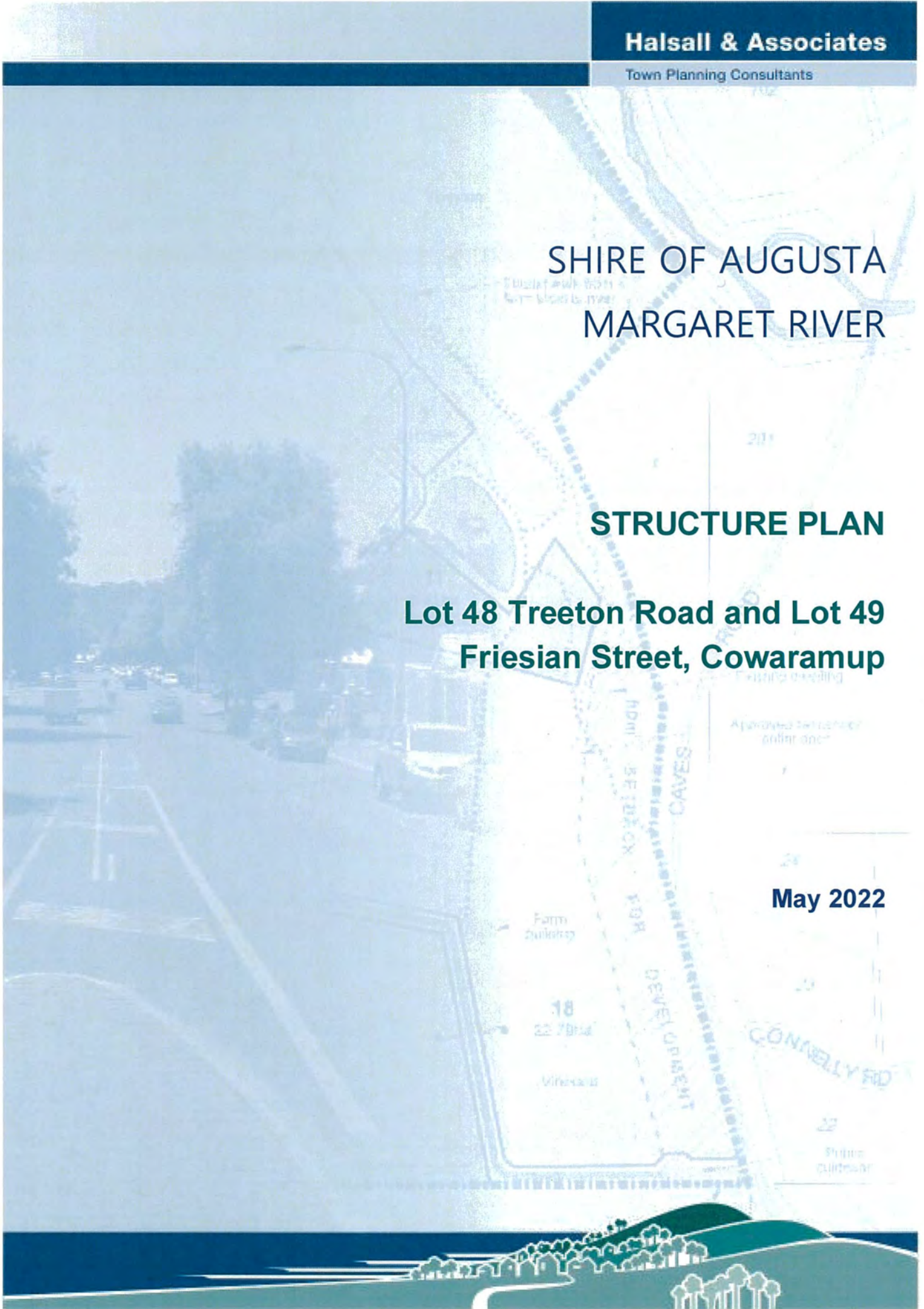


SHIRE OF AUGUSTA
MARGARET RIVER

STRUCTURE PLAN

**Lot 48 Treeton Road and Lot 49
Friesian Street, Cowaramup**

May 2022



Proposed Structure Plan

Lot 48 Treeton Road and Lot 49 Friesian Street, Cowaramup

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Version Control

Report version	Revision No.	Purpose	H&A Author	Review date by officer	Date
Draft	1	Structure Plan	Michael Whitbread	7 January 2019	
	2	Structure Plan	Michael Whitbread	20 February 2019	
	3	Structure Plan	Michael Whitbread	26 March 2019	
	4	Structure Plan	Marc Halsall	19 July 2019	
	5	Structure Plan	Marc Halsall	18 August 2019	
Final	6	Structure Plan	Marc Halsall	26 May 2022	

Approval for Issue

Name	Signature	Date
Marc Halsall		26 May 2022

Proposed Structure Plan
Lot 48 Treeton Road and Lot 49 Friesian Street, Cowaramup

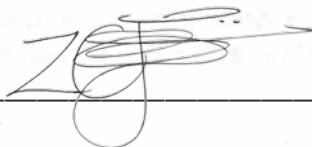
This Structure Plan is prepared under the provisions of the Shire of Augusta-Margaret River Local Planning Scheme No. 1.

