**Town Planning Consultants** 

### **LOCAL STRUCTURE PLAN**

# LOTS 56, 57 & 58 KEVILL ROAD EAST, MARGART RIVER

**Modified January 2018** 

# IT IS CERTIFIED THAT THE AMENDMENT TO KEVILL ROAD STRUCTURE PLAN WAS APPROVED BY RESOLUTION OF THE WESTERN AUSTRALIAN PLANNING COMMISSION ON:

19 February 2018

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

### **TABLE OF AMENDMENTS**

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

#### 1.0 EXECUTIVE SUMMARY

#### **Purpose**

This Local Structure Plan has been prepared for the Shire of Augusta Margaret River ('AMRSC') and the Western Australian Planning Commission ('WAPC') and relates to Lot 57 Kevill Road East, Margaret River ('the Site') located to the far west of the Margaret River townsite. This Local Structure Plan is to be assessed concurrent to a Scheme Amendment Proposal (reference number 32) which also incorporates a modification to both the Scheme map annotation and text for inclusion of the subject site under Schedule 7 - 'Special Provisions relating to development on land zoned 'Rural Residential zone 'RR-15'.

The Shire following consideration of the proposal resolved to require that both the Local Structure Plan and concurrent Scheme Amendment be inclusive of Lots 56, 57 and 58 such that these lots are identified under the Local Structure Plan and also incorporated for reference under Schedule 7 of the Scheme at RR15 and on the Scheme map relating to this area. This was to show a co-ordinated approach as is the prerogative of the Shire. To justify the amendment/future subdivision, the existing endorsed Detailed Area Plan ('DAP') for the locality was proposed to be modified, indicating subdivision of Lot 57 supported by relevant investigative reports. The Shire resolved to also require the existing Detailed Area Plan to be modified to include lots 56, 57 and 58 and retitle this a Local Development Plan. The WAPC subsequently requested that the plan be updated to conform to the WAPC's 'manner and form' Structure Plan Framework. Modifications as requested have been undertaken within the context of this report with the plan appropriately referenced as a Local Structure Plan by way of this amended proposal.

The Local Structure Plan is appended at Appendix A below for review. It is noted that in order to have the full force and effect of the Scheme, an approved Local Structure Plan is to be incorporated or 'normalised' into the Scheme via a scheme amendment process. The intent of the scheme amendment to Schedule 7 is to effectively round off zoning and subdivision prospects within a legible precinct within the Kevill Road locality.

It is considered that the Local Structure Plan is consistent with current state and local policy framework. The summary table below provides for specific information regarding the Local Structure Plan area:

### **EXECUTIVE SUMMARY TABLE**

Item	Data	Local Structure Plan Ref.
		(section no.)
Total area covered by	Approximately 32 hectares (area subject of	
the Local Structure	the amendment to the structure plan 3ha)	
Plan		
Area of each land use	Lot yield (one additional lot from Lot 57 Kevill	
proposed:	Road East, Margaret River)	
Rural Residential		
Estimated number of	One (1) additional dwelling yield	
dwellings		
Estimated percentage	Not applicable	
of natural area		

### **TABLE OF CONTENTS**

PART :	1 – IMPLEMENTATION	е
1.1	Local Structure Area	6
1.2	Operation	6
1.3	Staging	6
1.4	Subdivision and Development Requirements	6
PART :	2 – EXPLANATORY REPORT	6
	Planning Background	10
	Land Description	10
	Area and Land Use	14
	Planning Framework	16
	Planning Strategies	21
	State Planning Policies	23
	Site Conditions and Constraints	27
	Conclusion	38

#### **PART 1 – IMPLEMENTATION**

#### 1.1 Local Structure Plan Area

The Local Structure Plan is applicable to Rural Residential land located to the far north eastern extent of the Kevill Road locality. The Local Structure Plan includes Lots 56, 57 and 58 Kevill Road East, Margaret River.

### 1.2 Operation

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

### 1.3 Staging

There is no staging applicable to application of the structure plan.

### 1.4 Subdivision and Development Requirements

### A. Prior to Lodgement of subdivision

- i. The location of the access from battleaxe driveways to proposed Lots 352 and 353 to be confirmed to the satisfaction of the Shire in order to minimise impacts on existing vegetation:
- ii. The Local Water Management Plan shall be finalised to the satisfaction of the Shire and the Department of Water
- iii. The Fire Management Plan shall be finalised to the satisfaction of the Shire of and DFES. A 50,000L water tank with appropriate fittings shall be supplied by the subdivider for firefighting purposes either within the Road Reserve adjacent to the Foreshore Reserve or within the Foreshore Reserve at the northern end of the Local Structure Plan precinct.
- iv. Structure Planning and subdivision is to consider foreshore widening requirements as may be recommended by the Margaret River Foreshore Reserve Action Plan.
- v. Structure Planning and subdivision is to consider foreshore widening requirements as may be recommended by the Margaret River Foreshore Reserve Action Plan.

