

CITY OF BUSSELTON

STRUCTURE PLAN Lot 60 and 61 Metricup Road, Metricup

July 2020

Revision 3



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Version Control

Report version	Revision No.	Purpose	H&A Author	Review date by officer	Date
Draft	1	Structure Plan	Vivienne Clarke		
Final	2	Inclusion of Schedule of Modifications	Vivienne Clarke		
Final	3	Add the word 'proposed' from heading and insert Appendix A.	Vivienne Clarke		6 July 2020

Approval for Issue

Name	Signature	Date

This structure plan is prepared under the provisions of the City of Busselton Town Planning Scheme No. 21

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

18 October 2012

In accordance with Schedule 2, Part 4, Clause 28 (2) and refer to Part 1, 2. (b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Date of Expiry: 19 October 2028

TABLE OF AMENDMENTS

Amendment No.	Summary of Amendment	Amendment type	Date approved by the WAPC
1	Inclusion of development conditions for 'Additional Uses' such as a winery, brewery and cafe to a portion of Lot 61 Metricup Road Metricup		10 July 2020

EXECUTIVE SUMMARY

This Structure Plan has been prepared for the City of Busselton ('CoB') and the Western Australian Planning Commission ('WAPC') and relates to Lot 61 Metricup Road, Metricup ('the site') located to the southern extent of the City of Busselton in the Metricup locality, which is characterised by a properties incorporating established rural operations and is adjacent to land identified for viticultural and tourism operations. This Structure Plan is to be assessed concurrent to a Scheme Amendment proposal (reference number No: 38) which also incorporates a modification to both the Scheme map annotation and text for inclusion of the subject site under 'Schedule 2 – Additional Uses – 'A82' to reference a Structure Plan and to accord with the Deemed Provisions of the Planning and Development (Local Planning Schemes) *Regulations 2015*, Schedule 2, Part 4. The Structure Plan supersedes a Development Guide Plan over the site and Lot 60 adjoining.

The Structure Plan is attached at **Appendix A**. It is noted that in order to have the force and effect of a scheme, an approved structure plan is to be incorporated or 'normalised' into the Scheme via a Scheme Amendment process. The intent of the Scheme Amendment at Schedule 2 is to provide for consideration of legitimate development outcomes in an underutilised portion of the site that will increase economic activity at the site in a manner that is in keeping with the distribution of development and operations within the immediate locality.

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

EXECUTIVE SUMMARY TABLE

Item	Data	Structure Plan Ref. (section no.)
Total area covered by the Structure Plan	Approximately 42.8 hectares	1.1
Area of each land use proposed:	Not applicable	-
Estimated number of dwellings	One (1) for Lot 61	-
Estimated percentage of natural area	Not applicable	-

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PART 1 – IMPLEMENTATION

1.1 Structure Plan Area

The Structure Plan is applicable to Lot 60 and Lot 61 Metricup Road, Metricup which is zoned Bushland Protection and located to the south of the City of Busselton in the Metricup locality. The proposal is directly relative to Lot 61 and referenced throughout this report as ‘the Site’ however Lot 60 has been included within the context of this Structure Plan at the directive of the City of Busselton to align with the ‘Planning and Development (Local Planning Schemes) Regulations 2015’.

1.2 Operation

The date the Structure Plan comes into effect is the date the Structure Plan is approved by the Western Australian Planning Commission (‘WAPC’).

1.3 Staging

The Structure Plan supersedes the existing Development Guide Plan adopted by Council on 13 June 2012.

1.4 Development Requirements

All development shall comply with the following in the addition to the provisions of Local Planning Scheme No.21:

