

SHIRE OF AUGUSTA
MARGARET RIVER

STRUCTURE PLAN
Lots 37, 391, 392 and 1238
Devon Drive,
Margaret River

V.2

Amended April 2019



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Version Control

Report version	Revision No.	Purpose	H&A Author	Review date by officer	Date
Draft	1	Structure Plan	Vivienne Clarke		
	2	Structure Plan	Marc Halsall		
	3	Structure Plan	Vivienne Clarke		
	4	Structure Plan	Vivienne Clarke		
	5	WAPC mods.	Vivienne Clarke		April 2019

Approval for Issue

Name	Signature	Date

Proposed Structure Plan

Lots 37, 391, 392 and 1238 Devon Drive, Margaret River

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

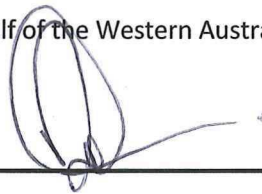
IT IS CERTIFIED THAT THIS STRUCTURE PLAN

WAS APPROVED BY

RESOLUTION OF THE WESTERN AUSTRALIAN PLANNING COMMISSION ON:

14 June 2019

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:

Taelyn Cox Witness

14 June 2019 Date

14 June 2029 Date of Expiry

TABLE OF AMENDMENTS

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

EXECUTIVE SUMMARY

This Structure Plan has been prepared for the Shire of Augusta Margaret River ('AMRSC') and the Western Australian Planning Commission ('WAPC') and relates to Lot 37 Devon Drive, Margaret River ('the site') located to the far northern extent of the Devon Drive rural residential precinct. This Structure Plan is to be assessed concurrent to a Scheme Amendment proposal (reference number No.51) which also incorporates a modification to both the Scheme map annotation and text for inclusion of the subject site under Schedule 7 – 'Special Provisions relating to Rural Residential Zones 'RR-17'. The Scheme Amendment also seeks to amend the provisions under Schedule 7 'RR-17' to reference a Structure Plan and to accord with the Deemed Provisions of the Planning and Development (Local Planning Schemes) *Regulations 2015*, Schedule 2, Part 4.

Prior to the preparation of this structure plan consultation was held with representatives of the Local Government and WAPC in order to secure due process. It was confirmed that the Structure Plan is to be prepared inclusive of the subject site together with Lots 391 and 392 to the south which were created pursuant to opportunity identified within an endorsed Detailed Area Plan over the lot area. The proposal was presented at the Ordinary Meeting of Council held on the 12th April 2017 where it was resolved to include Lot 1238 within the Structure Plan area. The proposal has now been revised to include Lot 1238 at the directive of Council. This provides for a consolidated outcome and appropriate reference to a Structure Plan as the appropriate mechanism to guide subdivision for the subject site.

The Structure Plan is appended at Appendix A for review. The intent of the Scheme Amendment to both Schedule 7 and is to effectively round off zoning and subdivision prospects within a legible precinct within the Devon Drive locality and provide for consideration of a legitimate development outcome (grouped dwelling) given a strata subdivision configuration is sought. Lot 1238 will be subject to further structure planning process if subdivision is pursued as clearly notated on the Structure Plan.

It is considered that the Scheme Amendment and associated Structure Plan are consistent with current state and local policy framework. This report provides the relevant justification and technical detail to support the Structure Plan proposal.

EXECUTIVE SUMMARY TABLE

Item	Data	Structure Plan Ref. (section no.)
Total area covered by the Structure Plan	Approximately 6 hectares	1.1
Area of each land use proposed:	Lot yield: 2 (from Lot 37 Devon Drive, 4 lots overall in inclusion of existing Lots 391 and 392 adjoining).	1.4
Rural Residential	Minimum lot area of 1 hectare.	
Estimated number of dwellings	Grouped dwelling (x2)	1.4
Estimated percentage of natural area	Not applicable	-

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PART 1 - IMPLEMENTATION

1.1 Structure Plan Area

The Structure Plan is applicable to rural residential land located to the far northern extent of the Devon Drive precinct. The Structure Plan includes Lots 37, 391, 392 and 1238 Devon Drive, Margaret River ('the site').

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

There is no staging applicable to application of the Structure Plan.

1.4 Subdivision and Development Requirements

A. Subdivision Requirements

At the subdivision approval stage, the Council will recommend to the Western Australian Planning Commission that conditions are applied which:

- Requires a proportional contribution (per lot basis) toward the upgrading of Devon Drive.
- Requires implementation of the relevant stage of the Bushfire Management Plan.
- The Vegetation Screening notated on the Structure Plan to be planted and established.
- As part of the subdivision works in constructing the proposed battle-axe access leg:
 - As part of the subdivisional works in constructing the proposed battle-axe access leg:
 - The southern boundary of the proposed battle-axe access leg is to be unfenced;
 - Vegetation along the southern boundary of the common property is to be removed.
 - The battle-axe access leg is to be integrated with the existing EAW and have a minimum trafficable surface of 6 metres; and

- An appropriate easement is provided over the Common Property adjacent to the existing EAW to facilitate access for public and emergency access vehicles during emergency events.

B. Development requirements

All development shall comply with the following in the addition to the provisions of Local Planning Scheme No.1:

- The implementation of the relevant stage of the Bushfire Management Plan
- Construction of future dwellings is in a designated bush fire prone area and will require construction to a higher standard in accordance with AS4969.

