”.*

This proposal intends to make better use of land allocated for rural residential therefore reducing pressure for additional areas to be developed. All lots incorporate building envelopes as areas where development exists and therefore endeavour to minimize landscape impact.

The proposal is consistent with other proposals that have been entertained by the Shire and the Commission in the immediate locality, which are establishing the Rural Residential form and amenity. It should be noted that the recent rural residential subdivision occurring in the area has been typically down to 1 hectare and in some instances slightly less. The proposal is therefore reflective of previous decisions made immediate to the site in response to the State Planning Policy Framework.

The Leeuwin Naturaliste Ridge State Planning Policy essentially serves to confirm that re-subdivision of the subject lot should be encouraged providing relevant issues are addressed. The general characteristics of the site make this less complicated

2.3.5.2 State Planning Policy 3.7 – Planning in Bushfire Prone Areas

This policy applies to all areas identified as ‘Bushfire Prone’ by the Department of Fire and Emergency Services (DFES) Commissioner as highlighted on the Map of Bush fire Prone Areas.

The precinct identified under the Structure Plan area is identified as ‘Bushfire Prone’ under the relevant mapping. A bushfire management plan was previously prepared by RUIC Bushfire Consultants in November 2016 to support the existing vulnerable land use (Guesthouse) in operation at the site. This was subsequently implemented. A further Bushfire Management Plan has been prepared to support consideration of this proposal and is specific to Lot 22 Ashton Street, Margaret River and this is included for review at Appendix B and examined in Section 2.6.3 of this report. Bushfire management mechanisms may be implemented at subdivision stage. It is anticipated further development or subdivision within the Structure Plan area may be subject to review under SPP 3.7.

2.4 Other Approvals and Decisions

As detailed within the context of this proposal there are endorsed plans that overlay lots within the Structure Plan area and designate the location of building envelopes. These are identified as Plan No. 95519, 22187 (a) and 50075 and these documents are attached for review at Appendix C. These plans will be incorporated within the Structure Plan at the direction of Local Government to provide a consolidated and contemporary outcome is achieved.

Also relevant to this proposal is planning approval issued for a Guesthouse in January 2015 (Planning Reference P214390). This is attached for review at Appendix C. This approval falls over the distribution of existing development on the site associated with this use which consists of a distribution of compartmentalised structures which holistically form a single dwelling together with a manager’s residence. The majority of existing structures will be retained within Lot 221 while the manager’s residence will be retained within the configuration of Lot 222. It is anticipated that this structure may revert to a single dwelling given it would be under separate tenure, and this can be addressed at subdivision stage.

2.5 Pre Lodgement Consultation

Proposed Structure Plan

Lots 11 - 15, 431 - 433, 18 - 20 and 22 Ashton Street, Margaret River

Prior to the preparation of this proposal, consultation was held with the Acting Manager of Planning and Development Services at the Shire of Augusta Margaret River in order to secure due process associated in the preparation of this Structure Plan proposal to provide for an informed and orderly approach. It was confirmed (informally) that the preparation of a Structure Plan and a Scheme Amendment over the site for consideration of the potential for subdivision of the subject site was the logical way to proceed. It is also necessary to include all allotments identified within the Scheme under Schedule 11 Structure Plan Areas – ‘SPA 13’ to provide a cohesive outcome is achieved for the Structure Plan area as a whole. A Structure Plan proposal and separate Scheme Amendment proposal have now been prepared as the recommended mechanism and will be assessed co-jointly.

It was further confirmed with the Shire that notwithstanding the provisions of clause 4.22.1 (a), Schedule 11 is the relevant schedule for reference of an average lot area of 1 hectare and to reference an endorsed Structure Plan. Adjustments to the Scheme to confirm this are co-jointly proposed.

2.6 Site Conditions and Constraints

2.6.1 Biodiversity and Natural Area Assets


The Structure Plan area incorporates significant areas of vegetation that is a cohesive to vegetation within the foreshore reserve to the north associated with the alignment of the Margaret River and adjoining lots. As the proposal does not provide for intensification of land use or development it is anticipated that any modification to the existing vegetation can be kept to a minimum and associated with implementation of bushfire mechanisms as is already required about existing development.