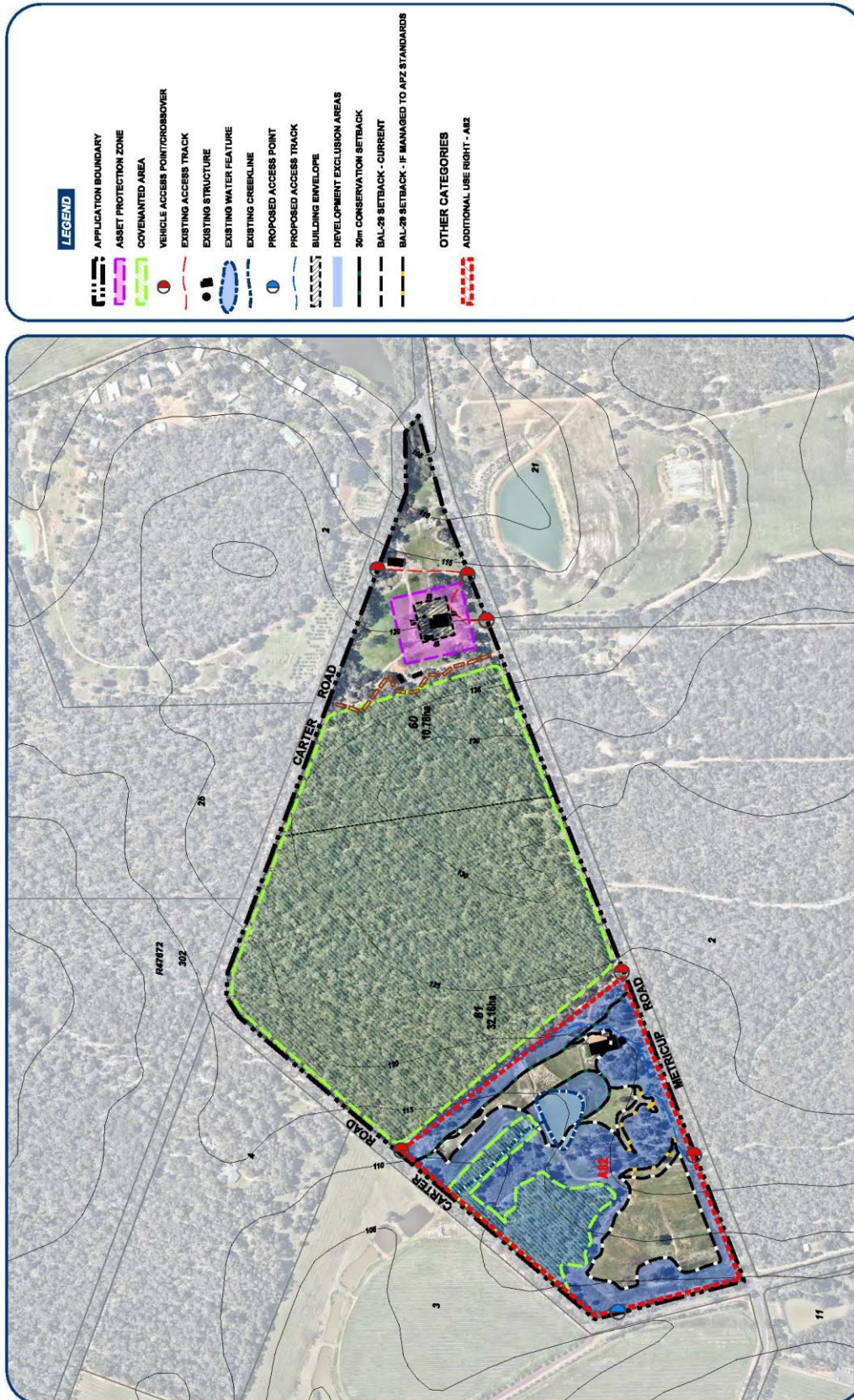
1. Development of portion of Lot 61 – Additional Use site – shall be in accordance with the conditions set out at Schedule 2 – Additional Use (A82).
2. This Structure Plan is to be read in conjunction with a Bushfire Management Plan compliant with SPP3.7 – Planning in Bushfire Prone Areas.
3. No development shall occur within the Development Exclusion Area and outside the building envelope on Lot 60.
4. Prior to any further development on Lot 61, and in consultant with the Department of Biodiversity, Conservation and Attractions, the existing area subject to a nature conservation covenant shall be extended to include the (approx.) 3 hectare portion of remnant and riparian vegetation, identified as vegetation types OFCcEm and OWCcTI in the Vegetation Assessment and Condition Report dated 18 December 2010. The area of restriction is to be included on the diagram or plan of survey (deposited plan).

1.7 Other Requirements

1.7.1 Servicing Considerations

The subject site currently incorporates the siting of a rural outbuilding and associated structures to the far south east of the site with access provided to Metricup road adjoining this frontage. The site is provided with a power connection in an underground arrangement in the manner of a green mini pillar. Underground or overhead power connections can be extended from this point of supply to the siting of future development on site. Telstra services are also available to the site. A potable water supply is currently provided by way of a water tank connected to the outbuilding roof catchment and this is further supplemented by the dam supply on site and this can also service future development. The internal access can be extended to service the location of development and will be located in such a way as to avoid impacts on remnant vegetation and will also provide for consideration of an additional crossover point to the Carter Road frontage at a location that is reflected on the Structure Plan. This will be constructed to a standard acceptable to the satisfaction of the City's infrastructure department.

Future development will be serviced by an on-site effluent disposal mechanism in a manner that can be considered appropriate given distance of the site from a reticulated connection. The distribution of existing intensive development on lots adjoining which are serviced by on site effluent disposal apparatus would effectively demonstrate the soil absorption capability and this can be located 100m from the location of the waterbodies as may be considered as such mechanisms will not be constrained by the building exclusion areas depicted in the Structure Plan.



PART 2 – EXPLANATORY REPORT

2.1 Planning Background

2.1.1 Introduction and Purpose

Halsall and Associates have been engaged by the landowner of Lot 61 Metricup Road, Metricup ('the site') to prepare both a Scheme Amendment to Local Planning Scheme No. 21 ('the Scheme') and an associated Structure Plan to provide the mechanism for consideration of additional development at the site. This will include an amendment to Schedule 2 of the Scheme to include the land uses 'Restaurant/Café, Produce Sales, Winery, Brewery and Chalets' for consideration at the subject site in association with anticipated intensive agricultural activity (vineyards) and a single house as may be considered under the Bushland Protection zone. The Structure Plan incorporates a legitimate development area at the directive of the City of Busselton and informed by the BAL contour mapping as prepared for the site together with setbacks from environmentally sensitive areas as nominated by the DBCA in preliminary discussions. Future development will therefore be appropriately sited with due regard to both the environmental characteristics and bushfire requirements. The proposed additional uses will allow primarily for construction of a low key microbrewery, micro boutique winery and associated produce sales which will be located to the far west of the site and orientated towards the Carter Road frontage. The operation of these uses will be ancillary and complimentary to the primary use of the land for intensive agricultural activities which are anticipated to occur within cleared areas on the site as may be considered in the zone subject to separate assessment. The produce sales use will allow for consideration of the sale of products such as jams and preserves from produce grown, reared or produced on the site or within the locality that is managed and packaged on site in a clustered manner with other uses proposed. A single house (as may be considered under the zone) is also proposed separate to such tourism operations from which management operations can occur. The balance uses may be subject to future consideration and are considered appropriate in the context of the locality. The location of the uses will correspond to areas considered suitable for development as referenced on the Structure Plan at **Appendix A**. The uses are also considered commiserate with the existing and anticipated building typography in the locality and reflective and complimentary to such uses that are active within the immediate vicinity. Development in association with the additional uses can be assessed on individual merit at planning application stage.