#### **B.** Subdivision Requirements:

- i. Subdivision and development shall be generally in accordance with this endorsed Structure Plan.
- ii. At the subdivision approval stage, the Council will recommend to the Western Australian Planning Commission that conditions be applied which:
- iii. Requires a contribution to the upgrade of that portion of Kevill Road East within the Local Structure
  Plan area to a 6.0m wide pavement.
- iv. Requires battleaxe legs and driveway crossovers to newly created lots to be constructed to Council standards and specifications at the subdivision stage.
- v. Requires S70A notifications to be applied to new titles for proposed Lots 341, 351, 572, 592, 593, 603, 641 and 661 advising that dwellings and outbuildings are to be constructed in accordance with AS 3959 (buildings in bushfire prone areas) and meet BAL 29 standard (as per Building Code of Australia) as determined at the building application stage for fire protection purposes, and that all other lots are to meet BAL 19 standard.
- vi. Agreed fire fighting infrastructure is to be installed prior to clearance of subdivision.

### C. Development Requirements

- At the subdivision and/or development stage, no clearing of existing vegetation is permitted within the 10m setback for proposed lots fronting Kevill Road East.
- ii. At the development stage, the first 5m clearing around buildings undertaken as part of the establishment of the building protection zone required under the approved fire management plan, to be contained wholly within the identified building envelope for each lot.
- iii. One hundred metre setback applies to the effluent disposal systems from the river bank unless otherwise approved.

### **Other Requirements**

### **Servicing Considerations**

The development will include extension of power services with underground power connections supplied. Reticulated water is not supplied and there is a promotion in the use of water tanks.

A setback line has also been introduced for proposed Lot 572 such that waste water mechanisms will be situated at a suitable distance in excess of 100 metres for the banks of the Margaret River to the north.

Telstra services are readily available and can also be extended.

Upgrading of crossovers and battleaxe accessways will also be a feature of subdivision as will potential upgrades as a result of the Bushfire Management Plan recommendations.

A portion of the existing driveway alignment will be subject of a common property arrangement between proposed Lots 571 and 572.

The site is within a developer contributions area and this is to inform contributions for the upgrade of Kevill Road East.

### **Appendix A – Local Structure Plan**

**PART 2 – EXPLANATORY REPORT** 

**Planning Background** 

**Introduction and Purpose** 

Halsall and Associates Town Planning Consultants have been engaged by the landowners of Lot 57 Kevill Road East, Margaret River located in the northern part of the Kevill Road East rural residential precinct, to prepare this Scheme Amendment and associated Local Structure Plan to the Shire of Augusta Margaret River Local Planning Scheme No.1 ('LPS No.1'). It was not the intent of the owners of lot 57 to invoke subdivision of the adjoining lots.

The Shire following consideration of the proposal resolved to require that both the Local Structure Plan and concurrent Scheme Amendment be inclusive of Lots 56, 57 and 58 such that these lots are identified under the Local Structure Plan and also incorporated for reference under Schedule 7 of the Scheme at RR15 and on the Scheme map relating to this area. This was to show a co-ordinated approach as is the prerogative of the Shire. To justify the amendment/future subdivision, the existing endorsed Local Structure Plan for the locality was proposed to be modified, indicating subdivision of Lot 57 supported by relevant investigative reports. The Shire resolved to also require the existing Local Area Plan to be modified to include Lots 56, 57 and 58 and re-title this a Local Structure Plan. The WAPC subsequently requested that the plan be updated to conform to the WAPC's 'manner and form' Structure Plan Framework. Modifications as requested have been undertaken within the context of this report with the plan appropriately referenced as a Local Structure Plan by way of this amended proposal.

**Land description** 

Location

The Local Structure Plan is applicable to the rural residential precinct in Kevill Road East and also incorporates Lots 56, 57 and 58 Kevill Road East ('the Site'), which form part of an extensive rural residential locale to the west of the Margaret River town centre. The three lots the subject of this documentation are referred to as 'the site' for the purposes of this report.

**Halsall & Associates** 

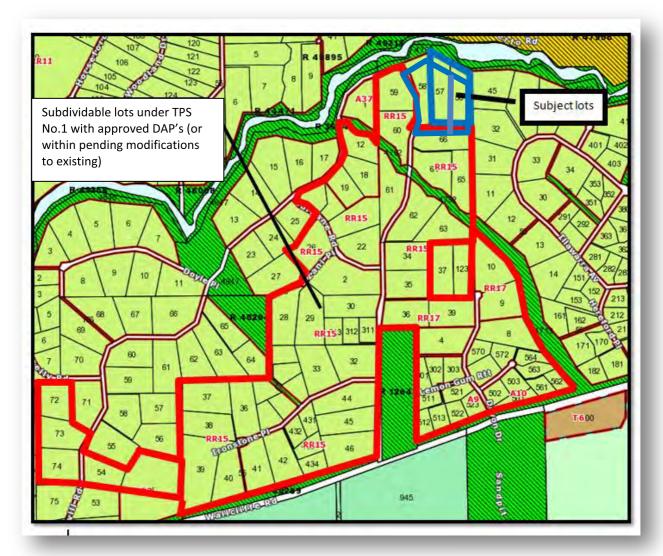
The area was historically utilised for farming purposes and was predominately cleared and maintained as pasture for stock grazing activities. There are pockets of remnant vegetation existing over lots within the area in addition to planting that would have occurred originally for garden features, screening and landscaping purposes.