Lot 1238 will be subject to modification of the structure plan should subdivision be pursued.

1.5 Other Requirements

1.5.1 Servicing Considerations

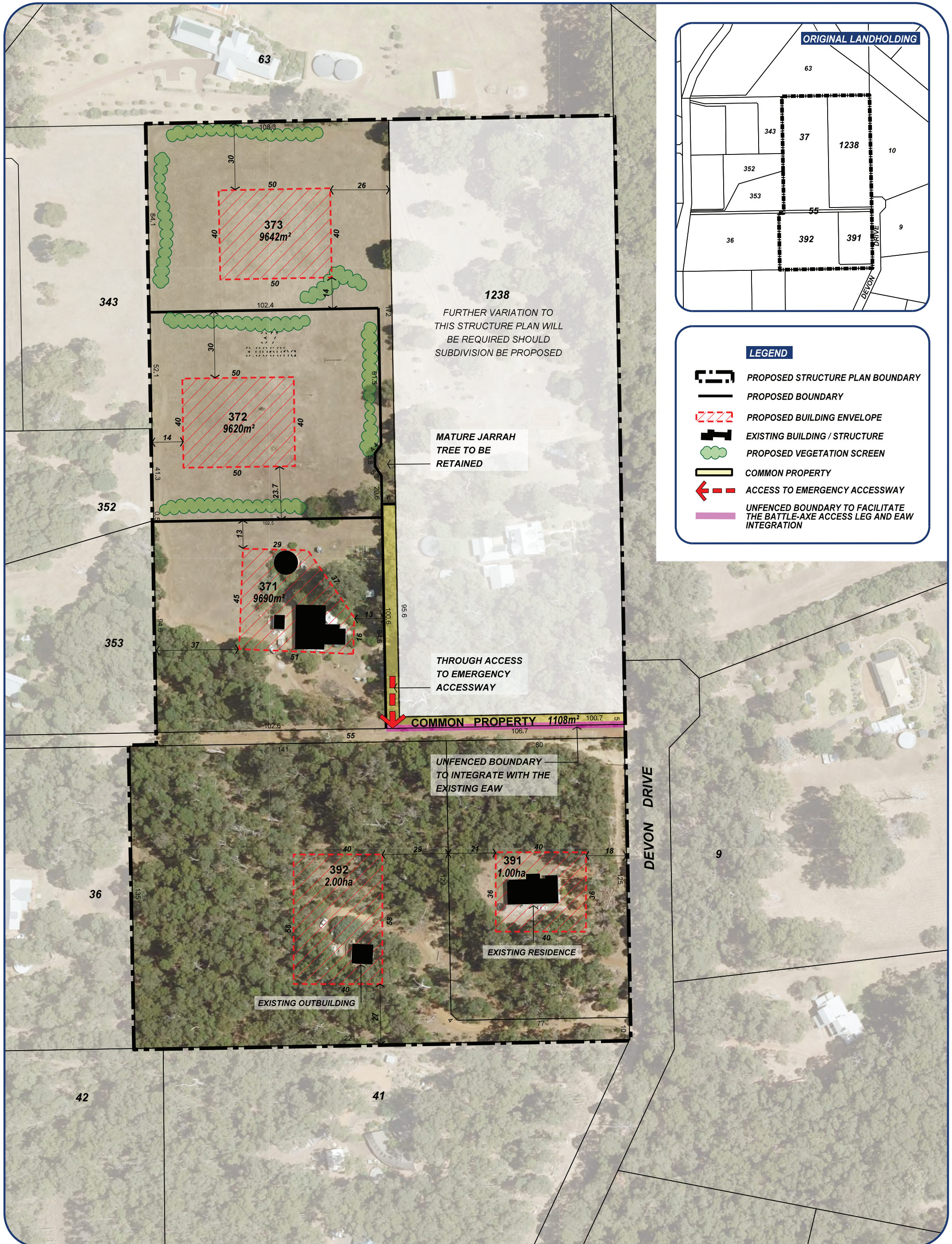
Existing development within the subject site is currently serviced with an overhead power supply. Underground power connections can be extended to the new lots in shared arrangement within common property with a pillar installed at an appropriate location. Similarly Telstra services supply the area and a can be easily extended.

Water supply is currently provided via on site water tanks. However a reticulated water supply is available within the Devon Drive frontage.

It is proposed that the existing constructed driveway alignment be incorporated under common property such that this would be utilised in a co-joint arrangement for access to all lots proposed. The existing mature jarrah tree within the driveway alignment is to be retained as indicated on the Structure Plan.

