

LOT 151 SALMON PLACE, MARGARET RIVER - STRUCTURE PLAN

Prepared by



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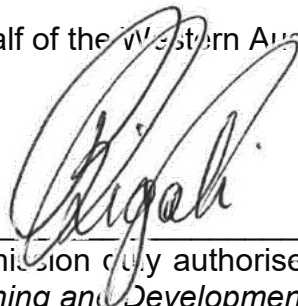
Prepared for

ANTHONY JOHN & ANITA MORGAN

This structure plan is prepared under the provisions of the City of Busselton Local Planning Scheme No. 1.

IT IS CERTIFIED THAT THIS STRUCTURE PLAN WAS APPROVED BY RESOLUTION OF THE WESTERN AUSTRALIAN PLANNING COMMISSION ON: **27 MAY 2021**

Signed for and on behalf of the Western Australian Planning Commission



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



Witness

29 MAY 2021

Date

27 MAY 2031

Date of Expiry

TABLE OF AMENDMENTS

Amendment No.	Summary of Amendment	Amendment Type	Date Approved by WAPC



Executive Summary

This Structure Plan relates to Lot 151 Salmon Place, Margaret River ('the land') which comprises 11.0155 hectares and is situated 6.2 kilometres south west of Margaret River town site and 2.2 kilometres east of the coastal town site of Gnarabup. The land has legal road frontage to Salmon Place. It also abuts Caves Road on its eastern boundary.

AholaPlanning has been commissioned by the landowner of Lot 151 Salmon Place, Margaret River to prepare a Structure Plan that provides the detailed planning framework to guide future subdivision and development of the land to accommodate two (2) additional lots.

In 1998 the Western Australian Planning Commission (WAPC) adopted the Leeuwin Naturaliste Ridge Statement of Planning Policy 6.1 (LNRSP) which includes policies that identify the land within a broad area already committed for Rural Residential development.

The WAPC's recently adopted (May 2019) Leeuwin-Naturaliste Sub-regional Strategy confirms the land to be developed for Rural Living purposes as denoted on its Leeuwin-Naturaliste Strategy Plan.

The land is zoned 'Rural Residential' in the Shire of Augusta-Margaret River Local Planning Scheme No.1 ('the Scheme'). The general provisions for the 'Rural Residential' zone state that, unless otherwise specified at Schedule 7, the minimum lot size for the land within the zone is three (3) hectares.

The Structure Plan proposes three (3) Rural Residential lots that are to be used and developed in accordance with the 'Rural Residential' zone requirements. The lots range from 3ha to 4.88ha in area, thereby achieving an average lot area of 3.672ha.

The Structure Plan satisfies the Rural Residential Policies set out in the WAPC adopted Shire of Augusta-Margaret River Local Planning Strategy (2017) as it:

- Completes a pattern of subdivision with lot sizes that remain 3ha or greater in the locality,
- Proposes development within building envelopes within cleared areas of the land,
- Proposes access to lots that will have minimal impact on the existing stands of remnant vegetation,
- Satisfies the bushfire protection criteria as set out in the Bushfire Management Plan.

The Structure Plan and relevant subdivision and development requirements set out therein is consistent with the type and density of development identified for the land in the LNRSP, Council Scheme and Local Planning Strategy and related WAPC policies, strategies and guidelines.

The table below provides a summary of the land uses within the Structure Plan.

Structure Plan Summary Table

Item	Data	Structure Plan Ref (Section No.)
Total area covered by the structure plan	11.0155 hectares	1.2.2 & Figure 1
Area of each land use: <ul style="list-style-type: none"> • Rural Residential 	Hectares/m ² Lot Yield 11.0155 3	3.1 & Structure Plan
Total estimated lot yield	3	3.1
Estimated number of dwellings	3	
Estimated residential site density	1 Dwelling / 3.672ha	
Estimated population	8 (@ 2.5 (based on average per household for Margaret River Locality)	
Number of High Schools	0	
Number of Primary Schools	0	
Estimated Commercial Floor Space	0	
Estimated area and percentage of public open space given over to: <ul style="list-style-type: none"> • Regional Open Space • District Open Space • Neighbourhood Parks • Local Parks 	0 hectares 0% 0 hectares 0% 0 hectares 0% 0 hectares 0%	
Estimated percentage of natural area	Hectares 2.34ha 21.2 %	



Table of Contents

Executive Summary	3
PART ONE – IMPLEMENTATION	7
1.0 Structure Plan Area	8
2.0 Operation	8
3.0 Staging	8
4.0 Subdivision and Development Requirements	8
4.1 Land Use Permissibility	8
4.2 Subdivision	8
4.3 Development	9
5.0 Local Development Plans	10
6.0 Other Requirements	10
7.0 Additional Information	10
8.0 Structure Plan (Map)	10
PART TWO – EXPLANATORY SECTION	12
1.0 Planning Background	13
1.1 Introduction and Purpose	13
1.2 Land Description	13
1.2.1 Location	13
1.2.2 Area and Land Use	14
1.2.3 Legal Description and Ownership	15
1.3 Planning Framework	15
1.3.1 Zoning	14
1.3.2 Regional and Local Planning Strategies	18
1.3.3 Planning Policies	22
1.3.4 Other Approvals and Decisions	24
1.3.5 Pre-lodgement Consultation	25
2.0 Site Conditions and Constraints	30
2.1 Biodiversity and Natural Area Assets	30
2.1.1 Vegetation and Flora	30
2.1.2 Fauna	30
2.2 Landform and Soils	31
2.2.1 Topography	31
2.2.2 Soils and Land Capability	31
2.2.3 Acid Sulfate Soils	32
2.3 Groundwater and Surface Water	32
2.3.1 Groundwater	32
2.3.2 Surface Waterway	32
2.4 Bushfire Hazard	33
2.5 Heritage	34
2.5.1 Indigenous Heritage	34



2.5.2	Non-Indigenous Heritage	34
3.0	Land Use and Subdivision Requirements	35
3.1	Land Use	35
3.1.1	Visual Impact of Proposed Land Use	35
3.2	Movement Network	38
3.2.1	Traffic Generation and Distribution	38
3.2.2	Driveway Access	38
3.2.3	Emergency Access	39
3.3	Infrastructure Coordination, Servicing and Staging	40
3.3.1	Power	40
3.6.2	Effluent Disposal	40
3.6.3	Water Supply	40
3.6.4	Gas	41
4.0	Conclusion	42
5.0	Technical Appendices	43

Figures

Figure 1 -	Site Location and Context Plan
Figure 2 -	Image View North-West from Caves Road – Taken from Adjacent Lot 66 (Right of Way) Immediately South of the Land
Figure 3 -	Image View South-West from Caves Road – Taken Just North of the Battleaxe Access Entry to Adjacent Lots 1611, 1612 and 1613
Figure 4 -	Image View North from Salmon Place Cul-de-sac Showing Driveway crossover within the 10m wide Battleaxe Access to the Land

Tables

Table 1 -	Ownership Details
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Appendices

Appendix 1 -	Certificate of Title
Appendix 2 -	Reconnaissance Flora, Vegetation and Fauna Assessment (Emerge Associates)
Appendix 3 -	Bushfire Management Plan (Emerge Associates)
Appendix 4 -	Deposited Plan 17265
Appendix 5 -	Approved Plan of Subdivision and Associated State Planning Commission Approval (Reference – 76809)
Appendix 6 -	Minister for Planning’s decision (Reference: AP 68/89)
Appendix 7 -	Lot 66 Right of Way - Certificate of Title Volume 1854 Folio 821
Appendix 8 -	Soil Wastewater Assessment (Environmental and Landscape Management)
Appendix 9 -	Aboriginal Heritage Inquiry (Department of Planning, Lands, Heritage)
Appendix 10 -	Dial Before You Dig Power Infrastructure (Western Power)

PART ONE – IMPLEMENTATION



1.0 Structure Plan Area

This Structure Plan applies to the whole of Lot 151 on Deposited Plan 38611 Salmon Place, Margaret River as contained in Certificate of Title Volume 2568/ Folio 725 (refer to **Appendix I: Certificate of Title**).

The Structure Plan area is bounded by Caves Road to the east, an unconstructed Right of Way (ROW)(referred to as Lot 66) to the south and existing Rural Residential lots to the west and north.

2.0 Operation

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

3.0 Staging

It is not proposed to stage the subdivision noting the small number of lots proposed, the availability to infrastructure and intent of the landowners involved.

4.0 Subdivision and Development Requirements

The Structure Plan outlines land use and zoning applicable within the Structure Plan area. The zone designated under this Structure Plan applies to the land consistent with the zone referenced in the Shire of Augusta-Margaret River Local Planning Scheme No.1 ('the Scheme').

4.1 Land Use Permissibility

Land use permissibility within the Structure Plan Area shall be in accordance with the corresponding zone identified on the Structure Plan.

4.2 Subdivision

- I. The following matters will be addressed via recommended conditions of subdivision -
 - a) Subdivision shall be generally in accordance with this endorsed Structure Plan.
 - b) The subdivider implementing the requirements of an approved Bushfire Management Plan applicable to the Structure Plan area.
 - c) A Section 70A Notification being placed on the Certificates of Title informing retrospective landowners of the existence of an approved Bushfire Management Plan and their responsibilities to comply with the plan.
 - d) A Section 70A Notification being placed on the Certificates of Title informing prospective landowners that a mains water supply is not available to the lot/s and a reticulated sewerage service is not available to the lot/s.