IT IS CERTIFIED THAT THIS STRUCTURE PLAN
WAS APPROVED BY RESOLUTION OF THE
WESTERN AUSTRALIAN PLANNING COMMISSION ON: **14 JUNE 2022**

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

15 JUNE 2022

Date

15 JUNE 2032

Date of Expiry

TABLE OF AMENDMENTS

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

EXECUTIVE SUMMARY

Purpose

This Structure Plan has been prepared for consideration by the Shire of Augusta Margaret River ('AMRSC') and the Western Australian Planning Commission ('WAPC') in regard to Lot 48 Treeton Road and Lot 49 Friesian Way, Cowaramup ('the subject sites') located within an existing precinct of Rural Residential zoned land. It is requested that this Structure Plan be assessed concurrently with Scheme Amendment 61, which incorporates an amendment to Schedule 7 (R-R40) – 'Special Provisions relating to Rural Residential Zones, in accordance with the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2, Part 4.

Consultation was held with representatives of the Local Government and prior to the preparation of this Structure Plan for the subject sites. It was confirmed that the Structure Plan would be required to be in place to guide subdivision of the subject lots. The proposed Structure Plan to guide subdivision of the two subject lots is attached at Appendix A and this indicates a total of 7 lots with a minimum size of 1ha.

It is considered that Scheme Amendment 61 and associated Structure Plan meet the criteria outlined in both the state and local planning frameworks. This report provides the relevant justification and technical detail to support this Structure Plan application.

EXECUTIVE SUMMARY TABLE

Item	Data	Structure Plan Ref. (section no.)
Total area covered by the Structure Plan	17.63 hectares	1.1
Area of each land use proposed:	Lot yield: 7 lots. (5 additional)	2.3
Rural Residential	Minimum lot area of 1 hectare (average of 2.51 hectares achieved).	
Estimated number of dwellings	7 single dwellings (5 additional).	2.3
Estimated percentage of natural area	14%	1.1

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PART 1 - IMPLEMENTATION

1.1 Structure Plan Area

The Structure Plan is applicable to Lot 48 Treeton Road and Lot 49 Friesian Street, Cowaramup ('the subject site') zoned 'Rural Residential Zone' under LPS1. The area of the plan is included below at Figure 1 below.

Figure 1 - Structure Plan Area (marked in red)



The Structure Plan has been prepared to guide future subdivision of the subject sites. The Structure Plan also shows the prospect of amalgamating the north western portion of Lot 48 with adjoining Lot 1.

The Structure Plan area is 17.6 hectares and is situated approximately 1 kilometre north of the Cowaramup town centre. The site adjoins the urban areas of Cowaramup. Fourteen (14) percent of the area is considered vegetated.

The subject site is serviced with power, water and telecommunications. However, wastewater is treated by way of onsite systems given the lots are located at some distance from a reticulated sewer connection.

Proposed Structure Plan Lot 48 Treeton Road and Lot 49 Friesian Street, Cowaramup

The proposed lots resulting from the subdivision of Lot 48 Treeton Road would have direct frontage to Treeton Road and freehold title lots would be possible. However, in the case of Lot 49 Friesian Street, this lot is only accessible via a 12.5 metre wide access leg, and it is proposed in regard to the access constraints that the subdivision of this lot be through a survey strata subdivision. This would allow for a common property access leg to provide access to each of the three proposed lots.

Scheme Amendment No.61 has been submitted concurrently with this Structure Plan application to amend Schedule 7 by introducing under Rural Residential (RR40) additional provisions that control development and also allow subdivision to lots with a minimum lot area of 1 hectare and referencing a Structure Plan.

The proposed Structure Plan provides the subdivision layout for the subject sites and is appendix A to this report. Below is a brief description of each of the lots within the proposed Structure Plan.

Lot 48 Treeton Road - Lot 48 is 11.23 hectares. The rear boundary of this lot adjoins Lot 1 Dyson Road and it is proposed to amalgamate a 5880m² portion of land into this adjoining site. The existing single house on proposed Lot 102 development would remain within a newly nominated building envelope. At the same time there is a winter creek that would remain wholly within the remnant lot and native revegetation is proposed. The average lot area resulting from the subdivision of parent Lot 48 Treeton Road, less the amalgamation to Lot 1 Dyson Road would be 2.6 hectares.

Lot 49 Friesian Street - Lot 49 Friesian Street is situated immediately north of the Cowaramup LIA and is 6.41 hectares. The proposed Structure Plan would allow a 3 lot subdivision of the site resulting in an average lot area over the site of 2.1 hectares. Due to the access point to the site and servicing the arrangements from Friesian Street, the form of lot creation would be through survey strata subdivision with the access leg being a common property lot.

Taken together the two lots the subject of this proposal would, if subdivided in accordance with the attached Structure Plan, result in five additional lots in the locality and the average lot size would be 2.4 hectares.