The general parent lot sizes within the area are reflective of the typical size of lots created under previous Town Planning Scheme No.11 provisions and range in area from 2-3 hectares. Land uses are rural residential in nature, and incorporate a distribution of residential and ancillary development associated with this.

Importantly, Council has supported a Detailed Area Plan facilitating the re-subdivision of ten (10) lots immediately adjoining to the south and west of the lots subject of this proposal. A further Detailed Area Plan was also supported immediately to the south west for more than twenty (20) lots to be re-subdivided. The overall area incorporated under the individual Detailed Area Plans is referenced under Schedule 11 of the Scheme under the notation 'RR-15'. The endorsed Detailed Area Plans provide for consideration of a minimum lot area of 1 hectare throughout the DAP area. Further to this, an additional DAP was recently endorsed for similar purposes for Lots 72 – 74 Kevill Road West, referenced under the Scheme map and Schedule 11 as 'RR-29'. At the Ordinary meeting of Council June 2014 Council also recommended support for an 'in principle' amendment to the south western Detailed Area Plan incorporating Lots 18, 19 and 12 Kevill Road East for designation within the 'RR-15' reference area. This is now the subject of a formal scheme amendment application currently under review with the Shire. Infill subdivision has now commenced throughout the locality with a number of allotments created, such that the immediate area is now characterised by some Rural Residential allotments at 1 hectare and in some instances slightly less.

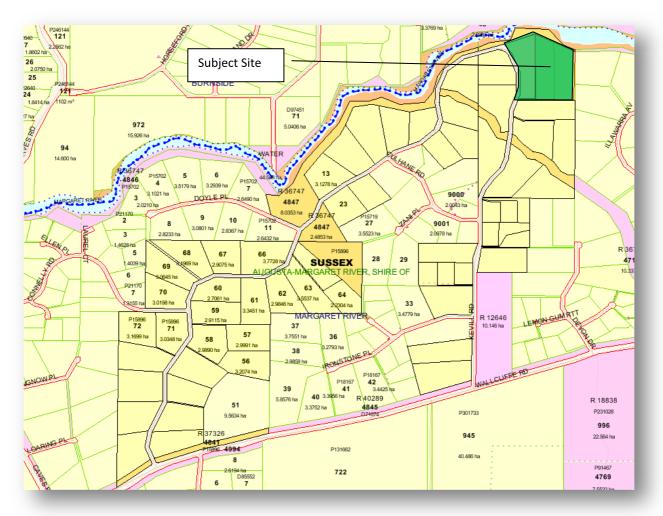
The location of the site in relation to the 'RR-15' and 'RR-29' areas is provided within Figure 1 below.

Figure 1 – Excerpt from LPS No.1 – DAP Area – Kevill Road East



Source: AMRSC Intramaps

Figure 2 – Locality Plan



Source: Landgate

As can be viewed in Figure 2 above, the participating lots are contiguous and located in the central north of the overall Kevill Road rural residential area. The subject lots are over three (3) hectares in area.

The site is situated approximately 2.7 kilometres directly to the west of the Margaret River town centre and is therefore within a short distance by vehicle. Pedestrian and bicycle access can also be facilitated as the site is in proximity of a constructed pedestrian access way along Wallcliffe road to the south of the site and proximity of internal walking tracks within the Margaret River foreshore directly to the north. These linkages also provide a pedestrian connection is provided from Caves Road though to the town site.

#### **Area and Land Use**

The individual lot characteristics are described as follows:

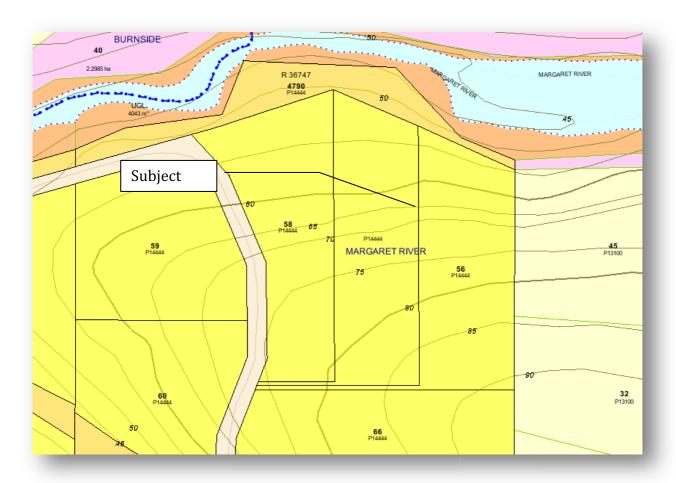
- Lot 56 3.0026 hectares in area. This is eastern lot which is rectangular in shape with a north–south orientation. Stands of remnant vegetation are located primarily about the property boundaries, siting of existing development and to the far northern extent of the site in a contiguous manner with vegetation within adjoining allotments and river foreshore. The balance lot area is primarily maintained in a parkland cleared state. The site also adjoins a vegetated foreshore reserve directly to the north. Access is provided by a constructed driveway alignment partially within the configuration of a 5m wide battleaxe access located to the far south west of the site through to the Kevill Road frontage. The driveway access is constructed to a good quality gravel standard and also services the access requirements to adjoining lot 57 in a co-joint arrangement with the driveway alignment varying between the two legs for lot 56 and 57. Existing development consists of an established single dwelling and ancillary structures that are clustered in the central southern parts together with established gardens and orchard situated within the southern parts.
- Lot 57 3.0018 hectares in area. This lot is the primary subject of the proposal and adjoins Lot 56 directly to the west. The lot is also almost rectangular in configuration. The site is maintained throughout in a cleared manner with the occasional peppermint tree in the north landscaping about property boundaries and the siting of existing development. Existing development consists of a single dwelling located in the central southern parts, together with two outbuildings which are situated to the far north east. A water-tank also adjoins the far south eastern boundary given contours at this location are considered most suitable to facilitate head pressure. Constructed access to the site is provided in a battleaxe arrangement to the far south west through to Kevill Road in a cojoint arrangement with Lot 56 adjoining.
- Lot 58 3 hectares in area. This lot is primarily cleared with paddock trees and a substantial and impressive dwelling in the southern parts supported by water tank and outbuilding. Extensive frontage to the site is available from Kevill Road East along the western boundary.

As stated above, access to both lots 56 and 57 is provided by a constructed gravel driveway alignment to a high standard that services both lots in a cohesive arrangement. This single driveway alignment traverses the configuration of the two separate battleaxe alignments servicing the individual lots and provides for a consolidated point of access at the Kevill road frontage.

The lots are characterised by a northern slope towards the Margaret River with contour falls from approximately 90 AHD to 50 AHD as evident in Figure 3 below.

Both lots are characterised by a northern slope towards the Margaret River with contour falls from approximately 90 AHD to 50 AHD as evident in Figure 3 below.

Figure 3 – Contours Source: Landgate



The lots are serviced with power and telecommunications and given the distance from the Margaret River town site no sewerage is available. Reticulated water supply is existent within Wallcliffe Road and extends

a short distance down Kevill Road East approximately 1 km from the site. As such provision of services such as water and sewer for future development needs to be by on site methods/treatment which is consistent with almost every Rural Residential Lot within the area. Importantly the functionality of such methods are already incorporated onsite servicing existing development without complication.

### Legal description and ownership

The Certificate of Title for Lot 57 Kevill Road East, Margaret River is submitted together with the application form associated with this proposal. This identifies the owners of the subject site. It should be noted that the balance allotments have been included under the Structure Plan at the direction of the Local Government to provide a cohesive outcome for the precinct area overall.

#### PLANNING FRAMEWORK

#### **Deemed Provisions**

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

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

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

It is therefore duly noted that the Local Structure Plan relevant to this proposal would be assessed under the relevant provisions of the Regulations 2015. It is also noted the Local Structure Plan is the relevant plan

in this case given that Structure Plans are defined as follows: "Structure Plans means a plan for the coordination of future subdivision and zoning of an area of land". The Local Structure Plan references subdivision and is therefore relevant to this case.

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

- A plan indicating the distribution of lots and building envelopes;
- Identification that subdivision with respect to Lots 58 and 57 will be subject to further investigation.

#### Scheme Amendment No. 32

To facilitate consideration of the area for re-subdivision, it is necessary to modify the provisions of the Scheme under Schedule 7 and to introduce the lots within the area RR15. This includes a modification to the Scheme map. Scheme Amendment No. 32 has been prepared for this purpose.

Specifically, the following notations will be inserted into Schedule 7 – Special Provisions relating to development on land zoned 'Rural Residential Zone' (relevant to clause 4.21) at RR-15 under the 'Site Description' column as follows:

- 'Amending the Scheme map to include lots 56, 57 and 58 Kevill Road East Margaret River within the area referenced as 'RR-15';
- Amending the Scheme Map to include lots 56, 57 and 58 Kevill Road East Margaret River within Developer Contribution Area 2C ('DCA2c);
- Modifying the 'Priority and Timing' section of the DCP2c at Schedule 10 of the Scheme, and
- Structure Planning and subdivision is to consider foreshore widening requirements as may be recommended by the Margaret River Foreshore Reserve Action Plan'.

It is noted that as permitted under the Regulations the Local Structure Plan and Scheme Amendment are to be assessed concurrently.

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

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

Under LPS No. 1, Schedule 7 provides the mechanism for land zoned Rural Residential to incorporate special provisions which address matters specifically relevant to individual sites and to provide subdivision and development controls for rural residential purposes.