- e) The subdivider to prepare and implement a Landscape Plan to the satisfaction and specification of Local Government that is to address the following –
- the visual screening of future development from the northern property boundary and proposed internal boundary to mitigate visual impact between development, and
 - propose planting of native species that require minimal watering, fertilizer and ongoing management, and
 - the type, density and extent of planting within the landscape screening areas and identified on the Structure Plan Map.
- f) In relation to proposed Lot 1512, a Section 70A Notification will be required on the Certificate of Title informing the landowner of the existence of Significant trees with potential hollows for Black Cockatoos, as identified on the endorsed Structure Plan, and that those trees may not be removed or damaged.
- g) A subdivision condition requiring an authorized fauna spotter to be on site during any clearing of vegetation as part of subdivisional works to manage impacts to threatened fauna
- h) A subdivision condition will be the removal of the existing crossover to Caves Road and the road verge reinstated

4.3 Development

1. Use and development will be assessed in accordance with the provisions applicable to the 'Rural Residential' zone as set out in the Scheme.
2. Development shall comply with the approved Bushfire Management Plan for the Structure Plan – which includes all dwellings to comply with AS 3959-1999 – Construction of Houses within Bushfire Prone Areas and other 'owner/occupier' responsibilities as prescribed.
3. Dwellings are to make provision for the catchment of potable water in accordance with Clause 5.22 of the Scheme.
4. Boundary fencing is to be open style (e.g post and wire) standard to the satisfaction of the Local Government.
5. Single Houses and associated facilities are to be connected to an on-site wastewater effluent disposal system to provide for the treatment and disposal of effluent waste to the satisfaction of the Local Government and the Department of Health.
6. A site and soil evaluation is to be completed to inform the location and type of effluent disposal system.
7. Notwithstanding any other provision of the Scheme or this Structure Plan, vegetation within the 20m wide Parkland Buffer Areas identified on the approved Structure Plan is to be

maintained by the lot owners to screen development from Caves Road to the satisfaction of the Local Government.

8. Significant trees with observed or potential hollows as identified on the Structure Plan are not to be removed or damaged.

5.0 Local Development Plans

Local Development Plans are not required by this Structure Plan.

6.0 Other Requirements

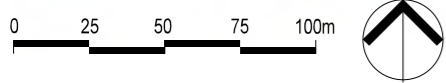
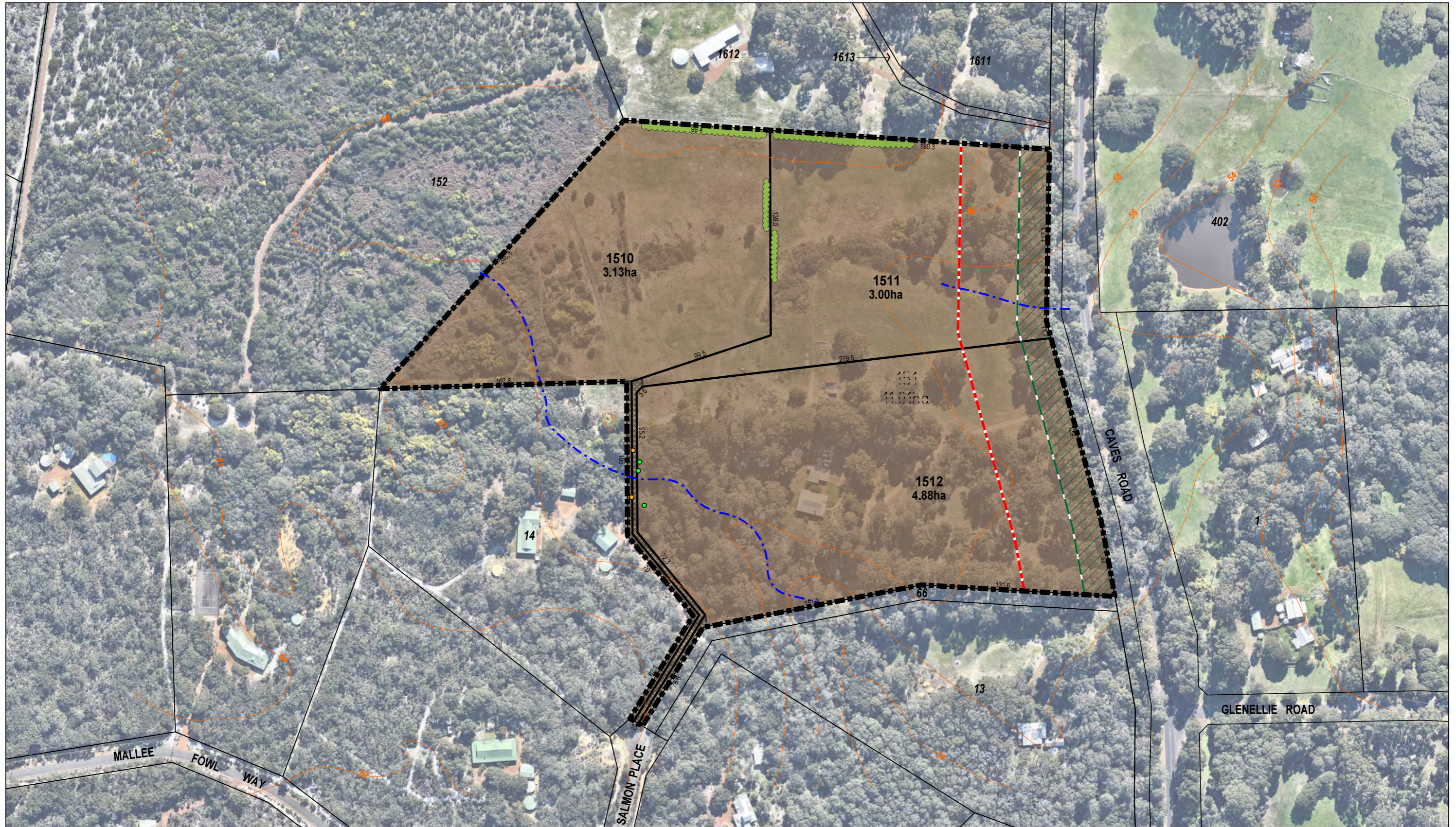
1. The subdivider is to make financial contributions on a per lot basis to the Local Government towards the costs of providing community/or common infrastructure in accordance with the Shire of Augusta-Margaret River Local Planning Scheme No.1.

7.0 Additional Information

The Structure Plan does not require the submission of any additional information.

8.0 Structure Plan (Map)

The Structure Plan Map is provided on the next page.



NOTE: Base Data supplied by Landgate.
Aerial Photo - 2/8/2019
Areas and dimensions shown are subject to final survey calculations.

Revision	Date	Item
C	11/5/21	Remove BE & Dways
B	28/5/20	Shorten creekline as per GA request
A	17/4/20	Update as per GA request
A	11/11/19	Initial Issue

LEGEND

- APPLICATION BOUNDARY
- PROPOSED BOUNDARY
- EXISTING STRUCTURES TO BE RETAINED
- LANDSCAPE SCREENING (5m WIDE)
- 20m WIDE LANDSCAPE PROTECTION AREA
- 60m DEVELOPMENT SETBACK

- DRAINAGE - INTERMITTENT CREEKLINE
- RECIPROCAL RIGHTS OF ACCESS EASEMENT
- SIGNIFICANT TREES (DIAMETER AT BREAST HEIGHT > 500MM) - POTENTIAL FOR HOLLOWES
- NO HOLLOWES OBSERVED

ZONES

- RURAL RESIDENTIAL

A. MORGAN : CLIENT
A3@1:2.500 : SCALE
11 May 2021 : DATE
00106-2-001 : PLAN No
C : REVISION
G.A : PLANNER
B.L : DRAWN

STRUCTURE PLAN

Lot 151 Salmon Place, MARGARET RIVER



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PART 2 – EXPLANATORY REPORT



1.0 Planning Background

1.1 Introduction and Purpose

This Structure Plan has been prepared in accordance with the Department of Planning Structure Plan Framework (August 2015). This Structure Plan seeks to provide a comprehensive framework to guide future subdivision and development of Lot 151 Salmon place, Margaret River ('the land'). The design has considered and incorporated regional strategies, relevant state planning policies, Council local planning controls and the outcomes of technical and environmental assessments of the land to inform the Structure Plan.

In 1998 the Western Australian Planning Commission (WAPC) adopted the Leeuwin Naturaliste Ridge Statement of Planning Policy 6.1 (LNRSP) which includes policies that identify the land within a broad area already committed for Rural Residential development.

The land is zoned 'Rural Residential' in the Council's Scheme and also falls within an existing Rural Residential area in the WAPC endorsed Shire of Augusta-Margaret River Local Planning Strategy (2017).

The WAPC's recently adopted (May 2019) Leeuwin-Naturaliste Sub-regional Strategy confirms the land to be developed for Rural Living purposes as denoted on its Leeuwin-Naturaliste Strategy Plan.

This Structure Plan will facilitate rural residential development that further consolidates rural living land use and development consistent with surrounding development immediately north, west, south of the land and also the broader area (including east of Caves Road). The Structure Plan locates proposed development within cleared areas and utilises the existing battleaxe driveway from Salmon Place. The proposed building envelopes are also located to ensure that development is setback from Caves Road and minimizes the impact on remnant vegetation and non-endemic vegetation.

The Structure Plan integrates with and complements the existing rural living lifestyle land use established in the locality since the late 1980's. It also reflects key strategic and statutory policies relating to the land and completes a pattern of subdivision consistent with the character of the locality.

1.2 Land Description

1.2.1 Location

The land is situated 6.2 kilometres south west of Margaret River town site and 2.2 kilometres east of the coastal town site of Gnarabup. (Refer to **Figure 1**).

The land is bounded by Caves Road to the east, 'Rural Residential' zoned Lots 1612 to the north, Lots 152 and 14 to the west and a 10m wide unconstructed Right of Way (ROW) referred to as Lot 66 to the south. Rural Residential development extends further in each direction – including to the east of Caves Road.

Properties to the north and opposite Caves Road remain predominantly cleared and contain parkland trees and vegetation along existing creek lines. Properties to the west have seen development occur within areas of remnant vegetation.