1.2 Operation

The Structure Plan comes into effect on the date it receives approval by the Western Australian Planning Commission ('WAPC') and under the Planning and Development (Local Planning Schemes) Regulations 2015 would be valid for a period of 10 years from that time.

1.3 Staging

No staging is required to create the lots proposed in this Structure Plan application. The subdivision of each of the subject lots within this Structure Plan is not contingent upon the subdivision or provision of infrastructure to the other lot and each owner is able to proceed with subdivision of their land independently. The only link will be access easements and the emergency access way (EAW) which will be implemented when any lot is subdivided.

1.4 Subdivision and Development Requirements

As detailed within the preamble to this report, the proposal seeks to introduce a Structure Plan for those lots identified within Lot 48 Treeton Road and Lot 49 Friesian Street, Cowaramup. Subdivision will be guided by the Structure Plan contained at Appendix A. This includes consideration of the following provisions:

1. Subdivision shall have due regard to the endorsed Structure Plan
2. All native vegetation on the land shall be preserved unless dead or dangerous or required to be removed to give effect to an approved subdivision and Bushfire Management Plan.
3. Battle axe legs and crossovers to be constructed to Shire specifications at subdivision stage.
4. All effluent disposal systems to be setback a minimum of 30m from the intermittent creekline or dam and the recommendations of the wastewater report appended to the Structure Plan shall be taken into account at development stage.
5. The landscape screening and revegetation identified in the adopted Structure Plan shall be implemented to the satisfaction of the local authority at the time of subdivision.
6. There shall be no additional fencing or fire breaks cutting through the creek line identified on the Structure Plan.
7. The existing overhead powerlines can be retained in situ following subdivision.

8. The Bushfire Management Plan shall be implemented at the time of subdivision. At the time of subdivision easements shall be put in place to ensure relevant lots have access via the emergency access way (EAW) to Friesian Street. Easements for the general public and the Local Government for use of the EAW shall also be applied and where the EAW is co-jointly used as driveway, this shall not be gated or fenced.
9. Notifications to be placed on the title through the subdivision process advising prospective buyers of the existence of the adjacent industry area and surrounding agricultural land uses, which may result in amenity impacts.
10. The consideration of effluent disposal systems with secondary treatment for lots in close proximity to Wilyabrup Brook at the time of subdivision/development.
11. The requirement for a creek line rehabilitation plan will be recommended as a condition of subdivision.

The plan itself will also guide the development of future dwellings in appropriate building envelopes which have been considered to have regard for the characteristics of the area.

In addition to the Structure Plan and its notations the broad provisions of the Scheme relevant to the Rural Residential zone will also be applicable.

1.5 Land Use Permissibility – Zoning

The land is zoned 'Rural Residential' under the Scheme and will be designated under Schedule 7 as R-R40 and this includes special conditions specific to this designated land. Scheme Amendment No.61 would reference the Structure Plan over the subject sites and the special provisions.

1.6 Interpretation and Scheme Relationship

Unless otherwise specified in this part, the words and expressions used within the Structure Plan shall have the respective meanings given to them in within the Shire of Augusta Margaret River Local Planning Scheme No.1 ('LPS No.1').

Subdivision within the Rural Residential zone is guided by Clause 4.22 of the Scheme.



Pursuant to Clause 4.22.1 (a) of the Scheme:

“The minimum lot size for land within the zone is 3 hectares unless otherwise specified at Schedule 7 and shown on an applicable Structure Plan.”

And also pursuant to Clause 4.22.1 (b) of the Scheme:

“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.”

Given the above, the request by the landowners to subdivide the subject lots to a minimum lot area of 1 hectare would require the preparation of a Structure Plan as per the requirements of Clause 4.22 of the Scheme. In addition, the Structure Plan would become referenced under Schedule 7 – Special Provisions relating to development on land zoned ‘Rural Residential Zone’. The subject site is currently referenced under Schedule 7 of the Scheme as RR7, however, the ‘Special provisions’ section under this schedule is to be modified to RR 40 and this would include reference to an adopted Structure Plan.

The Structure Plan (Appendix A) and identifies the general layout that would be used to guide subdivision and provided an important basis for determining the capacity of the sites to deal with onsite wastewater disposal and assessing the site from a Bushfire Management perspective. However, the individual lot layout is not necessarily exact and there is capacity for very minor variations prior to the final approval of the subdivision.

1.7 Other Requirements

1.7.1 Servicing Considerations

In regard to electricity supply, the subject sites in the proposed Structure Plan have an overhead power supply. Telstra services supply the area and a can be easily extended. The number and scale of overhead power lines would mean removal would be costly and logistically difficult. The proposal therefore aims to maintain overhead power lines in situ, locate envelopes compliantly away from such lines and introduce easements for accommodation of the infrastructure.



Proposed Structure Plan
Lot 48 Treeton Road and Lot 49 Friesian Street, Cowaramup

A reticulated townsite water supply is available at the adjacent 'Symphony Waters' development and within the light industrial area and is available to Lot 48 Treeton Road and Lot 49 Friesian Street. There are no known impediments for any additional lots not to be connected to the reticulated water supply.