APPENDIX A

STRUCTURE PLAN



ORIGINAL LANDHOLDING

LEGEND

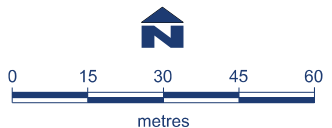
- PROPOSED STRUCTURE PLAN BOUNDARY
- PROPOSED BOUNDARY
- PROPOSED BUILDING ENVELOPE
- EXISTING BUILDING / STRUCTURE
- PROPOSED VEGETATION SCREEN
- COMMON PROPERTY
- ACCESS TO EMERGENCY ACCESSWAY
- UNFENCED BOUNDARY TO FACILITATE THE BATTLE-AXE ACCESS LEG AND EAW INTEGRATION

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



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Title: **STRUCTURE PLAN LOTS 37, 391, 392 & 1238 DEVON DRIVE, MARGARET RIVER**

Date: **JUNE 2017**

Scale: **1:1,500@A3**

Revision No: **D**

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Rural & Urban Subdivisions
Development Applications
Structure Planning
Tourism Projects
Re-zonings
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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 37 Devon Drive, Margaret River ('the site') to prepare both a Scheme Amendment to Local Planning Scheme No.1 ('the Scheme') and an associated Structure Plan to provide a mechanism for consideration of strata subdivision of the site to provide for three (3) rural residential allotments with a minimum lot area of one (1) hectare, together with common property. It was not the intent of the owners of lot 37 to invoke subdivision of the adjoining lot.

The shire following consideration of the proposal resolved to require that both the Structure Plan and concurrent Scheme Amendment be inclusive of adjoining lot 1238. This lot is now identified under the Structure Plan and also incorporated for reference under Schedule 7 of the Scheme at 'RR 17' and on the scheme map relating to this area. This was to show a coordinated approach as is the prerogative of the Shire. It was also confirmed as necessary to incorporate Lot 391, 392 adjoining within the context of the Structure Plan to provide for a consolidated outcome. The Structure Plan will supersede the Detailed Area Plan (Local Development Plan) as previously endorsed over Lots 391 and 392 adjoining which was approved prior to the Regulations coming into effect, and therefore have the full force and effect of the Scheme. It was further required that the Structure Plan format be modified to accord with the WAPC's Structure Plan framework. Modifications as requested have been undertaken within the context of this report with the plan appropriately referenced as a Local Structure Plan by way of this amended proposal.

Proposed Structure Plan

Lots 37, 391, 392 and 1238 Devon Drive, Margaret River



2.2 Land Description

2.2.1 Location

The Structure Plan is applicable to Lots 37, 391, 392 and 1238 Devon Drive, Margaret River. The Structure Plan has been specifically prepared to guide consideration of future subdivision opportunity for Lot 37 Devon Drive, Margaret River and for the purpose of this proposal this is referenced as the subject site. Both Lots 391 and 392 and the majority of lots within the Devon Drive locality are also zoned rural residential and identified under the Scheme within Schedule 2 - 'Special Provisions relating to development on land Zoned 'Rural Residential Zone' - 'RR-17'. The site is located approximately 2.5 kilometres to the west of the Margaret river town centre and adjoins similarly zoned land.

The location of the subject site and characteristics of the immediate locality are evident in Figure 1 and Figure 2 below.