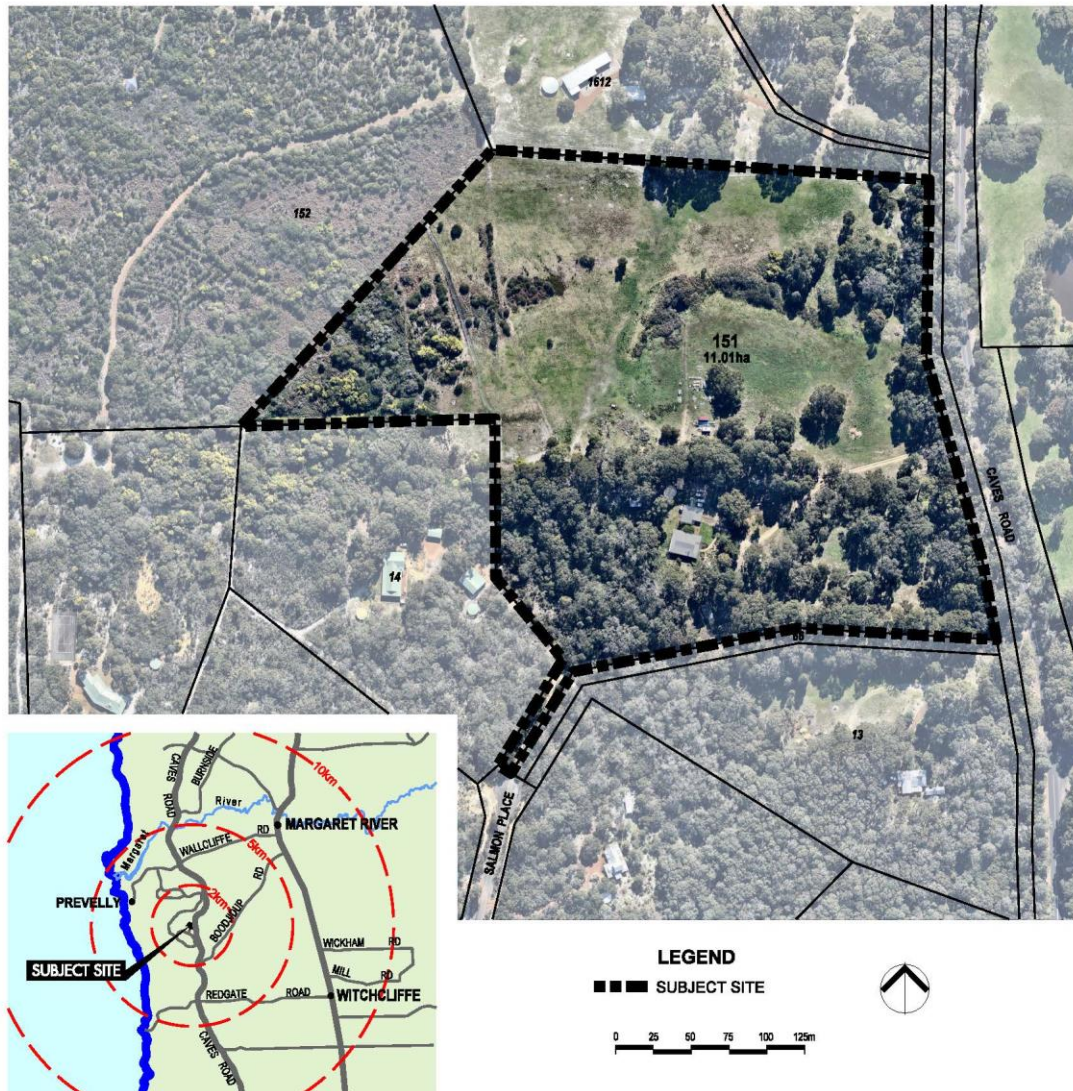


Figure 1 – Site Location and Context Plan

1.2.2 Area and Land Use

The land has an area of 11.0155 hectares and contains an existing Single House and associated outbuildings toward the southern portion of the property. The majority of the land (including existing firebreaks between the land and adjoining Lots 14 and 152) remains predominantly cleared with the exception of various isolated ‘parkland’ trees (non-endemic) and mature landscaped buffer plantings adjacent Caves Road. These landscaped buffer plantings were installed with introduced species in the late 1980’s and significantly screen views into the cleared portion of the land from Caves Road. Areas of remnant vegetation are located in the western-most triangular portion and the south-western portion of the land (refer to Reconnaissance Flora, Vegetation and Fauna Assessment report at **Appendix 2**).

1.2.3 Legal Description and Ownership

The land is legally described as Lot 151 on Deposited Plan 38611 Salmon Place, Margaret River. **Table I** below outlines the relevant ownership information associated with the land. The Certificate of Title is contained at **Appendix I**.

Landowner	Lot No.	Plan/ Diagram No.	Certificate of Title	Street Address	Easements/ Encumbrances
Anthony John Morgan and Anita Morgan	151	38611	Volume 2568 Folio 725	6498 Caves Road, Margaret River	Nil

Table I - Ownership Details

1.3 Planning Framework

1.3.1 Zoning

1.3.1.1 Shire of Augusta-Margaret River Local Planning Scheme No.1 (2010)

The land is zoned 'Rural Residential' in the Shire of Augusta-Margaret River Local Planning Scheme No.1 ('the Scheme'). Surrounding land to the north, west and south has been subdivided and developed for rural residential purposes in accordance with preceding local structure plans, Subdivision Guide Plans or WAPC Approved Plans of Subdivision.

1.3.1.2 Objectives and Policies

Clause 4.2.4.2 of the Scheme sets out the Objectives and Policies of the 'Rural Residential' zone as follows:

'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 both with the provisions of the LNRSP, the conservation of the significant landscape values and environmental attributes of the land and with appropriate fire management.

Objectives of the Rural-Residential Zone:

- a) *To limit the extent of 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 objective of preserving environmental and landscape values.'*

The Structure Plan is considered to be generally consistent with the above Purpose and Objectives for the following reasons:

- As referenced under Section 1.3.3 of this report, the land falls within an area whereby the LNRSP encourages subdivision and development design that facilitates better use of land already committed for Rural Residential development. The Structure Plan also provides for future subdivision and development that aims to retain the existing environmental and landscape values of the locality through limited development in areas that will be screened from the major tourist corridor of Caves Road.
- The proposed lot sizes reflect the minimum 3ha pattern of subdivision already established surrounding the land.
- It locates proposed building envelopes in cleared areas of the property and will suitably setback development to protect the existing rural residential amenity and rural landscape character of the locality.
- It provides access to all lots via existing sealed roads along with the provision of underground power and telecommunications.
- The subdivision layout complies with the Rural Residential zone's minimum lot size requirement of 3ha as set out under Clause 4.22.1 of the Scheme.
- Subdivision and development as proposed responds to the criteria and recommendations set out in the Bushfire Management Plan (provided at **Appendix 3**) which demonstrates compliance with Guidelines for Planning in Bushfire Prone Areas.

1.3.1.3 Development in the Rural Residential Zone

The purpose and objectives for the Rural Residential zone are also guided by the general provisions for development in the 'Rural Residential' zone provided under Clause 4.22 of the Scheme. This Clause 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 provisions of Schedule 7, the provisions of Schedule 7 shall prevail.'

Clause 4.22.1 of the Scheme makes provision for subdivision in the 'Rural Residential' zone as follows:

- 'a) *The minimum lot size is 3 hectares unless otherwise specified at Schedule 7 and shown on an 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 Structure Plan proposes lots that satisfy the 3 hectare minimum lot size as referenced above. In addition it is considered that the general provisions set under Clause 4.22 of the Scheme are adequate in considering future development within the building envelopes of each proposed lot.

Clause 4.22.2 of the Scheme includes the application of building envelopes which are shown on an approved Structure Plan. The Scheme provisions confine development to occur within the limits of the building envelope, unless otherwise approved by the Local Government. It also places a prohibition on clearing of any land outside the building envelope except where it is necessary to:

- (i) *gain vehicular access to the lots, which access points and crossovers may be nominated by the local government;*
- (ii) *comply with the provisions of the Bush Fires Act 1954;*
- (iii) *construct dwellings and outbuildings within the building envelope and to provide sufficient protection for those buildings at risk from bushfire; or*
- (iv) *conduct a rural pursuit where it can be demonstrated that such an activity is consistent with both the objective of the subdivision from which the lot was created and the visual amenity and landscape values of the area.*

The Structure includes existing development within a proposed building envelope and identifies other proposed building envelopes within cleared areas of the land. It also proposes to use an existing 10m wide battleaxe access leg to provide reciprocal rights of access to all three proposed lots, thereby minimising clearing and providing a suitably constructed point of access/egress that satisfies Bushfire criteria/guidelines and maintains visual amenity and landscape values of the area.

In line with Clause 4.22.3 'Bushfire Protection' of the Scheme, the Structure Plan is supported with a Bushfire Management Plan (refer **Appendix 3**) whereby the subdivider and future landowners will be responsible for implementing the fire management responsibilities as referenced in the that Plan.

The environmental assessment for the land identifies there to be no major implications for threatened or priority flora species or protected fauna or habitat from implementing the Bushfire Management Plan. Details relating to the environmental assessment and Bushfire Planning are discussed further under Section 2 of this report.

While the general provision set out under Clause 4.22 relate more so to built form development, the Structure Plan details a lot and building envelope layout that ensures proposed development will be setback at least 96m between the closest building envelope and Caves Road. Future development will also be screened from Caves Road by areas of remnant and introduced vegetation – some of which were installed as part of the original subdivision to create the property. Some filtered views will be provided from Caves Road – noting the buffer planting and road reserve vegetation between the road carriageway and the building envelopes. The Structure Plan will ensure the local rural landscape characteristics will be protected through development that will be inevent from Caves Road, reflect the density and pattern of Rural Residential land use of the locality and protect areas of remnant vegetation.