In relation to effluent disposal a Soil Wastewater Assessment has been carried out on the subject sites and subsequent analysis has demonstrated the capability of the soils to cater for on-site effluent disposal within the nominated building envelopes. This is included at Appendix C this document and demonstrates further capability.



Proposed Structure Plan

Lot 48 Treeton Road and Lot 49 Friesian Street, Cowaramup

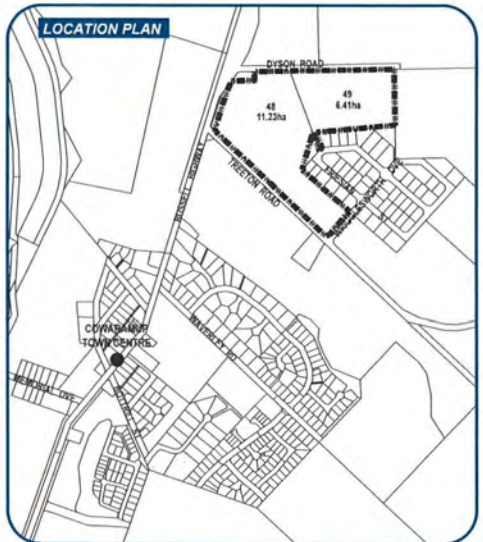
APPENDIX A

STRUCTURE PLAN



LEGEND

- APPLICATION BOUNDARY
- PROPOSED LOT
- PROPOSED BUILDING ENVELOPE
- POSSIBLE ROAD WIDENING / EASEMENT TO ACCOMMODATE POWERLINES (10m WIDE)
- RECIPROCAL RIGHTS OF ACCESS EASEMENT (to benefit lots 201, 202 & 203)
- EASEMENT FOR EMERGENCY ACCESS & EGRESS
- EASEMENT FOR EXISTING POWER LINES
- ENVIRONMENTAL LANDSCAPE PROTECTION AREA
- LANDSCAPING / REHABILITATION AREA



Approval
 This Local Structure Plan has been approved by the Shire of Augusta-Margaret River under the Shire of Augusta-Margaret River Local Town Planning Scheme No. 1

Signature _____ Date _____

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LEIGHTON
 Land Development DRAFTING & DESIGN

Title: LOCAL STRUCTURE PLAN
 LOT 48 TREETON ROAD & LOT 49 FRIESIAN STREET,
 COWARAMUP.

Date: November 2021

Scale: 1:3,000@A3

Revision No: G

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Plan & other statements
 Development Applications
 Precinct Planning
 Resource Management
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 Traffic

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 landowners of Lot 48 Treeton Road and Lot 49 Friesian Street, Cowaramup ('the subject sites') to prepare a Scheme Amendment to Local Planning Scheme No.1 ('the Scheme') and an associated Structure Plan to guide the subdivision of the two sites for a total of 7 Rural Residential lots (5 additional) with a minimum lot area of 1 hectare and an average lot area of 2.5 hectares. At the default 3 hectare lot size three additional lots could be facilitated and the amendment essentially serves to provide two additional lots and a reduction in lot size to 1 hectare as is now conventional and promoted by the Local Planning Strategy.

Prior to the preparation of this Structure Plan proposal meetings were held with representatives of the Shire's Planning Department to gain an understanding of the process required to have a Structure Plan and a Scheme Amendment adopted affecting the subject sites for further subdivision.

Scheme Amendment No.61 has been prepared and this supports and introduces provisions and references of the proposed Structure Plan for the subject sites. It is requested that these inter-related documents be assessed concurrently.



2.2 Land Description

2.2.1 Location

The Structure Plan is applicable to Lot 48 Treeton Road and Lot 49 Friesian Street, Cowaramup. The Structure Plan has been specifically prepared to guide subdivision opportunity for the subject sites. These lots are zoned Rural Residential and identified under the Scheme and referenced within Schedule 7 - 'Special Provisions' relating to development on land Zoned 'Rural Residential Zone'. Modifications to the zoning by applying RR40 provisions will assist the consideration and application of this Structure Plan. The site is located approximately 1 kilometre north of the Cowaramup Town Centre but essentially abuts the urban area and adjoins rural zoned land to the north and the Cowaramup light industrial area to the east.

The location of the subject sites and the Rural Residential context are demonstrated at Figure 2 below.

Figure 2 – Subject Sites (within the blue border)



Source: AMRSC Intramaps (2019)

2.2.2 Area and Land Use

The area is located within an existing rural residential area to the north of Treeton Road, Cowaramup and each lot is well in excess of the 3 hectare minimum. Existing development primarily consists of single residential development and outbuildings / ancillary development as may be considered in the zone. Limited grazing occurs with small dams for water supply and some landscaping for screening has been implemented. Stands of remnant vegetation exist along the creekline and in the south east of Lot 48.

2.2.3 Legal Description and Ownership

A copy of the Certificate of Titles for the two subject sites indicates that:

Lot 48 Treeton Road, Cowaramup: Owned by the Lynn family.