Figure 1 – Locational Plan

Source: AMRSC Intramaps

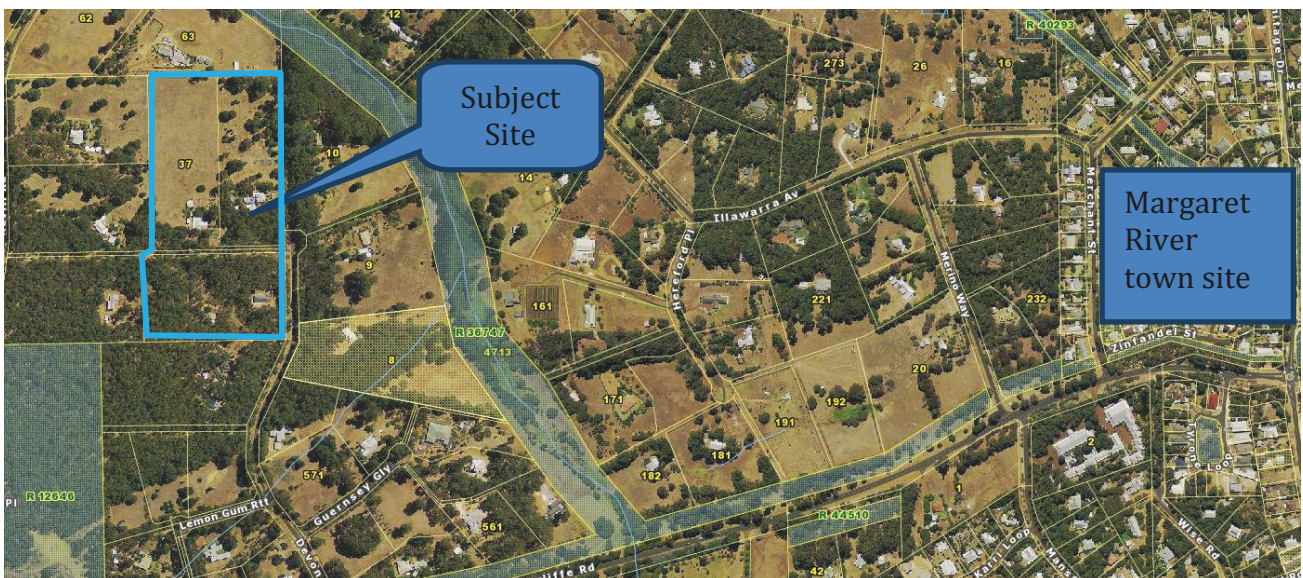
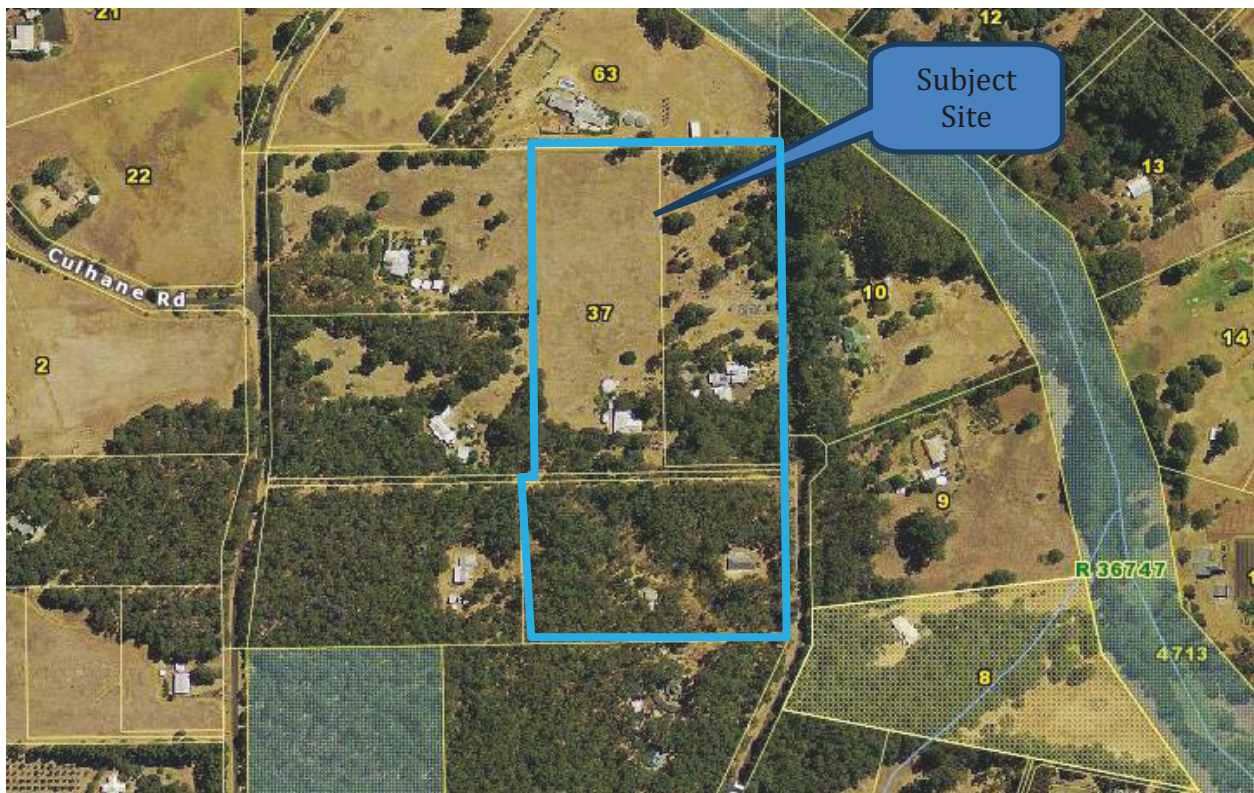


Figure 2 – Aerial imagery



Source: AMRSC Intramaps (2012)

The site also adjoins the configuration of a 6m wide Public Access Way that connects from Devon Drive through to Kevill Road to the West. This PAW has recently been subject to upgrades to align with the new Planning for Bushfire Regulations. Emergency access will be provided to this PAW to provide for an alternative access/egress route in an emergency event and this will be detailed within a following section of this report.

The Scheme at Schedule 7 – ‘RR-17’ provides for consideration of re-subdivision not less than 1 hectare for nominated lots within the Devon Drive locality. The main objective of this proposal is to prepare a Structure Plan to be referenced by way of a Scheme Amendment under ‘Schedule 7 – ‘RR-17’ to guide consideration of subdivision to a minimum lot area of 1 hectare, and for inclusion of the subject site under ‘RR-17’ and by designation the scheme map. Lot 1238 has been included by resolution of Council at the Ordinary Meeting held 12 April 2017. This lot will be subject to further technical investigations and amendment to the Structure Plan should subdivision be pursued in the future.

2.2.2 Area and Land Use

The area is located within an existing rural residential area to the northern extent of Devon Drive, Margaret River. This locality is characterised primarily by lots that have been created with or approved for a minimum lot area of 1 hectare and incorporating existing rural residential development within designated building envelopes. Existing development primarily consists of single residential development and ancillary development as may be considered in the zone.

The subject site is primarily cleared and incorporates a distribution of scattered remnant vegetation within the southern parts. Development is restricted to the southern parts of the lot and includes a single dwelling and ancillary structures as may be considered.

Lots 391 and 392 also incorporate existing residential and associated development and no land use intensification will be generated by this proposal within the area of those lots. Lot 1238 includes an existing dwelling and associated structures and will be subject to further structure planning process in the future should subdivision be pursued.

2.2.3 Legal Description and Ownership

A copy of the Certificate of Title for Lot 37 Devon Drive, Margaret River identifies that the owners of the subject site are Trevor and Linda Kent. 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 consolidated and contemporary outcome is achieved that aligns with the Deemed Provisions.