1.3.2 Regional and Local Planning Strategies

1.3.2.1 Leeuwin-Naturaliste Sub-regional Strategy (WAPC: May 2019)

The Leeuwin-Naturaliste Sub-regional Strategy (LNSS) is an overarching strategic land use planning document outlining the WAPC’s approach and guidance to implement State strategic priorities and inform local planning strategies and schemes. Its purpose is to manage and plan for growth within the sub-region and to inform a review of State Planning Policy 6.1- Leeuwin Naturalist Ridge.

A key strategic direction of the LNSS relevant to this Structure Plan is to adopt a presumption against the creation of new urban and rural living areas beyond those identified in existing local planning strategies or local planning schemes. The LNSS includes a Strategy Plan that identifies the land as ‘Rural Living’. The Structure Plan is consistent with the land use allocation identified in the LNSS.

1.3.2.2 South West Regional Planning and Infrastructure Framework (WAPC: December 2015)

The WAPC’s south West Regional Planning and Infrastructure Framework (SWRPIF) updates the South-West Framework (2009) and identifies infrastructure and planning priorities for the region to achieve sustainable growth. The framework provides direction for local governments in the preparation of more detailed local planning strategies and local planning schemes.

Section 6.2 (Building Sustainable Communities) of the SWRPIF references relevant reasons that support consolidating density of existing ‘Rural Residential’ zoned land as follows:

“Constraining low-density urban sprawl through:

- *preventing the creation of new rural residential lots beyond those identified in existing local planning strategies or local town planning schemes, while making provisions for the creation of conservation lots or other forms of lots that provide a mechanism for the protection of existing native vegetation or opportunities for revegetation of previously cleared land with endemic species;*
- *support increasing the density of existing rural residential areas where this is seen as beneficial to the community as a whole and does not adversely impact on the landscape and environmental values of the locality; and*
- *encourage infill consolidation in existing centres through the preparation of local planning strategies, schemes and structure plans. Such infill should be in line with the objectives and policies outlined in Liveable Neighbourhoods.”*

The Structure Plan has been designed to provide smaller ‘Rural Residential’ lots that contain building envelopes located in the cleared area of the land. The Structure Plan further aims to not impact on the environmental and landscape values of the locality through:

- applying a low density pattern of development that proposes to have minimal impact on the remnant vegetation and intermittent creek line system while also reflecting rural residential density and pattern of development in the locality,



- providing shared access to an existing 10m battleaxe access leg connecting on to Salmon Place. Salmon Place provides safe access/egress to different destinations via the existing public road network – thereby satisfying bushfire protection criteria,
- shared access will utilise and upgrade the existing driveway that provides access to the existing dwelling (identified on Proposed Lot 1512, and
- proposed building envelopes are substantially setback from Caves Road. Views from Caves Road to each proposed building envelope are screened/filtered via the existing vegetation buffer planting within the lots and the vegetation located within the road reserve. The 60m AHD knoll to the north east of the land will also screen views from caves Road – noting the carriageway is set at a lower contour level in this area.

The access arrangement provided above represents a suitable, practical and cost efficient outcome than providing a road into the property that would service a very limited number of dwellings. It also satisfies all Bushfire protection criteria as referred to in the Bushfire Management Plan referenced at **Appendix 3** of this report.

1.3.2.3 Shire of Augusta-Margaret River Local Planning Strategy (2017)

The Shire of Augusta-Margaret River Local Planning Strategy (LPS) details the strategies for development within the Shire over the medium to longer term.

The LPS outlines that re-subdivision of ‘Rural Residential’ allocated lots to create smaller lots can be considered so as to make more efficient use of committed land. The LPS included rural residential policies to identify existing ‘Rural Residential’ lots that may be considered suitable for re-subdivision. These are provided as follows:

Rural Residential Policies

- ‘3.3.1 Rural residential proposals will only be supported in areas designated as ‘Rural Residential’ in the LNRSP and the LPS maps.
- 3.3.2 Clustered rural residential will be favoured where a significant portion of land can be permanently held for landscape protection, creek rehabilitation, recreation and/or biodiversity values. The ‘non-developed’ land can be held in common, Shire or private ownership and must have a notification on title stating that no further subdivision will be considered. Density shall be generally 1 lot per hectare.
- 3.3.3 Rural residential subdivision and development shall be designed and implemented to protect the environmental and landscape values of the subject land and its locality.
- 3.3.4 Uses permitted and development control standards are as prescribed in Local Planning Scheme No. 1.
- 3.3.5 The re-subdivision of areas which display any of the following attributes are unlikely to be supported:
 - a) 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.*
- b) Located in areas which have an extreme fire risk and/or have poor fire management characteristics.*
 - c) 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 inevident from the road. Subdivision would result in additional development and thus a greater potential for adverse visual impact.*
 - d) Located in an identified Environmental Corridor (LPS) or National Park Influence Area.*
 - e) Located in areas which have been developed around the maximisation of views, where additional development would impact upon such views and landscape character*
 - f) 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).*
 - g) Not easily accessible, for example – no direct road frontage, located at end of long cul de sac, etc.*
- 3.3.6 Once an area has been determined to be suitable for re-subdivision (refer to locational criteria at 3.3.5) proposals are required to meet the following criteria:
- a) Subdivision at a ratio of less than 1 ha (average) will not be supported.*
 - b) Lots of not less than 4000m² may be considered where a clustered subdivision approach is appropriate notwithstanding that the 1 ha average lot size will still need to be met.*
 - c) 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.*
 - d) Subdividers will be required to contribute to the proportional upgrade of infrastructure necessary to adequately service the intended additional population.*
 - e) Opportunities for re-subdivision should seek to provide enhanced environmental outcomes.*
 - f) A bushfire hazard assessment and Bushfire Management Plan is to be prepared and implemented at the time of subdivision.'*

The Structure Plan does not display any of the issues outlined in the locational criteria referenced above under Section 3.3.5 of the LPS that may influence Council not to support the proposal. The Structure Plan:

- will locate building envelopes and associated Asset Protection Zones within cleared areas of the land;
- proposes to utilise an existing battleaxe access leg that can be upgraded to provide suitable access for all proposed lots;
- demonstrates compliance with Planning for Bushfire Guidelines, with requirements set out in the Bushfire Management Plan to be implemented at the subdivision and development stage;
- The Visual Impact Assessment and recommended landscape strategy discussed at Section 3.1.1 of this report demonstrates that the proposed additional development will be sited so as to be inevident when viewed from Caves Road. The Structure Plan makes provision for subdivision and respective building envelopes to be positioned in a manner that will maintain the visual amenity and rural landscape values of the locality;

- The Structure Plan completes a pattern of subdivision of the ‘original’ landholding that has been subdivided to achieve a minimum average of 3ha; and
- The land is located at the end of a short cul-de-sac. The Bushfire Management Plan demonstrates that access/egress requirements satisfy Planning for Bushfire Guidelines

The Structure Plan satisfies the additional criteria set out under Section 3.3.6 of the LPS as follows:

- It proposes subdivision at a ratio greater than 3ha (average) which is consistent with the pattern of subdivision that already exists in locality;
- Subdivision will complete a pattern of subdivision that has occurred for the balance portion of the original landholding (referred to as Sussex Location 481);
- The Structure Plan proposes landscape buffer planting so as to provide an enhanced environmental outcome and maintain landscape values enjoyed on larger rural residential lots in the locality and when viewed from Caves Road; and
- The Bushfire Management Plan demonstrates that the proposal complies with Planning for Bushfire Guidelines whereby the recommended actions can be implemented.

Visual Management and Landscape Protection Policies

The LPS identifies the land to fall within Visual Management Area ‘A’ and outlines the following with regards to Development:

‘Developments or changes in land use should result in inevent visual alteration to the landscape. Whilst changes may occur, the development or change of use should be of similar form, scale and pattern to the existing landscape.’

The siting of the proposed building envelope for proposed Lot 1511 has been setback 26m from the northern side boundary which is consistent with Scheme requirements. The Structure proposes Landscape buffer planting immediately inside the northern boundary of proposed Lot 1510 and 1511 to further screen and soften visual impacts. The well-established planted landscape protection area along the eastern portion of the property area, and in addition with the remnant vegetation retained within the Caves Road reserve, will further screen proposed development from the view line of vehicles traversing along Caves Road. The siting of the building envelopes is also consistent with the natural and landscape characteristics and density, form and scale of development within the surrounding ‘Rural Residential’ area.

Figure 5 ‘Visual Management Areas’ of the LPS also locates the land within the Travel Route Corridor – noting it abuts Caves Road. It outlines the following Policies with regards to Development within Travel Route corridors:

‘Development within Travel Route Corridors will need to have regard for the following:

3.7.7 encourage landowners to preserve all natural vegetation on their land, and where possible and consistent with reasonable use of the land for agricultural practice, to encourage the planting of further indigenous trees and shrubs;

3.7.8 encourage the use of parkland clearing methods and the preservation of those sections of existing vegetation which are of the greatest significance for landscape protection, where clearing is required and approved by the Local Government for rural production or associated purposes;

3.7.9 prohibit all advertisements except those essential for direction or identification; and

3.7.10 prevent any proposal, which would adversely affect the amenity, rural character and landscape values of the area concerned. Where development must be exposed, the Local Government will encourage the use of materials which will be complementary to, or enhance, the rural landscape.'