Essentially the changes required to LPS No.1 to incorporate appropriate zoning provisions supporting future subdivision of the site replicate the special conditions and requirements as provided under Schedule 7 - RR15, and can be reflected by inclusion of the subject site within the relevant schedule text and depicted on the Scheme map.

Inclusion of the site under Schedule 7 - RR15 is necessary to reduce the minimum allowable lot size and call in the relevance of the amended Local Structure Plan. The proposal as a result presents an opportunity to complete the pattern of subdivision rather than commence a new one with consistent statutory mechanisms.

Given the location and characteristics of the site, the majority of ongoing development and subdivision concerns are adequately dealt with by the provisions of the Scheme under Clause 4.22.

The Scheme specifies the following as the purpose of the Rural Residential zone:

"to provide and recognise established rural residential lifestyle opportunities in strategic rural locations but to confine any further such development to land where such activities are consistent with the provisions of the LNRSPP, the conservation of the significant landscape".

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

- a) "to limit the extent of the land set aside for rural residential use to that consistent with the objectives and policies of the LNRSPP;
- b) to recognise that the conservation of the physical, environmental and landscape characteristics of the land is paramount;

- c) to provide opportunities for a range of limited rural and related ancillary pursuits on rural residential lots where those activities will be consistent with the amenity of their 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 specifies consistent with sound bushfire management practices and;
- e) to require adequate bushfire management consistent with the objectives of preserving environmental and landscape values."

Inclusion of the site within the context of the amended Local Structure Plan demonstrates both the purpose and objectives of the Scheme can be met at subdivision stage and in consideration of future development. This requires attention to be given to the general provisions for development in the rural residential zone provided by Clause 4.22 (see below).

The Local Structure Plan indicates the suitability of the Lot 57 for subdivision into lot sizes with the (1) one hectare lot size met by use of common property as can be considered in accordance with the provisions of the LNRSPP and the Scheme, while identifying that further Structure Planning is required to occur for consideration of the subdivision of Lot 56.

Consideration of environmental principles has been incorporated within the proposal, and this represents an extension to environmental considerations within the locality, bushfire management mechanisms as specified within the Fire Management Plan can be implemented that complement existing mechanisms within the locality.

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

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

"Land uses and development within this zone shall comply with the following general provisions and where appropriate with the site specific conditions relevant to the 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 is 3 hectares unless otherwise specified at Schedule 11 and shown on an applicable Structure Plan.
  - (b) Subdivision, is to be preceded by the preparation of a Structure Plan, Subdivision, which is inconsistent with an endorsed Structure will not be supported. All subdivision is to be consistent with the objectives and policies applicable to the Rural Residential zone'.

The Shire's planning department have directed that notwithstanding the provisions of 4.22.1 (a), Schedule 7 - RR-15 is relevant to this proposal as this directly relates to the enclave area. As such the proposal seeks to amend provisions under Schedule 7 to include reference to the subject site for consideration of lot areas to not less than 1 hectare.

Other provisions of the Scheme that follow include the application of building envelopes which become relevant as shown on the modified Local Structure Plan. Clearing outside of building envelopes is not permitted other than for fire management purposes. Further bushfire protection is important including the preparation of Fire Management Plan.

A Bushfire Management Plan has been prepared for Lot 57 and the Bushfire Management Plan can be effectively implemented at subdivision stage. Further investigations may be undertaken as part of further Structure Planning for Lot 56 and 58. The environmental assessment identifies that there are no major implications for important species or habitat by way of implementation of the Fire Management mechanisms. Detail in relation to findings is provided in a later section of this report.

Landscape character is considered and the Local Structure Plan will introduce controls to limit the siting of development by way of designated building envelopes and landscaping for softening of development, primarily this will be located in proximity of the adjoining boundary of Lot 56.

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

Another aspect of the Scheme that is relevant to the modification to the Local Structure Plan is the general

development standards at Schedule 9. A table documents the applicable setbacks, plot ratio and landscaping. The front and rear setbacks are 30 metres whereas the side setback is 10 metres. The required setbacks have been adhered to as evident by the siting of the building envelopes within the LSP which have been located cognisant of setback requirements.

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

The provisions incorporated within the Local Structure Plan will also help guide at subdivision stage, including implementation requirements relative to fire management as summarised within a later section of this report as well as identifying a suitable setback distance from the Margaret River for consideration of onsite effluent disposal mechanisms within Lot 573.

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

### **Planning Strategies**

### Local Planning Strategy ('LPS')

The Local Planning Strategy carries over the objectives of the Leeuwin - Naturaliste Ridge State Planning Policy. This promotes better use of land already committed for rural residential with clustered forms of development encouraged to minimise the environmental footprint and to provide for proper fire management planning taking into account retention of landscape values and allowing rural pursuits where possible.

The strategy outlines that a typical density of one lot per hectare will be considered and subject to environmental, landscape and amenity considerations regard will be given to the consolidation of existing rural residential areas subject to appropriate investigation and amendment to Scheme provisions and associated Detailed Area Plan/Structure Plan/LDP.