Lot 49 Friesian Street, Cowaramup: Owned by the Wrigglesworth family

2.3 Planning Framework

2.3.1 Deemed Provisions

The Planning and Development (Local Planning Scheme) Regulations 2015, Schedule 2, Part 4, (which deals with Structure Planning) are automatically adopted by all Local Planning Schemes in WA.

Clause 15 of these Regulations outlines the circumstances under which would call for the preparation of a Structure Plan and approval by the Western Australian Planning Commission (WAPC) is required. In this case where further subdivision of Rural Residential lots is being considered a Structure Plan is required to guide any future subdivision of land in the locality.

Structure Plans are defined as follows: *“Structure Plan means a plan for the coordination of future subdivision and zoning of an area of land.”*

Clause 16 of these Regulations prescribes the information to be provided in a Structure Plan submission at Appendix A and includes information relevant to such plans including:

The Structure Plan for this proposal is included at Appendix A. Features of the Structure Plan are:

- Illustrating the area covered by the Structure Plan and nominated building envelopes for all lots proposed;

**Proposed Structure Plan
Lot 48 Treeton Road and Lot 49 Friesian Street, Cowaramup**

- Allowing a minimum lot area of 1 hectare in the Structure Plan area.
- Guides subdivision of the subject sites into a total of 7 rural residential allotments (5 additional).
- Implementation of the Bushfire Management Plan at subdivision including an Emergency Access Way.
- Provides for protection of existing remnant vegetation, creekline areas and promotes landscaping and rehabilitation and protection of views from the public arena particularly Bussell Hwy.
- Indicates that access arrangements to the subject lots remain unchanged but improved for lots in the event of emergency inclusive of an EAW connection and easements. This will also benefit the general public within the light Industrial area which is currently in a one way situation.
- Indicates a strata for Lot 49 and green title arrangement for Lot 48.

2.3.2 Scheme Amendment No.61

Scheme Amendment 61 has been prepared to introduce special provisions, including reference to this Structure Plan.

The current relevant excerpt from Schedule 7 – Special Provisions relating to development on land Zoned ‘Rural Residential Zone - RR-7’ currently provides that:

Scheme Map Reference No.	Site Description	Specific Conditions and Requirements
R-R 7	Pt Sussex Location 200, Treeton Road, Cowaramup	<ol style="list-style-type: none"> 1. Each lot to be created from the subdivision of this land shall be connected to the Cowaramup town site water supply. 2. Radio masts/TV antennae, satellite dishes and wind turbines shall be located such that they do not detract from the visual amenity of the locality.

Scheme Amendment No.61 has been prepared to amend the Scheme Map to reference RR40 and Schedule 7 as follows:

**Proposed Structure Plan
Lot 48 Treeton Road and Lot 49 Friesian Street, Cowaramup**

Scheme Map Ref No. RR 40	Site Description	Specific Conditions and Requirements
R-R 40	Lots 48 Treeton Road and 49 Friesian Street Cowaramup	<ol style="list-style-type: none"> 1. Subdivision and development shall have due regard to the Structure Plan for the land or subsequent Structure Plan endorsed by the Western Australian Planning Commission. 2. Notwithstanding the provisions of Clause 4.22.1 (a) an average lot area of 1 hectare shall be achieved 3. Each lot to be created from the subdivision shall be connected to the Cowaramup townsite water supply. 4. Radio masts/TV antennae, satellite dishes and wind turbines shall be located such that they do not detract from the visual amenity of the locality.

The provisions incorporated within this Structure Plan document will also help guide at subdivision stage, specifically relating to implementation requirements relative to fire management in the attached BMP (Appendix B).

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

The subject site and those adjoining are zoned 'Rural Residential' under the Scheme and the purpose of this zoning is:

"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."

In addition to the purposes outlined above in the Scheme for the Rural Residential zone, the following objectives were also identified:

- 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;*

Proposed Structure Plan

Lot 48 Treeton Road and Lot 49 Friesian Street, Cowaramup

- 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."*

It is assessed that the purpose as well as the objectives of the Scheme in regard to Rural Residential zoning can be met under the proposed Structure Plan.

The general provisions for development in the Rural Residential zone, provided for under Clause 4.22 of the Scheme may be varied by Council when specific requirements for a locality have been included under Schedule 7 of the Scheme as outlined below.

"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."*

Where the provisions of Schedule 7 of the Scheme and the above quoted Scheme clause are not in agreement the former would prevail. This allows subdivision to a minimum lot area of 1 hectare, which would need to be referenced in the Structure Plan.

Other provisions of the Scheme that follow include the application of building envelopes which become

relevant as shown on the Structure Plan. Clearing outside of building envelopes is not permitted other than for fire management purposes.

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

The aspects of these general provisions of the Scheme were considered in the preparation of the Structure Plan and the update the special provisions under Schedule 7 of the Scheme.

2.4 Planning Strategies

2.4.1 Local Planning Strategy (Strategy)

The role of the Strategy is to outline the Shire's medium to long term planning goals and aspirations for land use, subdivision and future development. It importantly provides the rationale for the Scheme and its objectives and standards.