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 Regulations 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 Regulations 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 that the Structure Plan is valid for a period of 10 years and amendment to Structure Plans can be proposed through relevant procedure.

It is therefore duly noted that the Structure Plan that is 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 Plan means a plan for the coordination of future subdivision and zoning of an area of land'*. Given there is reference a subdivision is therefore relevant to this case.

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

- Illustrating the area covered by the structure plan and nominated building envelopes for all lots proposed;
- Guides consideration of subdivision of the subject site into three (3) rural residential allotments
- Implementation of the Bushfire Management Plan which shall occur at subdivision stage.
- Depicts the proposed access arrangement and emergency egress/access.
- Identifies that Lot 1238 will be subject to further structure planning process should subdivision be proposed.

2.3.1.1 Scheme Amendment No.51

To facilitate consideration of a site area below 3 hectares for Lot 39 Devon Drive, Margaret River it is necessary to modify the provisions of the scheme under Schedule 7 – ‘Special Provisions relating to development on land Zoned ‘Rural Residential Zone’ - ‘RR-17’ by inclusion of reference to the subject site and Lot 1238 adjoining and call in the relevance of the Structure Plan by way of a Scheme Amendment.

The subject lots are zoned Rural Residential under LPS No.1 and are also subject to the standard provisions of this zone as outlined.

The relevant excerpt from Schedule 7 – Special Provisions relating to development on land Zoned ‘Rural Residential Zone - RR-17’ specific to this proposal provides:

Scheme Map Reference No.		Specific Conditions and Requirements
R-R 17	Lots 9, 10 and 29 Devon Drive and 36 Kevill Road, Margaret River	<ol style="list-style-type: none"> 1. The local government will not support any proposal to re-subdivide the land until such time as Detailed Area Plan has been prepared and adopted for the land in accordance with the Scheme having regard the relevant considerations for the preparation of such a plan at Clause 6.2.8. 2. All vegetation on the land shall be preserved unless dead or dangerous or required to be removed to give effect to an approved subdivision or development. 3. Notwithstanding the provisions of Clause 4.21 of the Scheme, the minimum lot size for re-subdivision of the land shall not be less than 1 hectare.

Scheme Amendment No. 51 has been prepared and this seeks to amend Schedule 7 – ‘SPA -17’ as follows:

Scheme Map Reference No.	Site Description	Specific Conditions and Requirements
R-R 17	Lots 9, 10, and 39 <u>37, 391, 392</u> and <u>1238</u> Devon Drive and 36 Kevill Road, Margaret River	<ol style="list-style-type: none"> 1. The local government will not support any proposal to re-subdivide the land until such time as Detailed Area Plan has been prepared and adopted for the land in accordance with the Scheme having regard to the relevant considerations for the preparation of such a plan at Clause 6.2.8 <u>a Structure Plan has been prepared and adopted for the land in accordance with the Scheme or subsequent Structure Plan approved by the Western Australian Planning Commission, in accordance with the process set out in Part 4 of the Deemed Provisions.</u> 2. All vegetation on the land shall be preserved unless dead or dangerous or required to be removed to give effect to an approved subdivision or development. 3. Notwithstanding the provisions of Clause 4.21 of the Scheme, the minimum <u>average lot size for re-subdivision shall be 1 hectare.</u>

The Structure Plan has been prepared specifically as there is no conflict between the plan and provisions of the Scheme of substance. Relevant issues that are required to be addressed are also covered. There is limited vegetation over the subject site so environmental objectives are not anticipated to be compromised. An environmental report further details this within a later section of this report.

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

Scheme Amendment No. 51 to Local Planning Scheme No. 1 for Lots 37, 1238, 391 and 392 was granted final approval by the Minister for Planning on the 5th April 2019 and the amendment was gazetted on 26 April 2019. This will facilitate the subdivision of the subject site in accordance with the Structure Plan.

2.3.1.2 Local Planning Scheme No.1 ('the Scheme')

The subject site and those adjoining are zoned 'Rural Residential' under the Scheme. The majority of lots including Lot 391, 392 and 36 Kevill Road adjoining are also located under Schedule 7 'RR-17' and by designation on the scheme map which provides for consideration of a minimum lot area of 1 hectare.

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 recognise 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 recognise 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 37 for subdivision into lot sizes with the (1) one hectare lot size met by use of common property as can be considered in accordance with the provisions of the LNRSP and LPS.

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 provisions of Schedule 7 dominate and allow consideration of subdivision to a minimum lot size of 1 hectare and 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. 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 the subject site and the Bushfire Management Plan can be effectively implemented at subdivision stage, as required as a notation on the Structure Plan. The environmental assessment undertaken for the subject site also identifies that there are

no major implications for important species or habitat by way of implementation of the Bushfire Management Plan. Detail in relation to findings is provided in a later section of this report.

Landscape character is considered and the Structure Plan will introduce controls to limit the siting of development by way of designated building envelopes and landscaping for softening of development.

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 are 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 adhered to as evident by the siting of the building envelopes within the Structure Plan which have been located cognisant of setback requirements.