The proposed Structure Plan addresses the above policy measures as follows:

- Proposed Landscape Screening to be implemented between building envelopes and adjoining development to soften direct view lines between development. Buffer screening will comprise the use of indigenous trees and shrubs that will be to the satisfaction of Council;
- The proposed Structure Plan locates building envelopes within cleared areas – thereby preserving the remnant vegetation, creek line area and parkland trees on the property;
- It would be expected that development within the building envelopes will be guided by the LPS Policy in terms of the use of suitable materials that would be complementary to, and enhance the surrounding rural landscape.

1.3.3 Planning Policies

1.3.3.1 Statement of Planning Policy 6.1 – Leeuwin-Naturaliste Ridge (WAPC)

In 1998 the WAPC adopted Statement of Planning Policy 6.1 – Leeuwin-Naturaliste Ridge (SPP 6.1) to provide the strategic framework for the Policy Area for the next 30 years through greater vision, guidance and certainty of land use. It promotes sustainable development, conservation and land resource management that will, amongst other things, provide direction to those managing land use change and give clear regional-level advice to proponents on subdivision and development.

SPP 6.1 provides the following Land Use Strategy (LUS) considered relevant to the Structure Plan:

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

- *provision for clustered settlement;*
- *provision of community-based activities and services;*
- *provision for walking, cycling and possible future public transport;*

- *opportunities for local enterprise development such as limited small-scale tourism development, including accommodation, attractions and cottage industries; and*
- *suitability for small-scale intensive agriculture.”*

The Landscape Classes Map in SPP 6.1 identifies the eastern portion of the land to abut the travel route corridor – which runs along the western edge of Caves Road. The western portion of the land falls within the General Character area. SPP 6.1 provides the following Policy considered relevant to the Structure Plan:

“ PS 3.2 *Development must be responsive to local values, and be compatible with the natural characteristics and traditional settlement patterns of the area*

PS 3.7 *In areas of General Character, as identified in Figure 3, development or change of use should protect the rural character and conform with policies and guidelines for Travel Route Corridors.”*

The Structure Plan achieves these key land use Strategy and Policies of SPP 6.1 by:

- ensuring that development for each proposed lot are suitably setback at least 95m from Caves Road reserve and 112m from the Caves Road carriageway to the closest proposed building envelope. This will maintain the natural and rural landscape values of the land and the surrounding locality. The closest proposed building envelope setback is consistent with development that has occurred abutting Caves Road both north and south of the land;
- retaining the existing vegetation and existing vegetation located within the 20m wide landscape Protection Area abutting Caves Road. This, in addition to the retention of remnant vegetation in the Caves Road reserve will further reduce the visual impact to development and thereby maintain the General Character landscape values of the locality; and
- providing for a consolidated subdivision layout that makes for more efficient use of land already committed for Rural Residential purposes while also retaining areas of remnant vegetation located on the property. It ensures that development falls within identified building envelopes whereby the more defined creek line will be protected and that development will be compatible with the traditional settlement pattern of the area;

1.3.3.2 Statement of Planning Policy No. 3.7 – Planning in Bushfire Prone Areas

Statement of Planning Policy No 3.7 Planning in Bushfire Prone Areas (‘SPP 3.7’) and the associated Guidelines for Planning in Bushfire Prone Areas (the ‘Bushfire Guidelines’) are relevant for the Structure Plan area. A Bushfire Management Plan (‘BMP’) has been prepared in accordance with SPP 3.7 and the Bushfire Guidelines and can be viewed at **Appendix 3** of this report.

The BMP includes a Bushfire Attack Level (BAL) assessment, identifies bushfire hazard issues and demonstrates that the bushfire protection criteria set out in the Bushfire Guidelines can be achieved as part of the subdivision process under this Structure Plan.

1.3.3.3 Acid Sulfate Soils Guidelines

The Department of Water and Environment Regulation (DWER) Acid Sulfate Soils Risk mapping indicates that the northern western portion of the land has a high to moderate risk of acid sulfate soils occurring within 3m of the natural soil surface. There is not considered to be a real threat of uncovering or disturbing acid sulfate soils, as the proposed subdivision will not be undertaking deep excavation as part of any works on the land.

Nevertheless standard precautions will be undertaken when carrying out any excavations – that will more so relate to trenching to provide power and communication connection to each newly created lot. An assessment of soils (including Acid Sulfate Soils) within proposed building envelopes is discussed further under Section 2.2.3 of the report.

1.3.4 Other Approvals and Decisions

The subject land was originally created under Deposited Plan 17265 (refer to **Appendix 4**) and was referred to as Lot 15. The adjoining Right of Way (identified as Lot 66 located abutting the land's southern boundary and being a 10m wide link between Salmon Place and Caves Road) was created under the earlier Deposited Plan 17104 (also referenced on Deposited Plan at **Appendix 4**). Both Deposited Plans reflected the Approved Plan of Subdivision and related State Planning Commission (SPC) Approval (Reference – 76809) of 21 December 1988 (refer to **Appendix 5**) and also the Minister for Planning's decision (reference: AP 68/89) on the landowner's appeal relating to Condition's 6, 9 and 20 of that approval (refer to **Appendix 6**).

Condition 7 of the SPC Approval (Ref: 76809) states – *'The "Fire Track" being ceded as a Right-of-Way on the Diagram of Survey and connected to the specification and satisfaction of the Local Authority. This includes the installation of removable bollards at both ends of the Right-of-Way.'*

Condition 6 of the SPC Approval (Ref: 76809) states – *'A 0.1 metre wide pedestrian access-way being provided along Caves Road in order to prevent access on to Caves Road. Such land to be shown on the Diagram or Plan of Survey as a pedestrian access-way, vested in the Crown under Section 20A of the Town Planning and Development Act (as amended), and ceded free of cost and without any payment of compensation by the Crown.'* The SPC approval further advised that *'The purpose of Condition No.6 is to ensure that direct access can be prevented onto Caves Road from any new Lot to maintain a suitable level of road safety on this stretch of Caves Road.'*

It is clear that the purpose and intent of the Right-of-Way (ROW) is to provide an approved and suitably constructed emergency fire access link between Salmon Place and Caves Road that would be to the benefit of the landowners of lots created within original Sussex Location 481 (and includes the land the subject of this Structure Plan proposal). Landgate confirmed that, on Plan 17104 there is a 0.1m gap between the end of the ROW and Caves Road – it is part of the lot (pt 481). It was confirmed that Plan 17104 did not include a 0.1m pedestrian access way (PAW) on Plan 17104. It is also transparent that the 0.1metre pedestrian access way was to be created to prevent access on to Caves Road from any newly created lots – and not across the Right of Way.

It can be concluded that the SPC were satisfied to support the provision of a suitably constructed Right of Way for the principle purpose of fire access (or to serve the same function as an Emergency Access Way). Lot 66 (ROW) could be constructed to service its intended purpose of providing fire access (or emergency access), noting that the access will only be used for emergency purposes, and therefore does not place a significant burden to the ongoing function of Caves Road.

However, notwithstanding the clear direction and intent of Condition 7 of the SPC Approval (Ref: 76809), Landgate confirm that a 0.1m PAW was created on Plan 17265 (relating to the subject land) in that 0.1m gap between the ROW and Caves Road. It is unclear why the 0.1m PAW was imposed/accepted by the Shire of Augusta-Margaret River at that time - noting the intent of Condition 7 of the SPC Approval (Ref: 76809).

It is noted that the Shire of Augusta-Margaret River provided their quotation (under letter of 18 January 1989) to undertake subdivision works to satisfy the respective conditions itemized on the SPC Approval (ref: 76809). This included construction of roads, the battleaxe entrance and the firetrack in accordance with Plans referenced drawing 3595-01-01-04-06 prepared by Gutteridge Hoskins and Davey Pty Ltd. While agreement for the Shire to undertake the works was provided by the landowner at that time, it is unclear why the firetrack (or Right-of-Way being Lot 66) was not fully constructed as quoted.

The option to construct Lot 66 ROW to serve as an Emergency Access Way could be considered in context with the supporting Bushfire Management Plan – noting that the ROW still remains as an Estate in Fee Simple (refer to Certificate of Title Volume 1854 Folio 821 where the referencing was amended to read - Lot 66 on Survey Plan 17104 on 29 May 2006 at **Appendix 7**). Landgate confirm that this amendment was allocated to accommodate the change to digital titles in the early 2000's. Lot 66 ROW is owned by the same landowner of adjoining Lot 151 - which is the subject of this Structure Plan. Landgate confirm that The ROW was created on Plan 17104 as a private right of way (freehold) with implied rights under Sec 167A of the Transfer of Land Act benefitting any lots on Plan 17104 that about the ROW.

However we note that the Bushfire Management Plan confirms that future development on proposed lots would be able to comply with and meet the intent of Element 3: Vehicular access as set out in Appendix 4 of the Planning in Bushfire Prone Areas Version 1.3 (WAPC and DFES 2017). In particular, the existing cul-de-sac is no longer than 200 m in length and egress to different destinations is available via the existing public road network.

A subdivision/amalgamation then occurred in line with WAPC Approval reference 118926 (dated 19 August 2002). This subsequently referenced the land as Lot 151 under Deposited Plan 38611.

1.3.5 Pre-lodgement Consultation

August 2019 and November 2019 – Shire of Augusta-Margaret River

Discussions and email correspondence were undertaken with Shire of Augusta-Margaret River Senior Project Officer to consider the conceptual Structure Plan design and matters needing to be addressed/investigated in support of the proposal. These included:

- Confirming the requirement to prepare a Structure Plan pursuant to Clause 4.22.1 of the Scheme – particularly noting that the proposal intends to create lots greater than 3ha.
- The need for the Bushfire Management Plan to satisfy the requirements of SPP3.7 and Planning for Bushfire Guidelines with regard to access to all proposed lots and for it to be supported by DFES.
- Consideration of the proposed building envelopes to be located outside more densely vegetated area.