In regard to Rural Residential subdivision in the Shire, this Strategy aligns with sections of the Leeuwin Naturaliste Ridge State Planning Policy ('LNRSP'), which specifically advises against this form of subdivision occurring in an ad-hoc manner. This position is so as to avoid the fragmentation of productive agricultural land and the important economic contribution farming makes to the economy of the region.

Council in 2014 amended its Local Planning Strategy and introduced the grounds on which applications for the re-subdivision of rural residential land would not be supported. The criteria developed to assess the suitability of Rural Residential land for subdivision includes:

- *“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.*

Proposed Structure Plan

Lot 48 Treeton Road and Lot 49 Friesian Street, Cowaramup

- *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.”*

In regard to the subject sites, it is assessed that the proposed Structure Plan and subsequent subdivision would not meet any of the above criteria. On that basis the application has merit in regard to the introduction of a Structure Plan to allow further subdivision of the subject lots.

Council also established criteria under the Strategy to provide the planning grounds on which it would support further Rural Residential subdivision in the Shire. These include the following:

- *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.”*

It is assessed that the proposal to introduce a Structure Plan for the subject sites would be able to satisfy the above criteria.

The Strategy also contains a visual management element, which identifies that the site falls under Visual Management Zone ‘B’. This is defined as:

“Developments or changes of use may be visually apparent but should nevertheless be subordinate to established landscape patterns. Introduced visual elements may be apparent in the landscape but should not be visually dominant.”

In this instance the inclusion of three additional houses that may be able to be seen from Treeton Road, would not be detrimental to the landscape. To ensure this outcome is achieved it is proposed that additional planting be introduced to each site to screen development from each other and the public realm and that this be indicated on the Structure Plan. This will also assist in further screening the industrial area from public view.

The Leeuwin Naturaliste Ridge Statement of Planning Policy is broadly acknowledged in the Strategy and is discussed in relation to this proposal in the following section of this report.

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 Policy 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 that introduced Structure Plans to guide subdivision.

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;*

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- *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, subject to landscape values of the locality being maintained and that development is clustered. In this instance clustering principles have been adopted in the Structure Plan through the use of building envelopes, which at the same time are located to take into account the preservation of the vegetation, which is an important element in the landscape values of the locality.

The proposal is consistent with other proposals that have been entertained by the Shire and the Commission 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.

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 Department of Fire and Emergency Services (DFES) Commissioner as highlighted on the map of Bushfire Prone Areas. The precinct identified under the Structure Plan area is identified as 'Bushfire Prone' under the relevant DFES mapping.

As required a Bushfire Management Plan has been prepared to support consideration of this amendment and more specifically the Structure Plan and this is included for review at Appendix B. Bushfire management mechanisms, particularly emergency access way (EAW) identified in the BMP are to be implemented at subdivision stage and the rights of access registered on the new titles at that point and are also clearly indicated on the Structure Plan for the R-R40 area. This emergency access way is a strong aspect of the proposal from a bushfire perspective because it introduces an objective that is currently not provided for. The industrial area is a loop road system and whilst connects to Treeton Road with multiple exit options from the area, the EAW will add a legitimate second option to support the subdivision and

underpin the access options for the area generally. The proposal therefore resolves a problem access situation in the area as the industrial area is in a one way in and out situation. An EAW through easement on private land is the best option as this will avoid undermining the road network and ensure that industrial traffic continues to use Treeton Road (the main distributor in the area). The EAW will serve as the emergency option only which is fitting given the context. Gating and fencing can be guided by a Structure Plan provision so there is no conflict between private and public use of the EAW.

The proposal for additional landscape screening to the Structure Plan area for visual management purposes would not necessarily increase the fire risk in the Structure Plan area. The bushfire consultant advises the additional vegetation would not change the BAL Contour map provided it is managed to the Asset Protection Zone Standards defined in the 'Guidelines for Planning in Bushfire Prone Areas'.

2.5 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.

A Structure Plan proposal and a separate Scheme Amendment proposal have now been prepared in accordance with the advice received and have been lodged at the same time

2.6 Site Conditions and Constraints

2.6.1 Environmental Considerations

As documented in the earlier sections of this report, the subject site is predominantly cleared due to the fact the land was previously used for grazing activities as part of a wider farming unit. Since the creation of the rural residential lots, grazing has continued however in a small scale arrangement consistent with the lot size. Some remnant vegetation remains including notable stands of tea tree and other native species along the creekline system. Some standalone trees remain including peppermints and a stand of jarrah,

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marri and associated under storey in the southeast of Lot 48 functioning as a buffer between the light industrial and Symphony Waters residential area to the south.

The remnant vegetation is evident in the aerial photograph contained at Figure 3 below.

Figure 3 – Aerial photograph



It should be noted that some buffer planting has been established by landowners which assists in providing some environmental benefits for the sites and obviously the creekline system is a notable feature in the northern part of the Structure Plan area with this creek flowing intermittently (generally in winter).

Given the limited nature of native vegetation on site and the fact there is no impact on this vegetation as part of the proposal, no further environmental investigations are provided.

The proposal serves to improve environmental site conditions by protecting existing vegetated areas and stand alone trees, utilise existing creekline crossings and promote further revegetation and planting to improve habitat but also screening of development from important public areas such as Bussell Highway.