The aspects of the general provisions of the Scheme are considered in the preparation of the Structure Plan and incorporation of the subject site under the special provisions at Schedule 7. The proposal has been prepared specifically so there is no conflict between the plan and the provisions of the Scheme.

2.4 Planning Strategies

2.4.1 Local Planning Strategies ('LPS')

The role of the LPS is to set out the medium to long term planning strategy for the Shire, specifically the LPS sets out the strategies for 15 years from the date of gazettal.

In regard to consideration for rural residential land, the Strategy identifies that rural residential subdivision outside the areas as identified within the Strategy and under the Leeuwin Natural Site Ridge State Planning Policy (LNRSP) will not be supported to avoid fragmentation of potential viable and productive agricultural land. Where possible, rural residential settlement in a clustered form will be encouraged to minimise the environmental footprint and provide for proper fire management regimes whilst retained 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 display any of the following attributes are 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, the Structure Plan does not exhibit issues outlined in the locational factors that may influence Council not to support the proposal. The balance lots included at the direction of the Local Government have previously been subdivided. 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 in the immediate locality.

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 the area is down to a 1 hectare minimum lot size. Similar access arrangements have also been supported within adjoining Structure Plan areas within the locality. Inclusion of vegetated buffers utilising native species will also provide for an improved environmental and habitat outcome as is promoted. 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 in both visual management zone 'A' in the northern portion of the site together with visual management zone 'B' in the southern portion. This site is also located within an area of 'rural landscape significance' over the northern portion of the site.

Requirements in relation to future development and relate to limited built form and visibility from public areas. Recommendations include restricting height and the location of development and restricting use of reflective materials. Visual management zone 'B' provides that development or changes should nevertheless be subordinate to established landscape patterns. The Structure Plan incorporates the location of building envelopes that have been carefully considered in keeping with the general amenity of the locality and this is also located over existing development. The vegetated buffers that will be implemented at subdivision stage will also assist in screening built form between the lots proposed and adjoining landowners. These may also utilise fire retardant native species.

2.4.2 State Planning Strategies

2.4.2.1 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 that there is significant area 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.

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*
- *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. Additional landscaping where required can improve amenity and address retention of landscape values, and has been incorporated within the proposal. The subdivision of one lot alone probably does not warrant upgrading of walking or cycling facilities and this has not been a requirement across all existing Structure Plan areas in Kevill Road. In relation to opportunities for local enterprise and small scale intensive agriculture, subdivision design will allow such activities to continue to be proposed under the provisions of the Scheme.

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. The lots proposed have intended to site building envelopes in cleared areas where existing development exists and therefore endeavour to minimize landscape impact and landscaping is also proposed to provide an overall positive environmental contribution and landscaped screening.

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.

2.4.2.2 State Planning Policy 3.7 – Planning in Bushfire Prone Areas

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

The lots as identified under the Structure Plan are identified as ‘Bushfire Prone’ under the relevant mapping. A Bushfire Management Plan has been prepared by RUIC Bushfire Consultants in January 2017 to support consideration of this proposal and is specific to Lot 37 Devon Drive, Margaret River. This is included for review at Appendix C. It is anticipated that further development at the site may be subject to further review under SPP 3.7.

With respect to Lots 391 and 392 an approved Bushfire Management Plan already exists, remains operative and has been implemented to service the subdivision to create the lots.

2.5 Other Approvals or Decisions

As detailed within the context of the proposal, there is an existing Detailed Area Plan referencing Lot 39 Devon Drive, Margaret River which was adopted prior to the introduction of the Deemed Provisions. Subsequent to this, Lot 391 and 391 two were created under opportunity incorporated under Schedule 7 for considerations of subdivision to a 1 hectare minimum lot area subject to an endorsed Detailed Area Plan. This proposal will incorporate and supersede the Detailed Area Plan to provide a consolidated and contemporary outcome that is compliant with processes associated with the Deemed Provisions, and provide for amendments to the provisions of Schedule 7 ‘RR-17’ to appropriately reference the Structure

Plan as required. At the Ordinary meeting of Council on the 12th April 2017 Council resolved to include adjoining Lot 1238 and this lot has now been incorporated within the context of the Structure Plan and Scheme Amendment documentation and also referenced within the zoning map.

2.6 Pre Lodgement Consultation

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 and it was confirmed (informally) that the preparation of a Structure Plan and Scheme Amendment over the site for consideration of the potential for subdivision of the land was a logical way to proceed. It was also necessary to include Lots 391 and 392 and subsequently Lot 1238 at the direction of Council at the Ordinary Meeting held 12 April 2017 to provide a consolidated and contemporary outcome is achieved with the introduction of a Structure Plan which aligns with the Deemed Provisions.

This proposal has been prepared and subsequently updated to accord with the Western Australian Planning Commissions 'manner and form' Structure Plan Framework as required under the 'Schedule of Modifications'.

2.7 Site Conditions and Constraints

2.7.1 Biodiversity and Natural Area Assets

The proposal incorporates landscaping buffers that will provide for screening between landowners and also provide alternative habitat for native species. Detail in relation to this can be provided at subdivision stage. It is anticipated that any modification to the existing limited vegetation on site may be kept to a minimum and associated with implementation of bushfire mechanisms as is already required about existing development. An Environmental Assessment has been undertaken by Sean Smith of Environmental and landscape Management in November 2016 and this is attached for review at Appendix B and the recommendations in relation to biodiversity are summarised below and also within section 3.7.3 of this report.