Essentially the change in the scheme to incorporate appropriate zoning provisions for consideration of appropriate uses in the zone as follows:

Modify Schedule 2 for inclusion of the subject site and reference to an endorsed Structure Plan for the site.

Modify Schedule 2 for inclusion of the following permissible uses:

- Winery
- Produce Sales
- Restaurant/Café
- Brewery
- Chalets

Consideration of these uses are provided under Clause 3.7 of the Scheme which provides that despite anything contained in the zoning table, the land specified in Schedule 2 may be used for the specific use or uses that are listed in addition to any uses permissible in the zone in which the land is situated subject to conditions set out in Schedule 2 with respect to the land.

2.2 Land Description

2.2.1 Location

The Structure Plan is applicable to Lot 61 Metricup Road, Metricup, and also references Lot 60 adjoining, at the direction of the City of Busselton. The Structure Plan has been specifically prepared to guide consideration of future land use and development for Lot 61 Metricup Road, Metricup and for this purpose is referenced as the subject site. The Structure Plan will replace the existing Development Guide Plan over the site as the correct statutory mechanism to guide consideration of development at the site in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.

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

Figure 1 – Location Plan



Source: CoB Intramaps

Figure 2 – Aerial Imagery



Source: CoBpartIntramaps

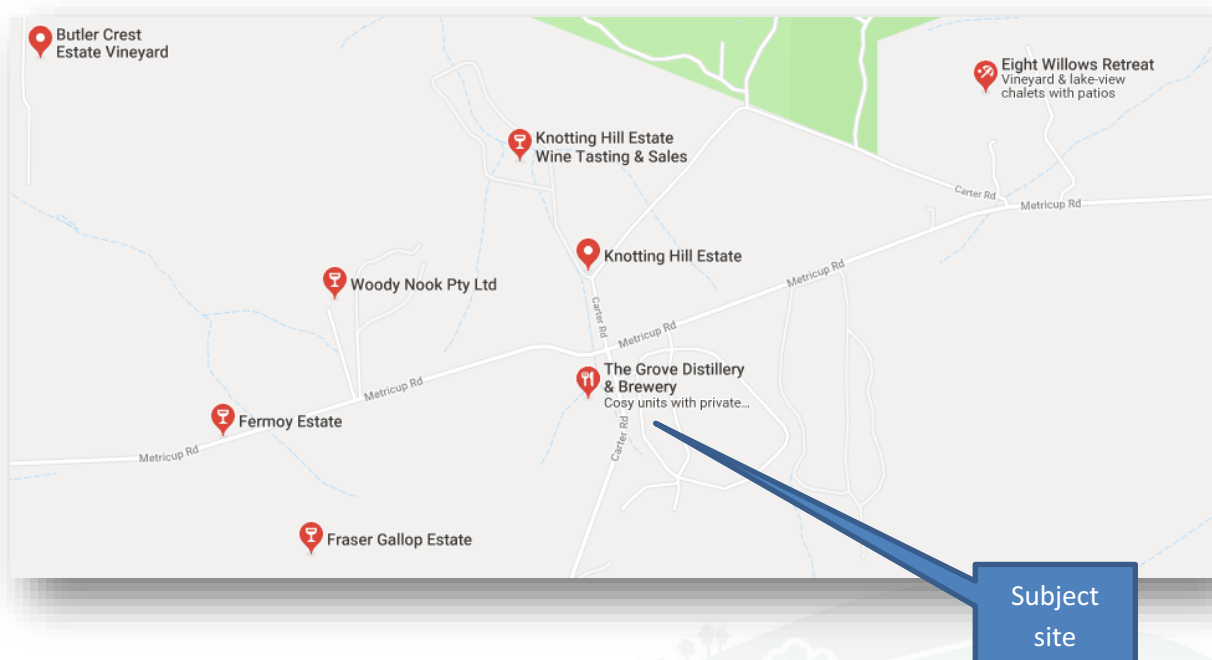
The main objective of this proposal is to prepare a Structure Plan to be referenced by way of a Scheme Amendment under Schedule 2 of the Scheme to provide for a selection of land use activities that would clearly complement and value add to the site and be complimentary to proposed viticultural activities anticipated to be undertaken on site and would therefore be beneficial to City.

The Scheme at 'Schedule 2 – Additional Uses' provides for consideration of uses that notwithstanding what is listed in the zoning table, are listed in addition to those uses already permissible in the zone in which the land is situated subject to specific conditions.