The strategy outlines the importance of landscape assessment and indicates that the subject site is within Visual Management Area A where developments or changes in use should be in evident. While changes may occur, development or change of use should be in a similar form, scale and pattern to existing landscapes. The proposed building envelopes are generally secluded or proposed to be screened with vegetation. It should also be acknowledged that a dwelling will usually be evident but not obvious within Rural Residential lots.

Further consideration of landscape has been given. Additional screening is proposed in proximity to the eastern boundary within the battleaxe configuration servicing Lot 572 with the objective of preserving amenity and privacy. The requirement for implementation of landscaping prior to subdivision is noted on the LSP. The additional dwelling site is also secluded by the existing vegetation in the area.

Fire management planning is considered important in keeping the typical requirements of Planning for Bushfire Protection. A Bushfire Management Plan has been prepared for Lot 57. The preparation and implementation of Fire Management Plan can be facilitated at subdivision stage.

The proposal is consistent with the objectives of the Local Planning Strategy as it is an opportunity to consolidate existing land use identified for rural residential without impacting on environmental quality, visual amenity and with appropriate fire management methodology incorporated. Building envelopes and sensitively located vegetative screening assist in ensuring development is situated appropriately.

On the 13<sup>th</sup> August 2014 the Council adopted modifications to the Local Planning Strategy that incorporates the following locational and subdivisional criteria as a means of guiding the consideration of future proposals for the re-subdivision of Rural Residential land:

### "Locational criteria

The re-subdivision of areas which display any of the following attributes are unlikely to be supported:

- Significantly vegetated subdivision of densely vegetated land would result in an undesirable environmental outcome, would likely put future residents at high risk of bushfire, and have greater potential to be inconsistent with the environment and landscape provisions of the LNRSPP;
- 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 LNRSPP
  wherein development should be sited so as to be inevident from the road. Subdivision would result
  in an additional development and thus a greater potential for adverse visual impact.
- Located in an identified environmental corridor (LPS) or National Park influence area.
- Located in areas which have been developed around the maximization of views, where additional development would impact upon such views and landscape character.
- Isolated and all other lots having potential for subdivision ie 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 the end of a long cul-de-sac,
   etc.

The proposal can be considered consistent with the locational criteria for the following reasons:

In relation to the above none of the lots included within the proposal exhibit issues outlined in the locational factors that may influence Council not to support the proposal. Likewise, the subdivision criteria are generally met by this proposal. The proposal is consistent with other proposals that have been entertained by the Shire and the Commission in the immediate locality, which are establishing the Rural Residential form and amenity It should be noted that recent rural residential subdivision occurring in the area is down to a 1 hectare average lot size. Similar access arrangements have also been supported in the Local Structure Plan relevant to Ironstone Drive. The proposal is therefore reflective of previous decisions made immediate to the site.

The above appreciation therefore demonstrates the proposal has strong regard for the Local Planning Strategy objectives.

### **State Planning Policies**

Leeuwin Naturaliste Ridge State Planning Policy ('LNRSPP')

The site is situated within an area designated for Rural Residential under the LNRSPP as provided in Figure 4 below. Policies of the LNRSPP indicate that better use of land already allocated for rural residential west of the Margaret River townsite should be investigated. The LNRSPP did not identify much in the way of additional areas for rural residential zoning and therefore encourages further re-subdivision within existing

areas. Specific policy statements within the document are applicable. In the preamble to this section the general policy of the LNRSPP 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 areas designated Rural Residential should adopt cluster principles that are more responsive to retaining landscape values and allowing some agricultural pursuits".

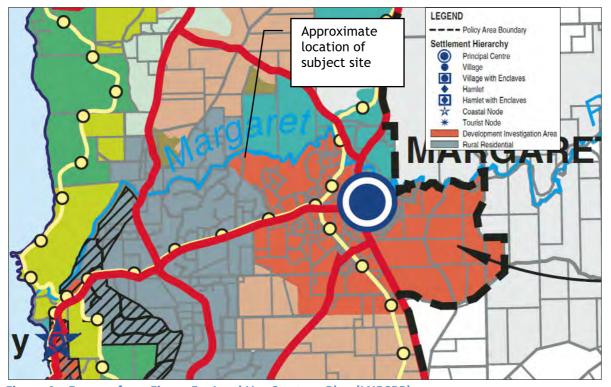


Figure 4 – Excerpt from Figure 5 – Land Use Strategy Plan (LNRSPP)

It is noted there is a significant area that has been re-subdivided down to one (1) hectares west of the Margaret River townsite including notably within the immediate Kevill Road East / Trinder Drive / Devon Drive / Illawarra Avenue locality. These were the subject of similar amendments to the Local Planning Scheme. A further amendment incorporating 3 lots was also endorsed in proximity to the site for Lots 72, 73 and 74 Kevill Road West (RR-29) within Kevill Road West and more recently Council recommended final support for consideration of an amendment to the RR-15 area for inclusion of Lots 12, 18 & 19 Kevill Road East to the south west, which represents a comparable lot yield to that proposed. The proposal is therefore an extension of this precinct and also a reaction to the policy position of the LNRSPP.