2.6.2 Landform and Soils

No contaminated sites are recorded or adjoining the subject land on the Department of Parks and Wildlife (DPaW) Contaminated sites database. No Acid Sulphate Soils (ASS) occur at the site.

The lots are characterised by a slope towards to north towards the alignment of the Margaret River. The soil characteristics of the area have been described by Tille and Lanzke (1990) in their study on the behalf of Agriculture WA. An excerpt from the diagrams provided in the report is included at Figure 6 below.

Figure 6 – Excerpt from Tille and Lanzke Source: Tille and Lanzke



Structure
Plan Area

Proposed Structure Plan

Lots 11 - 15, 431 - 433, 18 - 20 and 22 Ashton Street, Margaret River



As can be viewed above, the Structure Plan area primarily contain soils of the Wilyabrup Slopes land system 'W' with the majority falling within the 'W3' Wilyabrup Low Slopes: gradients 5-10% classification.

Appendix 3 of the land capability study provides advice in relation to physical limitations for housing on small rural lots. The Wilyabrup Valleys soil classification can have moderate limitations in relation to soil absorption and major limitations relevant to trafficability. Existing development within the Structure Plan area demonstrate that the limitations can be adequately addressed and as this proposal does not generate development. Physical limitations are therefore considered adequately addressed.

2.6.3 Bushfire Hazard

A Bushfire Management Plan ('BMP') has been prepared for the site by RUC Fire in November 2016 in accordance with State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7). The recommendations of the BMP may be effected at subdivision stage and provide a further basis for the assessment of subsequent planning applications. This is specific to Lot 22 Ashton Street, Margaret River (subject site). This BMP supersedes a previously approved BMP for Guesthouse use of the site.

From the BAL Contour Map bushfire hazard issues identifies a 33m wide Asset Protection Zone for existing habitable buildings is required to reduce the BAL for the existing buildings to BAL-29 where possible.

The worst case BAL for existing habitable buildings within the development is BAL-FZ in regard to the location of bedroom 1, however all other buildings are able to achieve BAL-29. It is noted that the Guidelines do not require SPP3.7 to be applied retrospectively to existing developments.

As such, the report identifies that a 33m Asset Protection Zone (APZ) is proposed from the external wall of the buildings or building envelope, with fuel loads reduced and maintained to 2 tonnes per hectare and maintained in a low fuel state. This may be implemented at subdivision stage. A further Hazard Separation Zone (HSZ) of 80m width is to be measured from the outer edge of the APZ with fuel loads maintained below 15 tonnes per hectare in Karri forest. It is noted that the report provides that a HSZ may not be required if the proposed construction meets the standard appropriate for the BAL for that location and does not exceed BAL-29.

The report identifies that through implementation of the APZ the proposed development will result in the existing dwellings being located further away from bushfire hazards than is currently existing. With the implementation of the bushfire management strategies proposed as part of this development, the risk from bushfire to people, property and infrastructure is considered to be reduced compared to the existing situation.

It is noted that the proposed subdivision contains an existing habitable building within existing 221 is an approved guest house, as such an Evacuation Plan has also been prepared for the site and this is incorporated within the Bushfire Management Plan.

The bushfire risk mitigation strategies as outlined within the report are designed to comply with the Bushfire Protection Criteria detailed in Guidelines for Planning in Bushfire Prone Areas (the Guidelines) Appendix 4 (2015). Importantly proposed Lot 222 is not required to provide an internal perimeter firebreak which will limit implication to the distribution of remnant vegetation on site. The recommendations of the BMP also recognise that there is no land use intensification proposed by way of this proposal. The Bushfire Management Plan is attached for review at Appendix B.

2.6.4 Heritage

The Department of Indigenous Affairs Database (DIA 2010) indicates that the site adjacent to Land Use Agreements: South West Boojarah and People ILUA. There are no registered sites identified on Lot 22 Ashton Street, Margaret River however it is noted that the Structure Plan area the subject of this proposal is in direct proximity to the Margaret River, which is a registered site under the DIA database (ID: 4495) as a mythological site. The Structure Plan proposal is outside the registered site and will not have implications on the Margaret River reserve.