2.2.2 Area and Land Use

The subject site includes an extensive area of remnant vegetation across the eastern parts of the site which is incorporated under a conservation covenant with the Department of Biodiversity, Conservation and Attractions ('DBCA'). This is the result of acting under incentives provided within the CoB Biodiversity Incentives Strategy for consideration of subdivision in return for the protection and management of a range of biodiversity values. This has resulted in the creation of the subject site (Lot 61) and Lot 60 adjoining. This process also in the rezoning of the property from 'Viticulture and Tourism' to 'Bushland Protection' as is also required under activation of strategy incentives. The western parts of the site are maintained generally in a parkland cleared state with pockets of remnant vegetation primarily located adjoining the northern boundary alignment and also incorporates a riparian area associated with a creekline tributary situated in the central northern parts of the site. There is also an excavated dam located centrally. Existing development consists of a rural outbuilding and water tank that is located adjoining and with constructed access to the Metricup Road frontage. The site also has extensive frontage to Carter Road along the extent of the western boundary alignment. The characteristics of the site are evident in Figure 1 and 2 above.

The site also is adjacent to landholdings primarily identified and utilised for rural operations. Directly to the north is reserved (Yelverton National Park and State Park Timber Reserve). A review of the locality provides that there are range of high quality tourism operations and world renowned wineries and vineyards which are uses actively promoted within the Viticulture and Tourism zone. This includes Knotting Hill Estate to the north and The Grove Distillery and Brewery to the west and east and also Willows Retreat to the north east. Further tourism uses operative within the general locality include



Woody Nook, Fraser Gallop Estate and Femoy Estate. The distribution and proximity of tourism uses is evident in Figure 3 below.

Figure 3 – Distribution of adjoining commiserate land uses

Source: Google Maps

As such the subject site is ideally located in a locality that is characterised by similar operations to the additional uses proposed. It is further noted that the original zoning applicable to the site explicitly provided for consideration of such uses in the Viticultural and Tourism zone. This would identify the suitability of the site to incorporate the range of uses proposed that would ultimately result in a built form and operation that is consistent and responsive to that on adjoining properties, whilst continuing to achieve and adhere to conservation objectives over the site.

2.2.3 Legal Description and Ownership

A copy of the Certificate of Title for Lot 61 Metricup Road, Metricup identifies the owner as Rob Menzies. It should be noted that the balance lot area (Lot 60) has been included at the directive of the City of Busselton to provide a consolidated contemporary outcome is achieved that aligns with

16 | Page | Provisions. Planning objectives fro Lot 60 are not affected.

2.3 Planning Framework

2.3.1 Deemed Provisions

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

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

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

It is therefore duly noted that the Structure Plan that is relevant to this proposal would be assessed under the relevant provisions of the *Regulations 2015*. It is also noted the Structure Plan is the relevant plan in this case given that Structure Plans are defined as follows: ‘*Structure Plan means a plan for the coordination of future subdivision and zoning of an area of land*’. Given there is reference to a Scheme Amendment (zoning) this is therefore relevant to this case.

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

- Illustrating the area covered by the Structure Plan and nominated development exclusion area;
- Identifying the area that is subject to Additional Use ‘A82’
- Depicts the proposed and existing access locations.

2.3.2 Scheme Amendment No.38

To facilitate inclusion of additional uses at the subject site it is necessary to incorporate reference to the site under Schedule 2 – Additional Uses of the scheme and call in the Structure Plan by way of a Scheme Amendment. This will be affected as follows:

No.	Particulars of the Land	Land Use Permitted/Specified	Conditions
A82	Lot 61 Metricup Road, Metricup	Winery Brewery Café/Restaurant Produce Sales Chalets	<ol style="list-style-type: none"> 1. All additional uses shall be deemed to be ‘D’ uses for the purpose of Part 4 of the Scheme. 2. Development is restricted to the Additional Use area depicted on the Scheme map. 3. The Land Uses specified within the Additional Use area shall be limited to an aggregate NLA of 1,500m², other than – <ol style="list-style-type: none"> a) Development associated with the use (but not expansion) of existing

			<p>buildings on the land (as at 1 January 2019); or</p> <p>b) Development of a Single House or development ancillary to a Single House.</p> <p>4. Application(s) submitted for development of the Additional use area shall be referred to the Department of Biodiversity, Conservation and Attractions for comment.</p> <p>5. Prior to any further development on Lot 61, and in consultation with the Department of Biodiversity, Conservation and Attractions, the existing area subject to a nature conservation covenant shall be extended to include the (approx.) 3 hectare portion of remnant and riparian vegetation, identified as vegetation types OFCcEm and OWCcTI in the Vegetation Assessment and Condition Report dated 18 December 2010. The area of restriction is to be included on the diagram or plan of survey (deposited plan).</p> <p>6. Prior to any further development on Lot 61 a Weed and Pest Management Plan which has been approved by the relevant authority shall be implemented for the additional (approx.) 3 hectare</p>
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			<p>portion of conservation covenant area.</p> <p>7. Further development on Lot 61 is to comply with an updated Bushfire Management Plan.</p> <p>8. No development shall occur within the Development Exclusion Area and outside the building envelope on Lot 60.</p>
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The Structure Plan has been prepared specifically as there is no conflict between the plan and provisions of the Scheme of substance. Relevant issues that are required to be addressed are also covered. There is limited vegetation over the area the subject of the additional uses and the development areas have been identified such that BAL29 or lower can be achieved with a suitable setback from sensitive areas as required such that environmental objectives are not anticipated to be compromised.

The uses proposed may be considered to be complimentary and ancillary to the existing and substantial tourism and viticultural operations in the locality and intensive agricultural activities that are anticipated to be established on site together with a single house.

Once the Scheme Amendment is approved by the Minister and gazetted it will facilitate consideration of addition uses as provided under Schedule 2 in accordance with the Structure Plan.