This Structure Plan report demonstrates the intent to retain and protect key identified trees where practicable. Minimal clearing of vegetation will be required within existing vegetation – which would only relate to minor widening of the existing firebreak to satisfy battleaxe access to the proposed lots. The proposal therefore maintains the environmental and landscape values of the property.

- Seek advice from Main Roads WA, Department of Planning; Lands; Heritage and Department of Biodiversity, Conservation and Attractions with regard to the proposal (including Emergency Access on to Caves Road).
- The aim here is to take a legacy situation, provide a suitable pattern of development and create an improved land use outcome that is supported by the key government agencies.

November 2019 – Department of Biodiversity Conservation and Attractions

The Department of Biodiversity, Conservation and Attractions outlined via email that it has no comments on the Lot 151 Salmon Place Margaret River Preliminary Structure Plan.

December 2019 – Main Roads WA

Main Roads WA was provided with the Structure Plan that indicatively showed an Emergency Access Way linking between the battleaxe access driveway and Caves Road – immediately north of the proposed Lot 1511 boundary. Their response is as follows:

- Advised that it does not support current proposed subdivision layout/plan EAW to Caves Road.
- Made reference that a previous subdivision plan supported by them in 2016 indicated an extension of the road (cul de sac) to service the proposed subdivision lots with a short EAW which would potentially service/ benefit the overall locality for emergency access. The current EAW proposal only services the proposed subdivision lots and will create an undesirable precedent for subdivision of other lots along Caves Road.
- Raised concerns in regard to the proposed EAW access to Caves Road as each access to the main road creates potential for vehicle conflicts which detracts from the function and safety of the main road. Also, sightline requirements for intersections have increased with the 2017

Austrroads Guide to Road Design Part 4A guidelines review. The previous subdivision proposal was considered in 2016 prior to the 2017 Austrroads review. Main Roads WA considered the proposed EAW access location does not achieve the current required sightline requirements. It further outlined that suitable emergency access for the proposed subdivision lots could be achieved through the adjoining properties to the north via an existing battle axe leg drive to Caves Road.

- Furthermore Main Roads WA considered, as an alternative, it is anticipated suitable emergency access could be provided for the subdivision lots through the adjacent properties to the north through to Yates Road which would not require access to Caves Road.
- Also, in relation to the proposed subdivision, the existing driveway access to Caves Road will be required to be removed and the road verge reinstated and the property boundary fenced to the satisfaction of Main Roads.

December 2019 - Department of Planning; Lands; Heritage

Discussions with and email correspondence with Department of Planning; lands; Heritage (DPLH) senior planning staff was sought. It was provided with the response from Council and Main Roads WA above. DPLH comments on the proposed Structure Plan are provided below:

- The planning methodology for progressing with a structure plan seems sounds, but the Commission will rely upon the advice of the Shire of Augusta-Margaret River regarding the proposed structure plan.
- A Bushfire Management Plan will be required to justify any proposal for intensification, in accordance with the requirements of *State Planning Policy 3.7 – Planning in Bushfire Prone Areas*. The Commission will rely on the advice of the Department of Fire and Emergency Services when a formal proposal is lodged to inform bushfire issues, noting that Salmon Place is likely to be a compliant cul-de-sac (less than 200m) in accordance with the *Guidelines for Planning in Bushfire Prone Areas*. The use of battleaxe legs for access will have to be justified accordingly within any Bushfire Management Plan, as the use of battleaxe access legs is not preferred, but can be supported subject to sufficient justification.
- Regarding the use of the Emergency Access Way and the response of Main Roads WA, the Commission cannot compel Main Roads WA to provide access. However, if this emergency access way is not required to comply with the *Guidelines for Planning in Bushfire Prone Areas*, then there may not be a requirement for access to Caves Road and this issue may fall away.
- Information will be required to be provided in accordance with the *Government Sewerage Policy 2019* is to be provided with any structure plan application.
- Information will be required to be provided to demonstrate that landscape qualities are maintained/enhanced by the proposal, given it is identified within *State Planning Policy No.6.1 – Leeuwin-Naturaliste Ridge Policy* and the significance of Caves Road as a tourism route.



- It would be preferable for the proposed battleaxe access legs for Lots 1510 and 1511 to widen once beyond the constrained current battleaxe access leg. Given the ongoing trend of consolidation of rural residential areas, it must be considered that there may be further consideration in the future for the possible extension of Salmon Place. The widening of the access legs and reciprocal rights of carriageway would facilitate this if the need arose in the future. The ideal width would be as guided by the Shire.
- Further to our discussions, it would be preferable to include the adjoining Right of Way into the landholding, given you advised it was owned by the same landowner. You advised that you would investigate this with Department of Planning, Lands and Heritage (Land Use Management).
- The Commission will be guided by the advice of the Shire on design matters, noting that any structure plan should include conditions to the following effect:
 - The provision of Reciprocal Rights of Access over adjoining battleaxe legs.
 - On-site effluent disposal to be in accordance with the results on any Site and Soil Evaluation.
 - Implementation of any approved Bushfire Management Plan to the satisfaction of the local government.

February 2020 - Department of Planning; Lands; Heritage – Land Management South

The Assistant Manager of *Department of Planning; Lands; Heritage – Land Management South* advised that the land and Right of Way (ROW – Lot 66) immediately to the south, abuts a 0.1m Pedestrian Access Way. The 0.1m PAW prevents access directly on to Caves Road. It appears to have been imposed on Deposited Plan 72363.

February 2020 – Landgate

Discussion with Landgate (Michael McCarthy) confirmed the following process with regard to closure of the ROW (Lot 66) that connects between Salmon Place and Caves Road:

- The process set out under Part 4 (Closure of Private Roads and Rights of Way by Application) would need to occur to enable Lot 66 to be amalgamated with adjoining Lot 151. This process includes -
 - *‘the proprietor of the original lots on the plan of subdivision that abut the road or right of way must also execute a formal surrender of their implied rights. If an original lot has been subdivided, surrenders must be obtained from all the proprietors of all the new lots that formed part of the original lot, not just the part of the subdivided lot that abuts the road or right of way’, and*
 - *‘a consent in writing must be obtained from all encumbrancers of any land the proprietors of which have implied rights of way over the private road or right of way’.*

- That there is an easement burden for Right of Carriageway purposes for the benefit of all lots that abut the ROW and created on Deposited Plan 17104 (ie Lots 3, 4 12 and 23 + subsequent landholdings further to the north (including Lot 151 and beyond). All these landowners would need to provide written consent to the surrender of the ROW.
- The process also allows for the Local Government to trigger the closure of the ROW. This also contains a long process to see the ROW land amalgamated with Lot 151 and potentially the southern abutting landowner. Council also needs to agree to the land being closed and disposed noting it no longer serves any significant benefit to the surrounding subdivided area.

The above process to close the ROW is difficult to achieve noting that it would require the consent of all the proprietors/landowners of each newly lot created under the original subdivision. The proponent therefore considers the closure of the ROW (Lot 66) would place significant timeframe limitations and complications to transfer into Lot 151.

The Structure Plan can be considered independently as it demonstrates satisfactory access for all proposed lots as provided in the Bushfire Management Plan.

May 2020 – Landgate

- Confirmed that on Plan 17104 retained a 0.1m gap between the end of the ROW and Caves Road – it is part of the lot (pt 481) and is not a 0.1m PAW on Plan 17104.
- Confirmed that the 0.1m PAW was created on Plan 17265 in that 0.1m gap between the end of the ROW and Caves Road.
- The 0.1m PAW (Lot 57 on Plan 17265) was re-vested in the Crown on 18 September 2008 and then became Lot 501 on Deposited Plan 72363 (Reserve 49927 for the purpose of Pedestrian Access Way) on 14 February 2012 which it remains to this day.

July 2019 - Department of Water

Discussion with DWER staff to consider acid sulfate soils mapping identifying a portion of the land as having potential of moderate to low risk of acid sulfate soils. The discussion outlined the need to explain in the Structure Plan report that subdivision in accordance with the Structure Plan will unlikely require any deep excavation as part of works on the land and as a result, it is not considered to be a real threat of uncovering or disturbing acid sulfate soils.

2.0 Site Conditions and Constraints

2.1 Biodiversity and Natural Area Assets

A Reconnaissance Flora, Vegetation and Fauna Assessment was undertaken by Emerge Associates in March 2020 with the report being provided at **Appendix 2**.

2.1.1 Vegetation and Flora

The assessment concluded that a large portion of the land has been subject to long term historical disturbance and is dominated by non-native vegetation. The better condition vegetation was found to be located in the south-western portion of the land, immediately east and north of the firebreaks located along the property's boundaries.

There were no threatened or priority flora species recorded on the property. Furthermore the plant communities located on the land do not represent Threatened Ecological Communities or Priority Ecological Communities.

The proposed building envelopes and associated Asset Protection Zones will be located in areas classified as Completely Degraded or Degraded-Completely Degraded as per the scale of condition developed by Keighery (1994). Furthermore the proposed battleaxe access leg will utilise the existing access driveway and associated firebreak that is also identified as completely degraded.

2.1.2 Fauna

Emerge Associates also assessed habitat for fauna species of conservation significance within the property and record any direct evidence. This included a desktop review, a site assessment of the likelihood of occurrence of conservation significant fauna species within the land and identification of habitat potentially suitable for these species.

Two fauna species listed under the EPBC Act, forest red-tailed black cockatoo and a white-tailed black cockatoo (Carnaby's or Baudin's) were recorded on the property during the field survey.

The assessment recorded five black cockatoo habitat trees within the vicinity of the proposed driveway to be located within the battle-axe leg that provides access to proposed Lot 1510 and 1511. Three black cockatoo habitat trees with potential hollows are located outside the battleaxe access alignment and will be retained. The two other black cockatoo habitat trees are located within the existing firebreak running along the western boundary of the property, and will be subject to removal in order to create the 4metre trafficable surface driveway and 6 metre horizontal clearance which accords with Bushfire Management Plan requirements.