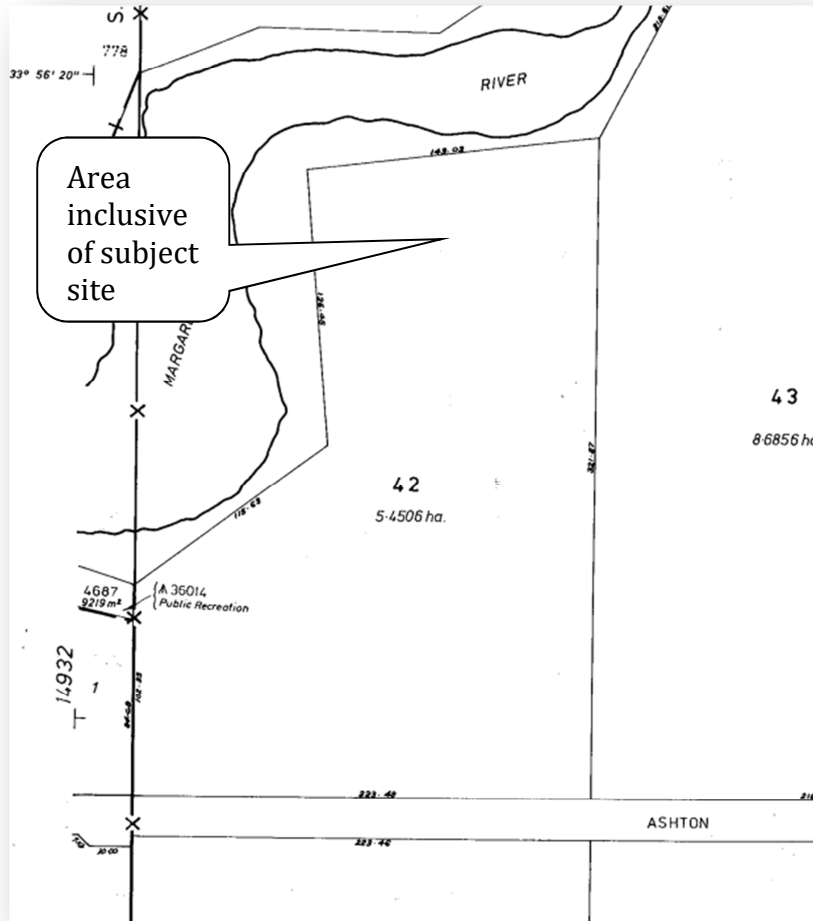
2.6.5 Coast and Foreshores

The Structure Plan area adjoins the Margaret River foreshore reserve along the extent of the northern boundary alignment. The Scheme at Schedule 11 – ‘SPA 13’ references consideration of a wider public foreshore area being created *where low density tourism development is proposed*. The site incorporates a preexisting guesthouse facility and it is re-iterated that this proposal will not generate intensification of this existing land use. The subject site and those adjoining were created pursuant to a subdivision approval issued for Lot 42 Ashton Street, Margaret River in May 1987 (WAPC ref. 72764). The original lot configuration associated with Lot 42 Ashton Street is evident below.