2.6.2 Landform and Soils

The site is located on the edge of the Leeuwin block which is dominated by gently undulating lateritic plateau. This plateau is dissected by a series of valley systems and is formed on granitic and gneissic basement rock (Tille and Lantske 1990).

The soils along the northern boundary of the site associated with the creekline are of the Cowaramup wet vale soils classification. These soils occur on broad, swampy floored drainage depressions over granite in the Margaret River district. Soils are generally wet or semi wet with deep grey sandy duplexes, loamy gravels and duplex sandy gravels. Typical vegetation of this soil characteristic is marri, jarrah and paperbark with tea tree woodland. The soils in the southeastern portion of Lot 48 are characterized as the Cowaramup flats classification. These are typically lateritic flats and low rises on weathered mantle over granitic rocks. Soils are typically loamy gravels, duplex sandy gravels, semi wet soils and grey deep sandy duplexes. Vegetation consists of marri, jarrah forest and woodland (Department of Agriculture 2019).

2.6.3 Onsite Wastewater Disposal

To address wastewater disposal capability, Sean Smith of Environmental and Landscape Management has undertaken a specific effluent disposal capability assessment. This is included at Appendix C and informs this Structure Plan.

The assessment reviews the characteristics of the area including the landform, soils, hydrology and involved assessment of characteristics about building envelopes (vacant) through digging of test pits and an analysis of findings. This included the following:

- Depth to highest groundwater from ground level
- Depth to bedrock or impervious clay
- Depth of free draining soil
- Setback from water bodies
- Soil structure and profile to a depth of 2 metres

- Phosphate retention index to 1 metre
- Infiltration rate of the soil

The investigation also indicated how the consideration of onsite effluent disposal can be given under relevant policy and noted that the subject land is not within a sewerage sensitive area under relevant policy.

The results of investigations were relatively positive with no groundwater evidenced in any of the test pits. An addendum to the report is to be added in September 2019 when winter wet levels will be tested again and this information can be provided in due course.

The soils profiles are described and generally soils were of the sand and gravel consistency with clay at depth in some pits. Infiltration rates varied and phosphorous retention index was generally high in most pits.

The report recommends a setback of 30 metres from waterways and it was noted that the slope was less than 10% which is suitable. Only one test pit had some rock material in the profile however there were no significant problems expected from this pit. Bedrock was not encountered in any of the pits and as stated above, no groundwater was evidenced.

A land capability assessment indicated that most of the pits had an overall rating of 1 or 2 which is very high capability with only one pit evidencing a rating of 4. Based on this assessment, recommendations are made and these are generally that onsite effluent disposal is capable within each lot with varying systems suggested.

A provision is included within the Structure Plan documentation to ensure that at development stage the recommendations of the soil wastewater assessment 2019 be taken into account.

The report serves to advise that onsite effluent disposal is achievable and the investigations can inform future more detailed investigations at development stage. The recommendations of the investigation are provided in the next section.

2.6.4 Wastewater Recommendations

The soil wastewater report concluded that subject sites could accommodate residential development subject to the following recommendations being adopted for the subdivision.

Recommendation 1:

Septic tank effluent disposal systems with standard leach drains are approved in proximity to the test pit locations for the proposed new Lots 101, 103 and 202. Inverted leach drains will be required for these new lots where the proposed effluent disposal system does not achieve the minimum clearance requirements to groundwater as set out in the Town Planning Scheme and Table 3 of the Draft Sewerage Policy.

Recommendation 2:

That modified leach drains using high PRI amended soils are utilised for the location of test pit 3 on new Lot 201 and test pit 5 on new Lot 203 to increase the PRI above 20 for the disposal fields on these lots. Inverted leach drains may be required on Lot 203 to meet the minimum clearance requirements.

Recommendation 3:

The system designer and installer shall follow the site evaluation information and recommendations in this report according to the requirements in AS1547:2012 and the Draft Sewerage Policy.

Recommendation 4:

That suitable salt tolerant native vegetation is planted around the location of proposed disposal fields to improve evapotranspiration. Local native coastal species are ideal for this purpose.

The soil evaluation shows the effluent disposal onsite is manageable and serves to inform the suitability of the proposed Scheme Amendment/Structure Plan.

2.6.5 Ground Water and Surface Water

As evidenced in Appendix C the five test pits dug in the areas of vacant lots (general situation of building envelopes) indicated no groundwater table at a depth of 2 metres. An addendum to the report will be provided at the end of winter 2019 to illustrate whether groundwater tables have risen and this could further inform types of systems that may need to be used. It should be noted there is significant area

within each lot to dispose of effluent at a distance from watercourses and should higher water tables exist again, separation from such tables can be achieved through disposal in high ground areas.

Surface water does appear along the creekline system in the north of Lot 48 and central parts of Lot 49 in winter time. There are also some dams established in the creekline systems which retain water levels throughout the year. Other surface water generally does not present elsewhere within the subject sites.