The proposed structure plan has minimal impacts on vegetation values (including potential conservation significant flora) as well as fauna habitat that is likely to be used by conservation significant fauna species. This is because building envelopes will be located in the areas of completely degraded vegetation condition. The proposal also ensures that better quality vegetation and fauna habitat are retained noting that minimal clearing for the battleaxe access driveway (that has reciprocal rights of access) noting that the alignment will utilise the existing driveway and firebreaks.

While five potential black cockatoo habitat trees were located in the vicinity of the proposed driveway access in the south-western portion of the site, the proposed alignment minimises clearing of habitat trees, with no trees with potential hollows proposed to be impacted.

The location of the building envelopes and proposed asset protection zones will have no impact on vegetation in 'very good -good condition', meaning the areas of better quality vegetation with more intact values will have limited disturbance.

A condition has been placed outlining that, in relation to proposed Lot 1512, a Section 70A Notification will be required on the Certificate of Title informing the landowner of the existence of Significant trees with potential hollows for Black Cockatoos, as identified on the endorsed Structure Plan, and that those trees may not be removed or damaged.

2.2 Landform and Soils

2.2.1 Topography

The majority of the land is relatively flat and sits at around 60 metres AHD. There is a slight and broad depression from a seasonal creek line that runs north-west to south-east in the south-western portion of the land. The seasonal creek line descends from 60m AHD to 55m AHD across the property. The beginning of a separate seasonal creek line catchment slightly descends eastwards and under Caves Road, though the change in the topography is minimal.

2.2.2 Soils and Land Capability

The Busselton-Margaret River-Augusta Land Capability Study (Prepared by Tille and Lantzke at the Department of Agriculture – 1990) identifies the land to fall within the Cowaramup Uplands Land System. The majority of the land is located in the Cowaramup Flats (C) sub system which is identified as flats (0-2%) with gravelly duplex (Forest Grove) and pale grey mottled (Mungite) soils. This sub-system is identified to have moderate limitations for soil absorption and minor limitations for trafficability in relation to housing on small rural lots.

The north-east portion of the land is identified as Cowaramup Deep Sandy Rises (Cd2) where the soils comprise flats and gently sloping rises (gradients 0-5%), with deep bleached sands. This sub-system is identified to have moderate limitations for groundwater pollution risk and minor limitations from wind erosion hazard.

The north-west portion of the land is identified as Cowaramup Deep Sandy Wet Flats (Cdw) where the soils comprise poorly drained flats and depressions with deep organic stained sands. This sub-system is identified to comprise major limitations for waterlogging, trafficability and soil absorption and moderate limitations for groundwater pollution risk.

Further information regarding soil permeability, effluent disposal suitability and depth to groundwater testing is provided in the Soil Wastewater Assessment at **Appendix 8** and discussed under Section 3 of this report.

2.2.3 Acid Sulfate Soils

As discussed in Section 1.3 above, the Department of Water and Environment Regulation (DWER) Acid Sulfate Soils Risk mapping indicates that the north-west portion of the land has a high to moderate risk of acid sulfate soils occurring within 3m of the natural soil surface.

Notwithstanding the above, the Soil Wastewater Assessment (provided at **Appendix 8**) included field tests conducted on soils collected from within each proposed building envelope for proposed Lots 1510 and 1511. The soil samples and testing concluded the results of the soil do not indicate the presence of Acid Sulfate Soils or Potential Acid Sulfate Soils.

The nature of the development involves negligible excavation. In addition the large lot sizes are sufficient for development that is highly unlikely to require excavation deeper than 2.0m. As a result it is unlikely that a more detailed Acid Sulfate Soils Assessment will be required.

2.3 Groundwater and Surface Water

2.3.1 Groundwater

Groundwater levels were taken from two soil test pits within the building envelope for proposed Lot 1510 and 1511 on the Structure Plan and assessed as part of the Soil Wastewater Assessment report provided at **Appendix 8** of this report. The depth to groundwater was recorded on 2 February 2020. Evidence of groundwater was found at 2 metres depth for Test Pit 1. No groundwater was found for the full 2 metre depth of Test Pit 2.

In view of the low lot density and minimal impact to the imperviousness of the land, having no flood risks within the lot, building envelopes being suitably setback from seasonal creek lines, and that lots will be self-serviced, it is considered that standard on site water supply and implementation of suitable on-site wastewater management systems (ie septic tanks and leech drains or alternative effluent disposal system) are capable of being approved for all development within the proposed building envelopes.

The Soil Wastewater Assessment report provides justification for the Structure Plan for the creation of 3 lots meeting the requirements under the Department of Health policy and related government policy.

2.3.2 Surface Waterways

As referenced in Section 2.2.1 there is a slight and broad depression from a seasonal creek line that runs north-west to south-east in the south-western portion of the land. The seasonal creek line descends from 60m AHD to 55m AHD across the property. The beginning of a separate seasonal creek line catchment slightly descends eastwards and under Caves Road, though the change in the topography is minimal.

The proposed building envelopes for proposed Lots 1510 and 1511 are substantially setback from the intermittent natural water course. Proposed Lot 1512 locates the existing Single House, associated outbuildings and effluent disposal system within a suitable sized building envelope. This building envelope has been rationalized in context with that originally approved and shown on the Plan of Subdivision (refer to **Appendix 5**). Future proposed development within the building envelope for Lots 1510 and 1511 will comply with development setback requirements that are set



out in Council's Scheme. In addition, onsite effluent disposal systems can be constructed to be more than 100m from the intermittent water course.

2.4 Bushfire Hazard

The majority of the land is generally characterised by extreme bushfire risk – with the exception of the north-east portion of the land. A Bushfire Management Plan (BMP) was prepared by Emerge Associates to reflect the final land uses, and is attached at **Appendix 3**.

The BMP includes a number of actions (acceptable solutions) to be undertaken by the developer (at the subdivision stage), the landowner (at the development stage) and by Council. These management strategies and actions have been considered/addressed on the Structure Plan and as provisions applicable to the land in the Bushfire Management Plan which include:

- development would be able to comply with and meet the intent of Element 3: Vehicular access. In particular, the existing cul-de-sac is no longer than 200 m in length and egress to different destinations is available via the existing public road network,
- the acceptable solution for water supply in this case can be satisfied by each lot providing a minimum 10,000 L standalone tank within each lot for fire-fighting purposes (in addition to the domestic water supply), that will be available to emergency services in the event of a fire. This is instead of a minimum 50,000 L tank per 25 lots.
- The battleaxe access leg (with reciprocal rights of access carriageway) is provided for as shown on the structure plan, including a minimum 4 m-wide trafficable surface and 6m wide horizontal clearance that meets the minimum requirements of Appendix Four in the Guidelines (or as agreed with the Shire of Augusta Margaret River),
- Private driveways to comply with the requirements outlined in the Bushfire Management Plan,
- Section 165 notifications being placed on each Certificate of Title alerting prospective purchasers/landowners and successors of the requirements associated with meeting AS 3959 construction standards as set out in the approved Bushfire Management Plan,
- Building envelopes are located within each lot to enable a 21 m-wide APZ to be maintained around the perimeter without encroaching on to adjacent lots,
- Ensuring construction of new dwelling/s complies with AS 3959, as per the applicable BAL rating, determined as part of this BMP or through a separate BAL assessment,
- Implement and maintain a minimum 21 m-wide APZ around all habitable buildings (or as required to meet the determined BAL rating for the habitable building,
- Install and maintain a turn-around area suitable for type 3.4 fire appliances within 50 m of the habitable building, or as agreed with the Shire of Augusta Margaret River

2.5 Heritage

2.5.1 Indigenous Heritage

A review of the Department of Indigenous Affairs Heritage Inquiry System has outlined that there are no registered aboriginal heritage sites or other heritage places recorded within the site. The Findings of the Heritage Enquiry are attached at **Appendix 9**.

2.5.2 Non-Indigenous Heritage

A search of the Heritage Council of WA's inHerit places database confirms there are no state registered heritage places on the subject land. Furthermore, the Shire of Augusta-Margaret River Heritage Inventory does not identify any sites located on the property.

3.0 Land Use and Subdivision Requirements

3.1 Land Use

The Structure Plan area proposes 3 rural residential lots, ranging in size from 3ha to 4.88ha, consistent with the ‘minimum lot size’ as referenced in Council’s Scheme.

This Structure Plan report and accompanying documentation provides information and justification regarding the suitability of the land for development, including the landform characteristics, location of limiting environmental constraints (namely remnant vegetation and defined intermittent waterway) and demonstrated low risk of detrimental environmental impact.

The Structure Plan Map and related subdivision and development requirements set out in Part I of this document formalise the land use and conditions to be satisfied. Should there be an inconsistency between the Structure Plan map and any other map contained in the Structure Plan documentation (which may occur due to the ongoing process undertaken to complete the proposal), then the Structure Plan Map prevails to the extent of that inconsistency.

3.1.1 Visual/Landscape Impact of Proposed Land Use

The Scheme and WAPC notes minimum lot sizes so as to ensure that development retains and complements the surrounding pattern of subdivision and associated rural landscape values. In addition the WAPC endorsed Local Planning Strategy requires proposed development along Caves Road is to be inevident from the road. The Structure Plan recognizes the importance to protect the rural and natural amenity/values for the land and minimizing visual impact by:

- facilitating a subdivision design to maximise retention of remnant vegetation;
- utilizing the existing crossover and internal battleaxe access leg driveway from Salmon Place to provide shared access to all proposed lots;
- providing for a subdivision design that will see future development setback significantly greater than the stipulated 60 metres applied to Caves Road (Travel Route Corridor) set out in Council’s Scheme; and
- locating future development to fall within building envelopes that are screened from Caves Road by existing vegetation within the land and also the Caves Road reserve.