The Environmental Assessment identifies that there is very little remnant vegetation on site and no poorly represented vegetation communities occur on the site. Overall, there was a limited range of native species found across the site, and no Declared Rare species. There are two large Marri, one large Jarrah and a small number of Willow Peppermint trees on site. It is noted that these are located in proximity to the existing dwelling and are not likely to be effected by the proposed subdivision of the site. There is a Jarrah tree adjoining boundary associated with the access alignment however it is anticipated that this may be navigated without impact, the Ordinary meeting of Council 12th April 2017 resolved that this was to be notated to be retained and the battleaxe modified to accommodate vehicle movements to achieve this. Modifications have now occurred to the Structure Plan to accommodate this within Revision C as attached. It is noted that environmental investigations had particular attention paid to areas proposed for building envelopes, firebreaks and access ways.

Findings also identify that the two large Marri and Jarrah tree may provide roosting habitat for Black Cockatoos. None of these trees will be removed by way of the subdivision process. Further, the peppermint trees may provide habitat for Western Ringtail Possums, and will be retained where possible.

2.7.2 Landform and Soils

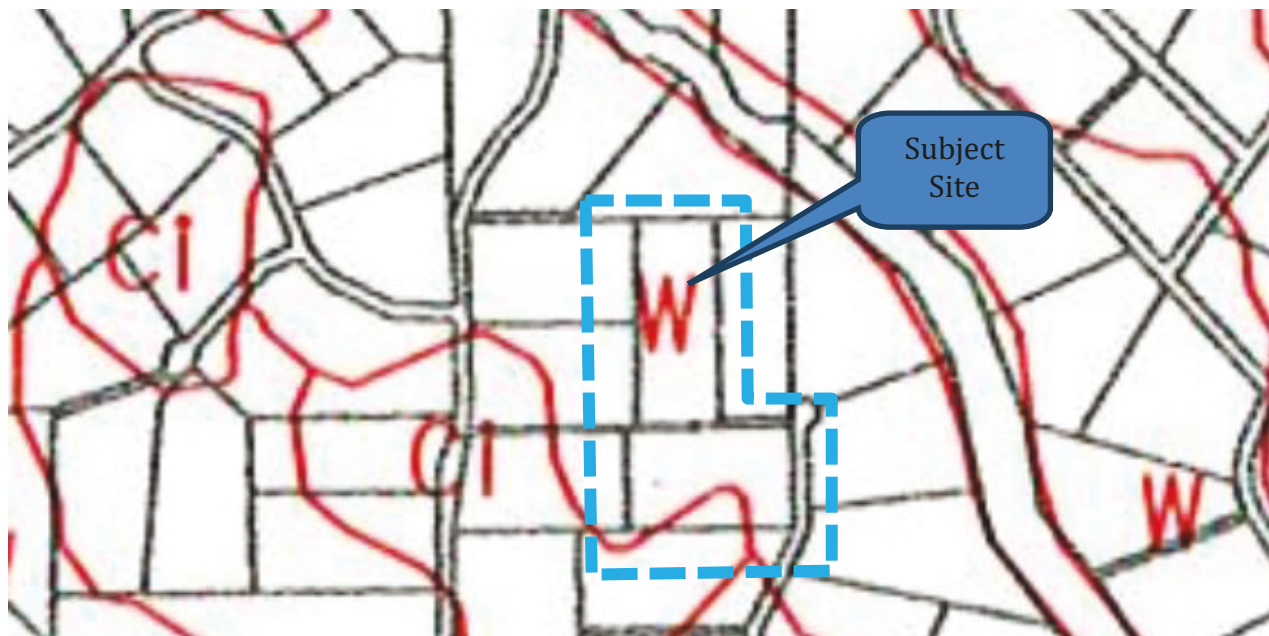
The site is located on the edge of the Leeuwin Block, a narrow area along the coast between Cape Naturaliste and Cape Leeuwin, which is dominated by a gently undulating lateritic plateau (Dept of Ag. 2003). The site is primarily cleared of vegetation and maintained in a pastured state which reflects the historical use of the site for stock grazing activities. Stands of vegetation are located to the south of the site in proximity of the existing dwelling and associated outbuildings.

The Structure Plan area is characterised by a slope towards the east, with a fall of approximately 87AHD to the south west to approximately 55AHD to the north east.

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 3 below.

Figure 3 – Excerpt from Tille and Lanzke (1990)

Source: Tille and Lanzke (1990)



As can be viewed above, the subject site contains predominately soils of the Wilyabrup Slopes land system 'W' with the majority of the site appearing to fall 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. In relation to limitations associated with soil absorption. An environmental assessment has been undertaken by Sean Smith of Environmental and Landscape Management in November 2016. This report demonstrates that soil absorption capability from test pits excavated within the vacant designated building envelopes appear acceptable such that soil absorption limitations are considered to be manageable. Additionally, the location of existing development within the configuration of the site currently serviced by existing onsite effluent disposal mechanisms further demonstrates the soil absorption capability.

Trafficability is also considered manageable by the existing access arrangements across the site together with access arrangements in proximity to the site. Limitations for soil units have not be obstructive to the large number of allotments within the soil classifications zoned to allow for 1 hectare (or the equivalent) lots.