2.3.3 Local Planning Scheme No. 21 ('the Scheme')

The scheme sets out the zoning, land use and development requirements for all land within the City and identifies that the subject site is zoned 'Bushland Protection' as a result of subdivision of the original site based on biodiversity incentives provided under the City's Biodiversity Incentive Strategy. This process included reference to a Development Guide Plan to guide future subdivision and development. Of note the original zoning was 'Viticulture and Tourism' which provided for consideration of the uses the subject of this proposal and now characterise the immediate locality. This would appear to further demonstrate the suitability of consideration of the uses proposed at the subject site. The rezoning to 'Bushland Protection' was required by way of securing subdivision opportunity which has now been acted upon and the covenanting authority associated with this has

reviewed the proposal and has also provided tacit support of this.

The following is identified as the objective of the 'Bushland Protection' zone:

'To restrict the land uses and type and scale of development that will be considered on lands possessing special biodiversity values to those that will not adversely affect those values, and to provide opportunity for the creation of a subdivision incentive for the protection of those values in perpetuity'.

The Structure Plan demonstrates the objectives of the 'Bushland Protection' zone can be met in consideration of future development. This requires attention to be given to the special provisions for development in the 'Bushland Protection' zone provided by Clause 4.40 as follows:

- 'Clause 4.40.2 No further subdivision of lots created pursuant to the objectives and policies of the Bushland Protection zone is permitted.*
- Clause 4.40.3 Prior to subdivision, subdividers shall undertake a vegetation survey to identify rare, endangered or otherwise significant vegetation within the proposed building envelope and vehicle access areas, in addition to any other area of the lot as deemed appropriate by the local government, and provide for its appropriate conservation to the satisfaction of the Department of Parks and Wildlife Department of Biodiversity, Conservation and Attractions and the local government.*
- Clause 4.40.4 No agriculture or grazing shall be undertaken within any vegetated or wetland areas on a lot in the Bushland Protection zone.*
- Clause 4.40.5 Agriculture – Extensive, Agriculture – Intensive or Rural Pursuit/Hobby Farm may be undertaken on cleared areas of a lot in the Bushland Protection zone only with development approval which, in the determination of the application, the local government shall ensure -*
- (a) there is no adverse or potential impact on watercourses, wetlands, river or estuary systems or groundwater; and*
 - (b) adequate buffers are provided between the agricultural use and vegetated areas wetlands or watercourses. Where Declared Rare Flora is present, advice from the Department of Parks and Wildlife shall be sought in determining an adequate buffer distance.*
- Clause 4.40.6 In determining development approval for dams (including lakes) on any lot in*

the Bushland Protection zone, the local government shall ensure -

- (a) that no riparian or other vegetation is required to be removed for the dam construction; and*
- (b) that the dam shall not result in any damage to vegetation or wetland areas as a result of alterations to the seasonal water regime.*

Clause 4.40.7 No wetlands on any lot in the Bushland Protection zone may be filled, drained, cleared or excavated’.

Future development can be addressed against the specific criteria as specified for the zone.

The structure plan indicates the suitability of the location of future development at the site and can be considered in accordance with the zone provisions under Part 4 of the Scheme.

Clause 4.33.5 provides for consideration of building envelopes in the Bushland Protection zone. This provides the following criteria –

‘(a) All development must be located within an approved building envelope (as may be shown on a Structure Plan, Local Development Plan or approved building envelope plan) or in such other manner that may be identified on the Structure Plan. Each building envelope is to be located to the satisfaction of the local government which shall, in making its determination, ensure –

- (i) where available, a cleared area is used for the location of the building envelope;*
- (ii) the preservation of remnant vegetation is maximised;*
- (iii) that the envelope is not located within an area of poorly represented vegetation and will not impact on any declared rare flora and fauna;*
- (iv) there is no adverse or potential impacts on watercourses, wetlands, river or estuary systems or groundwater; and*
- (v) maintenance of landscape values of the site and the general area.*

(b) All building envelopes shall be a maximum area of 1,500m². This building envelope area may be increased to a maximum of 2,000m² subject to the approval of the local government and the Commission where –

- (i) an existing cleared area is present that could be incorporated into a building envelope; or*
- (ii) existing structures on the lot are located in such a way that the total building*

envelope area already exceeds the maximum’.

The scheme also provides that building envelopes should be limited to a maximum area of 1,500m². This building envelope area may be increased to a maximum of 2,000m² subject to the approval of the local government and the Commission where -

- a) *“An existing cleared area is present that could be incorporated into the building envelope*
- b) *Existing structures on the lot are located in such a way that the total building envelope area already exceeds the maximum.”*

The site is zoned ‘Bushland Protection’ and incorporates an endorsed DGP that has been the subject of a vigorous review process. This includes reference to a building envelope which was increased in area to 2600m² during this process. Subsequent discussions with the City during the preamble process associated with the formulation of this application has also secured tacit support for consideration of a delineated area on site informed by the BAL contour mapping incorporated within the Bushfire Management Plan as prepared for the site. This provides for a suitable development area that can achieve a Bushfire Attack Level of 29 or less and also achieves a 30m setback from areas under conservation and the creek line alignment as required by the Department of Biodiversity, Conservation and Attractions (DBCA). This area also largely reflects the existing distribution of building form and density in the immediate locality so is considered in keeping with the established rural character of the location. The location of future development is also compliant with general setbacks as specified for the rural locale and it is reiterated that this methodology was also supported by the CoB and DBCA in preamble discussion.