The land contains a number of definable landscape characteristics/features which include:

- the majority of the northern and eastern portions of the property remaining predominantly cleared open paddock – with areas of parkland cleared and planted trees. This is consistent with the landscape pattern on properties located immediately to the north;
- a higher area in the north-east portion of the land providing a slight ridge between the Caves Road carriageway level and cleared land further to the west;

- existing vegetation located immediately inside the property’s eastern boundary for the full length of its frontage with Caves Road;
- a generally flat site which ranges between 58m and 60m AHD. The land descends down to 55m AHD in the southwest where an existing intermittent creek line traverses in a south-east direction;
- remnant vegetation within the Caves Road reserve located for the full length of the property’s frontage; and
- areas of planted fruit trees and garden surrounding the existing house.

The above landscape characteristics/features have informed the Structure Plan in terms of retaining/protecting the landscape values as set out below.

1. Remnant Bushland and Tree Lines (Established Buffer)

The eastern portion of the property, abutting its full length with Caves Road, contains remnant and historically planted buffer vegetation. This vegetation was planted and maintained in response to Condition 15 of WAPC Subdivision Approval ref: 76809 (relating to the original approved Plan of Subdivision that guided the creation of the land and surrounding properties).

This planted area is now well established, and in addition with the remnant vegetation retained within the Caves Road reserve, will screen proposed development from the view line of vehicles traversing along Caves Road and from properties further to the east. Retention of this vegetation will maintain the landscape value of this area, as clearly demonstrated in **Figure 2 and 3** – when looking northwards and southwards respectively from Caves Road.

2. Views and Visual Amenity in Context with Surrounding Landholdings

Northern Boundary Interface

The Structure Plan proposes 3ha lots where it abuts the existing Rural Residential development immediately to the north. The proposed building envelopes are suitably setback and will be softened from view from neighbouring development within the Rural Residential lots to the north as a result of the following:

- Planting of a vegetation screen immediately inside the northern boundary of proposed Lot 1510. This will soften the view lines between the proposed building envelope and development located within adjoining Lot 1612 where there remains cleared paddock; and



Figure 2 – Image View North-West from Caves Road – Taken from Adjacent Lot 66 (Right of Way) Immediately South of the Land

- Planting of a vegetation screen immediately inside the northern boundary of proposed Lot 1511 that consolidates existing vegetation within the north-west portion of the proposed lot and extends eastwards for the length of the proposed building envelope - where there are gaps between the vegetation located on adjoining Lot 1612 to the north of the land.

The lot layout and related development areas within the Structure Plan will be consistent with the pattern of rural residential development approved to the north.

The vegetation screen has been indicatively shown at a 5m width on the Structure Plan and suitably setback from proposed building envelopes to ensure all development will comply with bushfire management plan requirements.



Figure 3 – Image View South-West from Caves Road – Taken Just North of the Battleaxe Access Entry to Adjacent Lots 1611, 1612 and 1613

3.2 Movement Network

3.2.1 Traffic Generation and Distribution

The additional traffic generation as result of development occurring in accordance with the Structure Plan is not considered to be significant, noting it proposes 2 additional lots to that which already exists.

All traffic will enter via roads that have been constructed to a sealed bitumen standard.

3.2.2 Driveway Access

In noting the small number of lots proposed on the Structure Plan, and that the design has been responsive to maintain rural and natural landscape assets on the land, access has been proposed to:

- Utilise the existing crossover access already connected to Salmon Place to provide shared access to all three proposed lots,
- Utilise the existing 10 metre wide battleaxe access leg (that contains a constructed gravel driveway) to provide battleaxe access to all three proposed lots via reciprocal rights of access. The driveway entry on to Salmon Place cul-de-sac can be seen at **Figure 4** below,

- The existing battleaxe access leg and firebreak running along the western boundary of the land abutting adjoining Lot 14 will be upgraded/ constructed in a manner to satisfy Bushfire Management Plan (and Council) construction requirements to service proposed Lots 1510 and 1511;
- Driveway access to Proposed Lot 1512 will be constructed from the northern end of the existing 10m battleaxe access leg eastwards along the existing fire break to the Existing single House.



Figure 4 – Image View North from Salmon Place Cul-de-sac Showing Driveway crossover within the 10m wide Battleaxe Access to the Land

3.2.2 Emergency Access

The Bushfire Management Plan provided at **Appendix 3** notes that an emergency access way will not be required for the proposed development within the site given the configuration of the existing cul-de-sac and the proposed battle-axe access and access provided from existing local roads that connect on the Caves Road. However it has noted that adjoining Lot 66 (immediately south of the site) is identified as a Right of Way (ROW) whereby it includes an easement burden for right of carriageway purposes for the benefit of all lots that abut it, and where they were created within the original Sussex Location 481 (which includes the site).

As a result all landholdings have an implied ‘right of use’ of the ROW, and in noting the original intent for the ROW to be created as a fire access track (as per Condition 7 of the original State Planning Commission approval (ref: 76809), there remains an existing access link for the benefit of all landowners created on the original landholding that could be constructed to the requirements of the Shire of Augusta-Margaret River.

3.3 Infrastructure Coordination, Servicing and Staging

3.3.1 Power

There is existing 1kV - 33kV high voltage overhead power main that runs over Caves Road and provides a connection point from the south west corner to the existing house. A separate 1kV - 33kV high voltage overhead power main runs over Caves Road just north of the land which services Lots 1611 – 1613 also to the north of the property. A separate 1kV - 33kV high voltage overhead power main is located immediately next to the land’s 10m wide battleaxe access leg linking on to Salmon Place (refer Western Power Overhead Powerline Map at **Appendix 10**).

A separate 1kV - 33kV underground high voltage cable main also runs parallel to eastern edge of the Caves Road reserve. There is also 1 kV underground low voltage cable immediately north of the land which services Lots 1611 – 1613 immediately north of the land.

All lots created as result of subdivision in accordance with the Structure Plan will be serviced by underground power. Power can be supplied from the existing three phase 33 kV overhead power main on Caves Road and from the 1-33kV high voltage overhead cable Located on Salmon Place.

3.3.2 Effluent Disposal

Based on the soil categories, permeability, slopes, low level of development and phosphorous retention index characteristics of the land as detailed in the Soil Wastewater Assessment (refer **Appendix 8**), the soils within the proposed new lots are capable of receiving wastewater and are suitable for standard stand-alone on-site effluent disposal systems or alternative treatment systems.

3.3.3 Water Supply

The land is not within the Water Corporation licence area and as such no provision of potable water and reticulated sewer system is available. Due to the absence of reticulated servicing within the Structure Plan area, and considering the information provided in Section 3.3.2 above (relating to on-site effluent disposal), the Structure Plan ensures there is sufficient water capacity for fire-fighting purposes as per Scheme Provision 5.22.2.

In addition sufficient potable water supply for each household can be provided for consistent with Clause 5.22.2 of Council’s Scheme which states -

‘Clause 5.22.1

‘Where any dwelling is proposed to be constructed within the Scheme area which cannot be connected to a reticulated mains water supply, that dwelling shall be provided with a rain water catchment tank with a minimum capacity of 120,000 litres prior to occupation unless alternative arrangements are made to the satisfaction of the local government for a supply of potable water.’



The Bushfire Management Plan is also recommending a minimum 10,000 L standalone tank within each lot for fire-fighting purposes (in addition to the domestic water supply), that will be available to emergency services in the event of a fire. This is instead of a minimum 50,000 L tank per 25 lots.

3.3.4 Gas

There is no mains gas supply servicing the locality.

4.0 Conclusion

This report seeks endorsement of the Structure Plan for Lot 151 Caves Road, Margaret River that provides the planning framework and sets out the relevant requirements to facilitate the future subdivision and development of the land. The land has been identified for development for Rural Residential purposes in various WAPC and Council adopted documents, dating back to Statement of Planning Policy 6.1 – Leeuwin-Naturaliste Ridge (SPP 6.1) (1998) and the Shire of Augusta-Margaret River Local Planning Strategy 2011.

This report demonstrates that future rural residential development of the land can be undertaken for the following reasons:

- All environmental, land capability and servicing assessments confirm the site is capable and suitable for development;
- Locates development (building envelopes and associated asset protection zones) in areas that are devoid of remnant vegetation and maximises retention of consolidated areas of very good condition remnant vegetation located in the south west portion of the land;
- Utilises planted landscape buffers on the land abutting Caves Road and ensures that the rural landscape character of the locality is maintained/enhanced;
- Clusters development in cleared areas or where the vegetation condition is completely degraded. It also locates a building envelope where a Single House and associated outbuildings exist;
- Uses existing access crossover and access driveway onto Salmon Place and the existing firebreak to provide reciprocal rights of access to all proposed lots in order to minimise removal of remnant vegetation;
- The Bushfire Management Plan demonstrates mitigation strategies that will ensure that as development progresses within the site, an acceptable solution and/or performance-based system of control can be adopted for each of the bushfire protection criteria detailed within Appendix Four of the Guidelines *for Planning in Bushfire Prone Areas* WAPC and DFES 2017);
- Achieves the lot size range as set out in the Council’s Local Planning Scheme No.1;
- Formalises the recommendations set out in key strategic policies related to the land; and
- Ensures the future timely subdivision and development of the land which completes the pattern of subdivision of similar sized Rural Residential development in the surrounding locality.

5.0 Technical Appendices

A range of technical assessments have been undertaken to consider the site opportunities and constraints and thereafter inform the preparation of the Structure Plan. The technical assessments have assisted in identifying the actions and recommendations to inform and link the implementation provisions of the Structure Plan and provide further basis for the assessment of subsequent planning applications within the Structure Plan area.

The supporting Technical Documents are listed in the Table of Contents of this report and respectively appended.