No contaminated sites are recorded or adjoin the subject land on the Department of Parks and Wildlife (DPaW) Contaminated Sites website.

Further investigations in relation to the soil profiles across the site have been undertaken by Sean Smith within the Environmental Assessment dated November 2016 as appended to this report at Appendix B. The findings in relation to this are summarised in the following section.

2.7.3 Environmental Assessment

A soil assessment was undertaken to determine the suitability of the site for disposal of wastewater using a conventional septic tank system or Alternative/Aerobic Treatment Unit.

2.7.4 Soil Profiles

The report identifies that two (2) test pits were excavated with proximity to the proposed building envelopes, the location of which are evident within Appendix 2 of the assessment.

2.7.5 Wastewater Recommendations

Recommendations identify that the site is suitable to cater for septic tank effluent disposal systems for the lots proposed.

Further, that inverted leach drains be utilised to increase the depth of free draining soil and manage any issues arising from the moderate slope of the overall site;

- A suitable soil amendment is added to the disposal fields to increase the phosphorous binding capability of the soils (to increase the PRI above 20) where the soil PRI is lower;
- That suitable salt tolerant native vegetation is planted around the location of the proposed disposal field to improve evapotranspiration. Local native coast species are noted as ideal; and
- The environmental assessment as undertaken on the site clearly identifies that the site is suitable to cater for on-site effluent disposal without complication.

2.7.6 Ground Water and Surface Water

The Environmental Assessment identifies that the overall site has a gradual slope and is approximately 65 to 81 metres above sea level. The Yalgardup Brook, which flows into the Margaret River is located around 200 metres from the site.

The depth to groundwater was identified at around 2 metres for the first test pit and greater than 2m for the second pit at the time of the site visit, which was undertaken on the 19th August 2016, which was well after the break of the winter season and can be considered the wettest time of year.

The environmental report identifies that the lots proposed are situated at a suitable distance from surface water bodies for consideration of on-site effluent mechanisms. Further the Department of Agriculture (2016) mapping indicates a low to no percentage risk of flooding for the overall site.

2.7.7 Bushfire Hazard

A Bushfire Management Plan ('BMP') has been prepared for the site by RUIIC in September 2016 in accordance with State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7). This is attached for review at **Appendix C**. Following preparation of the initial endorsed BMP there were modifications proposed to the siting of building envelopes for proposed Lots 372 and 373. Discussions with DFES resulted in the preparation of an Addendum that reflects the minor modifications to the BMP that can be read in conjunction with the original BMP. This is attached for review at **Appendix Ca**.

The BAL contour included within the BMP Addendum identifies that the proposed building envelopes can achieve BAL-29 or lower rating. A notice can be placed on the certificate of title of proposed Lot 371 to inform that the current dwelling can achieve BAL-29 however there are other areas in the building envelope where a higher rating is achieved.

The access arrangement has been adjusted through the Scheme Amendment and Structure Plan process such that it is anticipated that the EAW adjoining the southern battle-axe alignment will be utilised in a co-joint manner in the event of a bushfire emergency.

2.7.8 Heritage

The Department of Indigenous Affairs Database (DIA 2010) indicates that the site is adjacent to Land Use Agreements: South West Boojarah and People ILUA. There are no registered sites within or in proximity to the subject site.

2.8 Conclusion

The Structure Plan will facilitate consideration of re-subdivision of Lot 37, and incorporation of Lot 37, 391, 392 and 1238 under a cohesive Structure Plan. The subject site is 3 hectares in area and as such is typically consistent with a typical one (1) hectare lot subdivision needed to create three one (1) hectare lots. The three lots the subject of the proposal will essentially be one (1) hectare given common property area is proposed, incorporating a common property area of 1108m² to service all three lots proposed. The proposal will result in an average lot area of one hectare within the Structure Plan area. The outcome is essentially the same as green title subdivision with all the lots having benefit of a one (1) hectare area of land use.

The Scheme Amendment and Structure Plan is reflective of ongoing decisions in local planning to make better use of rural residential land taking into account the objectives of the LPS and LNRSP and is a rounding off of the opportunity in the Kevill Road East/Devon Drive area.

A Bushfire Management Plan has been prepared as part of this proposal which addresses all proposed lots shown on the Structure Plan. It is requested that the Shire endorse the BMP as part of the process to provide surety to the subdivision process in the future.

In light of the above the Amendment and associated Structure Plan have merit and the site affected is suitable for subdivision in the same fashion of those surrounding in all directions.

Adequate information as required has been provided to justify subdivision of Lot 37. Lot 1238 has not been investigated in detail and will require additional reporting to inform the consideration of subdivision and this is clearly notated within the Structure Plan

It is proposed that this Structure Plan will be considered concurrently with the Scheme Amendment and based on the above report, support for the proposed Structure Plan is respectfully requested.

TECHNICAL APPENDICES INDEX

Appendix No.	Document Title	Date of Document	Referral/approval agency	Summary of documentation modifications
A	Structure Plan	May 2017		
B	Environmental Assessment	November 2016		
C	Bushfire Management Plan and Addendum to Approved Bushfire Management Plan	September 2016 February 2019		
D	Detailed Area Plan	October 2011		