2.6.6 Heritage

The Department of Indigenous Affairs Database (DIA 2010) indicates there are no registered sites affected by the proposed Structure Plan or within proximity of the subject site. There are also no sites listed on the Shire's Municipal Inventory.

2.6.7 Bushfire Hazard

To support the proposal and as required (given the site is within a bushfire prone area) a Bushfire Management Plan has been prepared by level 3 fire consultants Ecosystem Solutions. This was completed in Augusta 2019.

A copy of the Bushfire Management Plan is included at Appendix B as referenced earlier.

The Bushfire Management Plan makes an assessment of the proposed Structure Plan and considers the bushfire risk associated with the context. It should be noted that the existing dwelling within Lot 48 is located within a patch of area which is not considered bushfire prone. This is a reflection of the fact that much of the area is of cleared paddock nature and adjacent to an urban area.

A Bushfire Attack Level assessment is included within the assessment and this is documented in the Bushfire Management Plan with photographic evidence. A vegetation classification map indicates that various types of vegetation are evident within the area including Class A forest, Class B woodland, Class D scrub and Class G grassland.

The map of the Bushfire Attack Level assessment is provided at Figure 4 within the report and this clearly indicates that all building envelopes that are vacant are within a BAL29 or better situation. Only the

existing development within Lot 49 (proposed Lot 203) is affected by higher BAL ratings however this is an existing situation. Notwithstanding this, the existing dwelling within this building envelope is within a BAL19 situation. The proposed vacant building envelopes are all within a BAL12.5 with only very slight pockets at BAL19.

The Bushfire Management Plan recognises the re-vegetation and landscape plans and notes that such landscaping will be established compliant with APZ requirements. This therefore means the landscaping objectives will not compromise bushfire planning.

The assessment against bushfire protection criteria confirms the following:

- No dwelling will be constructed within areas greater than BAL29.
- Asset protection zones can be managed according to guidelines.
- Compliance is met with respect to public roads, cul-de-sacs, battleaxes, private driveways and emergency access ways. Fire service access routes are not relevant and fire breaks are compliant.

The subject site will be provided with reticulated water as it is currently accessed and this is beneficial recognising that fire hydrants exist within Friesian Street.

An important element of the Bushfire Management Plan to provide two access route arrangements is an emergency access way which will connect Friesian Street to Dyson Road via easement for the benefit of lots within the subdivision that will need to take access to it. It is also for the general public and the Local Government with respect to fire tending activity.

It is noted that Lots 101 to 104 have access to Treeton Road which provides two methods of access and egress from the area in any case including opportunities to travel to Cowaramup, Dunsborough and even further to the east to Jindong Treeton Road to other destinations. It is only Lots 201 to 203 which will require an alternate egress which will be available by emergency access way to Dyson Road to the north which is constructed to the point where the emergency access way is indicated. It should be noted that proposed Lot 104 whilst indicated as a battleaxe lot, will have three methods of egress/entry in the event of an emergency because it will be provided with rights of access over the existing access to Lots 201, 202 and 203 from Friesian Street but also access to the emergency access way to Dyson Road. Access to Lots

201, 202 and 203 will be retained along the existing corridor protected by common property through a strata subdivision arrangement.

On balance, the emergency access way arrangement will be a positive outcome for the general area because the current light industrial area is a loop road system with no alternative exit and the emergency access way will serve to improve options for those landowners within the light industrial area but also those in Dyson Road as they will be able to travel through to the light industrial area. Provision of a road or right-of-way through this corridor was not deemed appropriate because it would promote the movement of traffic other than for emergency purposes and this would not be desirable with respect to industrial traffic travelling through the subdivision area. It is sound planning to maintain primary access to the light industrial area from Wigglesworth Drive and Treeton Road which is the main distributor road in the area and clearly the main established access for the light industrial area.

2.7 CONCLUSION

The subject lots are already substantial in size and based on the typical minimum lot size of 3ha could be subdivided subject to provision of a Structure Plan. The two subject parent lots are the only two lots with similar zoning and long term planning objectives in this area. The amendment to the Scheme along with this proposed Structure Plan allows provisions to be applied and smaller more conventional lot sizes to be applied to respond to the site and its characteristics.

Scheme Amendment No.61 has been prepared in accordance with the objectives set down in the local and state planning frameworks. The characteristics of the site have been taken into account and it has been established that the creekline vegetation is in need of some rehabilitation. This task can be dealt with at the stage of subdivision and has been incorporated as provision in the Structure Plan for the site.

Landscaping particularly to the western portion of Lot 48 Treeton Road which has frontage to Bussell Highway is seen as important for screening and visual management purposes and seeks to satisfy the draft Leeuwin Naturaliste Sub Regional Planning Strategy which seeks to include the eastern side of Bussell Highway within the visual management area. As demonstrated in the proposed Structure Plan, the proposed lots would satisfy the provisions of the BMP for the locality, and the assessment includes vegetation buffers.



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TECHNICAL APPENDICES INDEX

Appendix No.	Document Title	Date of Document	Referral/approval agency	Summary of documentation modifications
A	Structure Plan	August 2019		
B	Bushfire Management Plan	June 2022		
C	Soil Wastewater	February 2019		