Proposed Structure Plan

Lots 11 - 15, 431 - 433, 18 - 20 and 22 Ashton Street, Margaret River

Figure 7 – Original Lot 42 Ashton Street, Margaret River

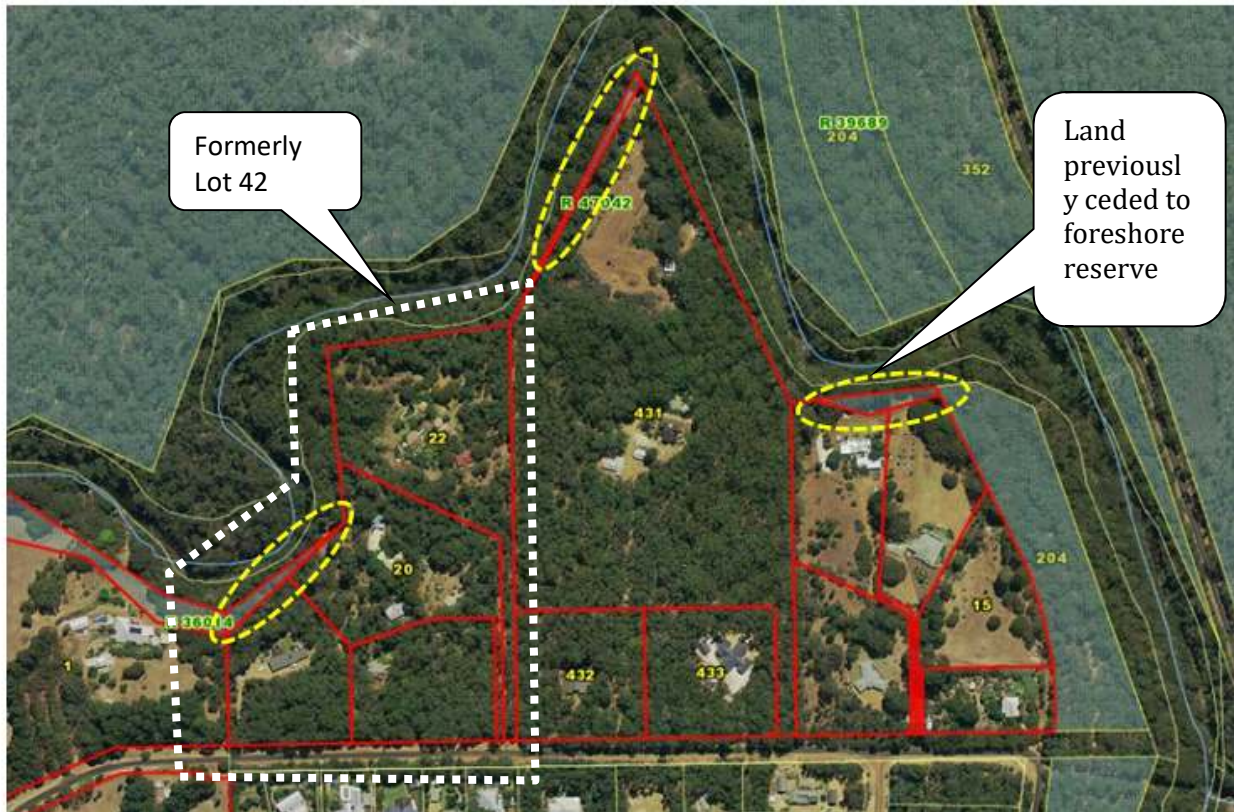


Further, following creation of the subject site pursuant to WAPC Approval 72764 and follow approvals, it is apparent that foreshore widening was considered through these processes as land was ceded from the site (lot 42) to effectively widen the foreshore reserve (R47042). This also occurred with the creation of the balance lots adjoining in the Structure Plan area as evident in Figure 8 below. This indicates that foreshore widening objectives have been pre-considered and effectively addressed for Structure Plan area.

Proposed Structure Plan

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Figure 8 – Land area previously ceded to foreshore



Source: Intramaps

2.7 Conclusion

The Structure Plan has been prepared with careful consideration given to the planning framework, the characteristics of the site and the relevant bushfire requirements.

The Structure Plan will indicate a low key subdivision opportunity for Lot 22 creating boundaries about existing built development. As such no land use intensification is proposed. The plan also embodies building envelopes previously endorsed across the area thus resulting in provision of a consolidated and contemporary plan for the area.

It is proposed that this Structure Plan be considered concurrently with the Scheme Amendment and combined; the two documents will ratify planning opportunities for the precinct and provide clarity on minimum lot size and building envelopes.

3.0 PART 3 - TECHNICAL APPENDICES INDEX

Appendix No.	Document Title	Date of Document	Referral/approval agency	Summary of documentation modifications
A	Structure Plan	December 2016		
B	Bushfire Management Plan	November 2016		
C	Planning Approval P214390	April 2013		
D(i) & D(ii)	Building envelope Plans SPA 13 area (superseded)	N/A		