Clause 4.40.3 provides for the preparation of a vegetation survey to inform a subdivision application for the purpose of identifying that the proposed building envelope will have minimal impact on the environmental characteristics of this site. No subdivision is proposed in this instance, or will be permitted further given this incentive has already been activated at the site. A vegetation condition and assessment report was previously prepared to inform the prior subdivision of the site and this is also included for reference given it also clearly identifies that the siting of future development associated with this proposal will not affect vegetation considered to harbour high conservation value and further confirms suitability of locating future development at this location. This document is attached for review at **Appendix D**.

The aspects of the general provisions of the Scheme have been considered in the preparation of the Structure Plan and incorporation of the subject site under the special provisions at Schedule 2. The

proposal has been prepared specifically so there is no conflict between the plan and the provisions of the Scheme.

2.4 Planning Strategies

2.4.1 City of Busselton Local Rural Planning Strategy (16th November 2017)

The Local Rural Planning Strategy (LRPS) was endorsed by the WAPC on the 16th November 2017. The document essentially provides a framework for guidance on future land use, zoning, subdivision and development within the rural areas of the City. The LRPS separate the City into several precincts. The subject land is located within Precinct 4 – Western Rural.

The LRPS describes Precinct 4 as the *‘heart of the viticulture and wine/tourism industry in the Shire for much of the Margaret River Wine Region’*. Further, that the zone comprises a mosaic of rural/agricultural and tourist based land uses with natural landscapes.

Sustainability factors identify that this area supports an extensive and expanding range of tourism-based uses including accommodation, rural industry based tourism such as wineries, restaurants, breweries, galleries and herb farms, chocolate production and local produce production.

The proposal clearly complies with the objectives of the strategy for the precinct with regard to addressing sustainability factors and also will provide for a unique character through a mix of land uses and also retain important environmental outcomes by way of the underlying zoning of bushland protection and covenanting activities undertaken on site. The Structure Plan demonstrates that there will be no conflict on the site between maintaining biodiversity value and also by the operation of low key complimentary tourism based uses.

2.4.2 Draft Local Planning Strategy (2016)

The Strategy sets out the long term planning direction for the City of Busselton and provides a strategic rationale for decisions relating to planning and development of the district. For development that falls within the jurisdiction of the City of Busselton, LPS No. 21 is the primary means the City can ensure that new development contributes towards fulfilling the objectives of the Strategy.

The strategy provides that the subject site and those primarily adjoining are identified as located in ‘Rural Areas’ under the (draft) Local Planning Strategy Map.

Objectives of the Strategy support the diversification of land uses in rural areas including rural land

uses that are incidental and/or complimentary to agricultural use.

Section 6.0 of the Strategy references tourism, which is recognised as playing a major role in the economy of the City which is linked to rural based attractions such as wineries and agricultural products. The proposal therefore complies with this objective.

The Structure Plan does not exhibit issues outlined in the locational factors that may influence Council not to support the proposal.

The proposal has clearly been prepared with regard for the planning rationale specified under the Strategy.

2.4.3 Local Tourism Planning Strategy (2011)

Appendix 9 of the Strategy documents the guidelines to be utilised for assessment and formulating of Scheme Amendment proposals in respect of tourism development. Recommendation 5 also provides for consideration of opportunities and encourage innovative design and construction of low impact tourism facilities in accordance with scheme provisions in a range of locations, including the rural area (subject to planning to avoid land use conflict) incorporating best management and environmental sustainability practices.

The subject site is in a rural context and the proposal is considered to provide for consideration of innovative, low impact tourism facilities at the site that have high regard to environmental and sustainable practice and will provide a new and interesting point of interest in the locality in a manner that is consistent and with built form and land use operations in neighbouring lots and which characterise the immediate area. As such it is considered that the proposal is compliant with the intent of the Local Tourism Planning Strategy.

2.5 State Planning Strategies

2.5.1 Leeuwin Naturaliste Sub-Regional Strategy

The Leeuwin Naturaliste Sub-Regional Strategy is an overarching document that outlines the WAPC's approach to future planning and development within the City of Busselton.

The strategy identifies that the site is 'Rural and Landscape Protection' and the general description associated with this land designation states that this is applicable to land that is used for agriculture and/or identified for landscape protection and/or is remote from established townsites and used for

other purposes. The site is also immediately adjoining a South West regional ecological linkage that is associated with the distribution of remnant vegetation on site and within those adjoining. This linkage is effectively secure by way of a conservation covenant over the vegetation portion of site that is registered with the DBCA.

It is further noted that the sub-regional strategy supports economic efforts undertaken by key facilitators of strategic economic growth, further that rural areas as identified also support the tourism sector, providing family attractions such as wineries and breweries, cellar doors and restaurants for creative and artistic ventures. Tourism is highlighted as a significant industry sector in the Leeuwin-Naturaliste sub-region, which is identified as one of the most visited regional destination in Western Australia. The operation of such tourism ventures are noted as high employment generators and also greatly benefit the local economy. This will be further bolstered by anticipated expansion works to the Busselton Margaret River airport and cruise ship facility that may open the door to other sectors of interstate and international visitors that previously may not have considered the area as a destination.

As such the Strategy promotes consideration of tourist uses such as are proposed that will be ancillary to the use of the site for agricultural purposes. The proposal has due regard for the intent and purpose of the LNSRS.

2.5.2 State Planning Policy 3.7 – Planning in Bushfire Prone Areas (2015)

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

The lots as identified under the Structure Plan are identified as ‘Bushfire Prone’ under the relevant mapping. A Bushfire Management Plan was prepared by Ecosystem Solutions in January 2019. This is included for review at Appendix C. It is anticipated that further development at the site may be subject to further review under SPP 3.7.