In the preamble to the general policies of the LNRSPP 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 facilities better use of land already committed for Rural Residential development will be encouraged. Assessment of proposals will address the following criteria:

- "Provision of clustered settlement;
- Provision for community based activities and services
- Provision for walking, cycling and possible future public transport
- Opportunities for local enterprise development such as limited small scale tourist development, including accommodation, attractions and cottage industries; and
- Suitability for small scale intensive agriculture".

The LNRSPP provides scope for better use of land in the area providing the qualities of the landscape corridor are maintained and clustering is pursued. Cluster principles are incorporated by way of envelopes, with vegetation taken into account by way of limiting the location of future development. Additional landscaping where required can improve amenity and address retention of landscape values, and has been incorporated within the proposal. The subdivision of one lot alone probably does not warrant upgrading of walking or cycling facilities and this has not been a requirement across all existing DAP areas in Kevill Road. In relation to opportunities for local enterprise and small scale intensive agriculture, subdivision design will allow such activities to continue to be proposed under the provisions of the Scheme. Further, LUS1.26 states that "consolidation and diversification of existing rural residential land to the west of Margaret River will be compatible with the regional environmental corridor functions and landscape values".

This proposal intends to make better use of land allocated for rural residential therefore reducing pressure for additional areas to be developed. The lots proposed have intended to site building envelopes in cleared areas where existing development exists and therefore endeavor to minimize landscape impact and landscaping is also proposed to provide an overall positive environmental contribution and landscaped screening.

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

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

### State Planning Policy 3.7 - Planning in Bushfire Prone Areas

This policy applies to all areas identified as 'bushfire Prone' by the Department of Fire and Emergency Services (DFES) Commissioner as highlighted on the Map of Bush fire Prone Area.

The subject area is identified as Bushfire Prone and a Bushfire Management Plan has been prepared by RUIC to support the proposal. The details of this are included at Appendix B and is examined in a later Section of this report. Bushfire management mechanisms will be implemented at subdivision stage.

### **Other Approvals and Decisions**

Other approvals and decisions relevant to the Local Structure Plan area will essentially be planning/building approvals for dwellings and their associated effluent disposal systems within the nominated building envelopes.

### **Pre-lodgement Consultation**

This proposal has been prepared and subsequently updated to accord with the Western Australian Planning Commissions 'manner and form' Structure Plan Framework as required under the 'Schedule of Modifications'. This has also resulted in the Bushfire Management Plan being updated to accurately reflect the naming conventions and achieve accurate cross referencing with SPP 3.7 and the Guidelines for Planning in Bushfire Prone Areas 2015.

**SITE CONDITIONS AND CONSTRAINTS** 

**Biodiversity and Natural Area Assets** 

**Environmental Assessment** 

For the purpose of this amendment, and to meet the requirements of the Shire in relation to environmental matters being investigated, an environmental assessment was contracted and prepared by Sean Smith of Landscape and Environmental Management December 2014. A copy of this report is included at Appendix C.

The purpose of the report was to assess the vegetation across the site and also to assess the soil wastewater capability to cater for on- site effluent disposal mechanisms.

**Vegetation and Habitat Assessment** 

The report identifies that vegetation across the eastern portion of the site is identified as medium forest of Jarrah and Marri. It is also noted that *Eucalyptus marginate* and *Corymbia calophylla* are co-dominant on the site. It is noted the vegetation in proximity to the site is also classified as tall forest karri, and also other species that are common to the area included *Agonis flexuosa*, *Banksia grandis*, *Acacia mytifola* and others.

Most of the vegetation on the site consists of planted windbreak/screening trees, a small number of remnant trees and landscape planting adjacent to the existing dwelling to the south of the site. The windbreak planting is mostly with *Agonis flexuosa*. It is noted that these trees provide important potential habitat for ringtail possums however none were observed during the site assessment. Further, the existing screening/windbreak trees and potential habitat are not anticipated to be compromised by this proposal and that buffer screening is proposed which will complement and augment habitat opportunity with the use of native species. It is also noted that there are exotic species on site. Of note is a large marri tree (*Corymbia calophylla*) growing near the existing dwelling on site. The tree is considered to be an important habitat tree and will not be affected as part of the proposal.

It is identified that most of the vegetation about the site is a result of planting and does not therefore represent important native vegetation. As such the willow peppermints represent the main value as

potential habitat for ringtail possums.

Recommendations provide that screening as proposed should consist of local native shrub and will consist of peppermints and *Hibbertia cuneiformis*. The large Marri tree will also be retained. Recommendations also provide that potentially weedy species such as *Polygala graniflora* should be removed and minor weed species can be controlled via slashing, which will form part of bushfire management about the site.