2.6 Other Approvals or Decisions

2.6.1 Amendment No. 167 – Lot 1 Metricup Road, Wilyabrup

Scheme Amendment No. 167 effectively rezoned the original land parcel from ‘Viticulture and Tourism’ to ‘Bushland Protection’, with an associated Development Guide plan. The adopted DGP identified the subdivision configuration of two lots and associated developmental conditions as are associated with this.

A biodiversity green title subdivision application was prepared and supported by the WAPC with Lot 61 as created the subject of this proposal. This application will also modify the existing DGP to a Structure Plan to accord with the Deemed Provisions.

The previous approvals have effectively rezoned and subdivided the property in accordance with incentive found under the LPS No.20 and the City's Biodiversity Strategy. Preamble with the City identified that the proposal to incorporate consideration of additional uses in the cleared area of the site was considered in keeping with the objectives of the zone and adhering to biodiversity objectives.

2.6.2 Pre- lodgement Consultation

Prior to preparation of this proposal, consultation was held with the planning department of the City of Busselton in order to secure due process associated in the preparation of both the Scheme Amendment and 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 additional uses at the site was the logical and proper way to proceed.

The DBCA were also consulted and informed of acceptable setbacks from conservation and creekline (30 metres) which have also been incorporated into the Structure Plan.

This proposal has been prepared to accord with the Western Australian Planning Commissions 'manner and form' Structure Plan Framework as required.

This proposal has been prepared to accord with the Western Australian Planning Commissions 'manner and form' Structure Plan Framework as required.

2.7 Site Conditions and Constraints

2.7.1 Biodiversity and natural area assets

As detailed within the context of this report, the site has been previously the subject of subdivision and rezoning from 'Viticulture and Tourism' to 'Bushland Protection' under incentives provided by the Cities Biodiversity Incentive Strategy for private land in the City of Busselton. The zoning was subsequently gazetted and the subdivision enacted which provided that the significant area of vegetation in the north east is the subject to a conservation covenant with the DBCA. The covenanting authority has been contacted in the formation of this proposal and has also informed of restrictions (setback buffers) for consideration of development within the site and this is clearly represented on the Structure Plan.

Review has also been undertaken of the environment assessment and condition report that was prepared by Eco Logic Environmental Services South West that accompanied and informed the previous strategic documentation. This is available for review at **Appendix D**. This report identifies that the riparian associated with the creek line in the central northern parts together with the isolated stand of vegetation in the central parts incorporates vegetation recorded in 'Good' condition. The DBCA have also informed of a 30m setback from this creekline be provided and this has been incorporated within the Structure Plan. This will allow this area to continue to naturally regenerate. As such the Structure Plan has due regard to retention of biodiversity values that are associated with the objectives of the zone and secure appropriate locations for consideration of development to occur. It is reiterated that the building exclusion area shown in the Structure Plan reflects the contour mapping in the BMP that has been prepared for the site such that a Bushfire Attack Level of BAL29 or lower can be achieved without impacting on stands of remnant vegetation or riparian areas. A small area of vegetation to the central south may be managed to allow a closer setback to occur. This is identified in the BMP as being open in nature and containing no mid-storey. It is identified that this area can be managed to Asset Protection Zone standard with limited impact to environmental values by removing some introduced, planted species and juvenile *Corymbia calophylla* to achieve a 5m canopy separation and management of fuel loads to 2 t/h.

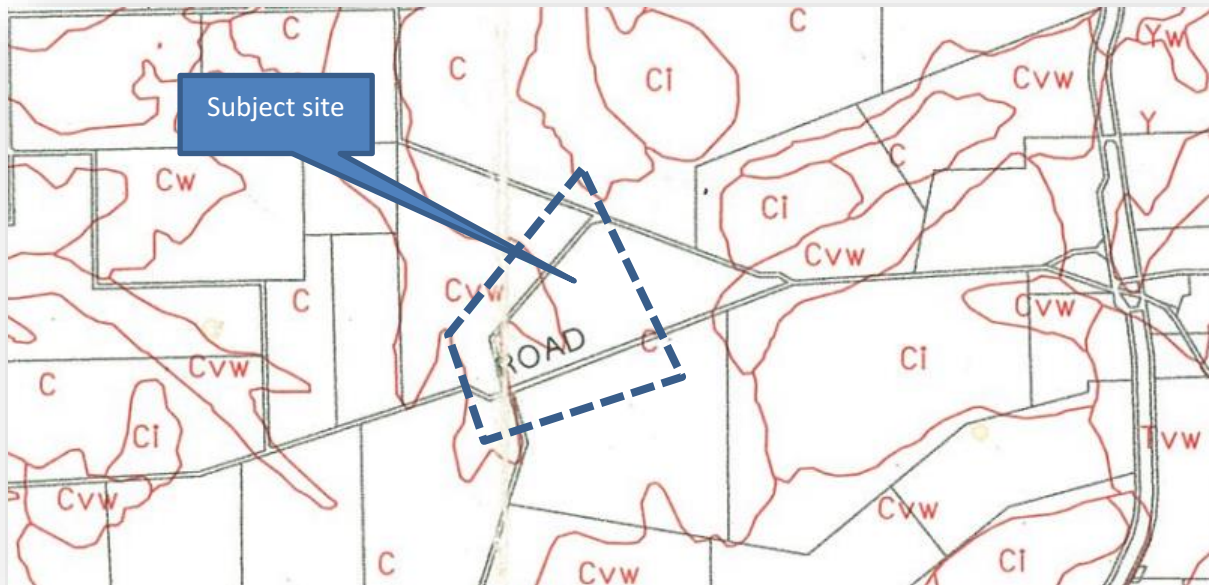
2.7.2 Landform and soils

The property is located in the Cowaramup Upland Land System. This is generally characterised as gently undulating. The location of the development area associated with this proposal is clear of remnant vegetation and maintained in a pastured state which reflects the historic use of this portion of the site for stock grazing activities.

The soil characteristics of the area have been described by Tille and Lanzke (1990) in their study on the behalf of Agriculture WA. An excerpt from the diagrams provided in the report is included at Figure 3 below.

Figure 4 – Soil characteristics Excerpt from Tille and Lantzke

Source: Tille and Lantzke



As can be viewed above, the subject site contains predominately soils of the Cowaramup Uplands land system 'C' – Cowaramup Flats and Gentle Slopes, with the majority of the site appearing to fall within the 'C2' – Cowaramup Gentle Slope (2-5% gradient). The C2 soil classification is identified as having a High capability (Class II) for agricultural operations (vineyards) as are also anticipated to occur on site and Very High (Class I) capability for grazing which may also occur.

Appendix 3 of the land capability study provides advice in relation to the physical limitations for housing (and related activities) on small rural lots. The Cowaramup soils classification can have moderate limitations: soil absorption and minor limitation: trafficability with no major limitations identified.

The distribution of existing intensive development on lots adjoining which are serviced by on site effluent disposal apparatus would effectively demonstrate the soil absorption capability.

Trafficability is also considered manageable by the existing access arrangements across the site together with access arrangements in proximity to the site.

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

2.7.3 Groundwater and surface water

The subject site incorporates an intermittent creekline that is a tributary of the Caribunup River located in the central northern parts of the site. This also incorporates the location of excavated dam that is associated with agricultural activities (stock grazing) undertaken at the site. The proposal will incorporate relevant setbacks for consideration of development from this feature following consultation with the DBCA which has resulted in specified setbacks being identified on the Structure Plan from both the vegetation under covenant and the creek line. Future effluent disposal systems can be adequately setback (100m) and catered for onsite as demonstrated by the successful operation of such mechanisms on adjoining sites and given the size of the property as detailed in previous section of this report.

2.7.4 Bushfire hazard

A Bushfire Management Plan ('BMP') has been prepared by Ecosystems Solutions in January 2019 to support this proposal. A copy of this document is available for review at Appendix B. The recommendations and Bushfire Attack Level rating inform bushfire management mechanisms and siting of development with due regard to future development being sited appropriately from a bushfire (and conservation) perspective.

The BMP incorporates a BAL contour map (Figure 4 and 5 respectively) which identifies area on site that can achieve BAL29 or lower rating for the future construction of all structures and buildings for the purpose of tourism. The configuration the BAL29 contour has been included within the Structure Plan which will provide that no development will be constructed within areas greater than the BAL29 rating. This methodology was also confirmed as acceptable with the CoB following initial preamble discussion.

The report identifies that a section of bushland to the central south can also be managed to achieve Asset Protection Zone standards with limited impacts on environmental values by removal of introduced species and *Corymbia calophylla*. If this is achieved development may be positioned in closer proximity to the this remnant stand and this is reflected within the Structure Plan.

In regards to access, the site is provided with multiple points of access to both Carters Road and Metricup Road as such the site is provided with different vehicular access routes.

It is noted that the site is classified as Category 1 – Rural under the City of Busselton Firebreak and Fuel Hazard Reduction Notice. As such a 3m wide mineral earth break will be constructed and maintained around the internal perimeter.

The site is located in an area where a reticulated point of connection to water is not available. It is noted that there is a water tank located adjacent to the existing shed and this will provide an adequate supply to allow for 10,000 Litres to be dedicated for firefighting purposes.

2.7.6 – Heritage

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

2.8 Conclusion

The Structure Plan will provide for reference to the site under Schedule 2 of the Scheme for inclusion of consideration of additional uses including 'Produce Sales, Winery, Restaurant/Café, Brewery and Chalets at the subject site. This is anticipated to complimentary to consideration of intensive agricultural activities (vineyards) and Single Dwelling as may also be considered in the zone. This proposal is considered to be complimentary to adjoining tourism uses in operation and also aligns with the original uses that may be considered at the site prior to rezoning occurring. This is consistent with the strategic framework of the City including the Local Planning Strategy and also has received tacit support from the CoB and DBCA in the formation of this proposal.

The proposal will showcase the future intensive agricultural operations on site and provide opportunity for tourists to stop and experience it in full. The report demonstrates that the future development can be adequately serviced so to ensure there are no adverse impacts on the environment and adjoining lots. The Bushfire Management Plan also identifies that the site is capable of development that can achieve an acceptable BAL rating, and separation from deemed environmental characteristics as informed by the DBCA authority, with this detail incorporated within the Structure Plan detail.

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

2.9 TECHNICAL APPENDICES INDEX

Appendix No.	Document Title	Date of Document	Referral/approval agency	Summary of documentation modifications
A	Structure Plan	May 2017		
B	Bushfire Management Plan	September 2016		
C	Development Guide Plan	October 2011		
D	Environmental assessment and condition report	December 2010		