**Landform and Soils/Groundwater Surface Water** 

**Soil Site Assessment** 

The site evaluation was undertaken on 21 November 2014. This consisted of two (2) excavated test pits within the location of the proposed building envelope for proposed 572 and another area. Proposed Lot 571 incorporates existing residential development that is currently supported by an onsite waste water mechanisms that appears to be operating successfully such that further investigation is not warranted. The text pits were excavated to a depth of 2 metres and a composite sample was taken from the pits to determine the Phosphate Retention Index (PRI). Both the soil horizons and groundwater depths were examined for the text pits and samples were taken to determine the soil texture. An infiltrometer was used to determine the rate at which water infiltrates the soil to a soil depth of 500mm. Soils were pre-wet prior to testing given weather conditions.

The soil text pits were excavated within the location of the proposed building envelopes for proposed Lots

Test Pit 1 - Proposed Lot 571 north of dwelling

The soil within this test pit was characterised as dark brown sand form the soil surface to a depth of 20cm. From 20cm down to 90cm the soil is a an orange lateritic gravel. From 90cm to a depth of 2000cm the soil is yellow, red and white clay. No rocks or groundwater were observed in the test pit.

<u>Test Pit 2 – Proposed Lot 572</u>

The soil within the second test pit is noted as brown sand from the soil surface to a depth of 20cm. From

20cm down to 150cm the soil is orange gravel. From 150cm to a depth of 200cm the soil consists of orange sandy gravel. Small rocks of around 50mm diameter were observed in this soil horizon. Groundwater and larger rocks were not present within the test pit.

### **Soil Infiltration**

The Infiltration rate was determined by measuring the infiltration of a fixed volume of water (2 litres) through a fixed diameter infiltrometer that was placed at the base of 500mm deep and hammered 15cm below grade to retain the test water.

Table 1: Infiltration time and rate for the area

Test Pit Location	Infiltration rate	Infiltration rate (L/m2/h)	Infiltration rate (L/m2/day)
Pit 1	54 seconds	1767 (2L)	4240L
Pit 2	2 min 32 seconds	628 (2L)	1206L

The infiltration time was base on the infiltration of 2 litres of water in a 31 cm diameter infiltrometer.

### **Depth to groundwater**

The depth to groundwater was greater than 2 metres from the soil surface from the soil surface for the test pits at the time of the site visit. The site visit was after the break of the winter season and after recent rainfall. It is noted that the soils found within the test pits are likely to present a high level of purification ability over the full depth of the test pits. It is further noted that the test pits will be monitored throughout the following winter period.

### **Phosphate Retention Index (PRI)**

The Phosphate Retention Index for the test pits was determined by Vintessential Laboratories in Dunsborough.

Table 2: Phosphate Retention Index (PRI)

Test Pit location	PRI
Test pit 1	66
Test pit 2	23

The results in Table 2 demonstrate a high capacity of the soil to bind phosphorous for the test pits.

### **Phosphate Retention Index**

The Phosphate Retention Index indicates the ability of a soil to bind phosphorous from effluent and prevent nutrient flow into groundwater or surface waters. It is identified that the very high PRI levels for the soil and buffer distances from the Margaret River to the north means that the site would fall into the highest load category 'D'.

Vulnerability	Soil Description	Maximum	Р	Maximum	N
Category		Loading		Loading	
		(kg/ha/yr)		(kg/ha/yr)	
D	Loams/clay soils	120		480	
	(Phosphorous Retention Index > 10) draining				
	to waters with low eutrophication risk				

### **Proximity to streams/waterbodies**

The *Health Regulations* (1974) requires that leach drains are to be constructed so that effluent or liquid wastes will not be discharged into the ground at a distance less than 20m from any well, stream or underground source of water intended for consumption by humans within 6m of any subsoil drainage system or open drainage channel. The Department of Water (2010) recommends a buffer distance of 100 metres for conventional wastewater system for soils with a PRI up to 5, with buffers of 30 or 50 meters for higher PRI levels.

The report identifies that the nearest building envelope for proposed Lot 572 is located at around 100 metres from the watercourse to the north. This building envelope has very high PRI levels and appears to be a limited groundwater risk.

In addition to this, the proposal incorporates a setback line to further restrict the location of future effluent disposal mechanisms at a distance of 100m from the Margaret River. This will be incorporated within the revised DAP.

The report also states that the mapping indicates a low percentage risk of flooding, and Infiltration testing indicates the test site had a very high infiltration capacity. Stone content is also not anticipated to be problematic and there is no evidence of salinity affecting the property and creating conditions for dispersible clays. Bedrock is not encountered in full depth of the test pits.

Based on the above assessment, the site has a moderate to slight limitation for on-site effluent disposal for the test pits.

#### **Wastewater recommendations**

That septic tanks with leach drains can be approved for wastewater disposal for the two proposed new lots, with inverted leach drains for possibly proposed Lot 572 due to slope and final development locations.

It is further noted that the disposal field for Lot 572 should be located as far as possible from the Margaret River. (The location of this will restricted by a setback notation on the LDP).

It is also recommended that salt tolerant native vegetation be planted about the disposal fields and this can be effected at development stage.

### **Geotechnical Investigations**

A geotechnical report was undertaken on site by Margaret River Structural Engineering for those lots proposed that are currently vacant of residential development (see Attachment 5). This consisted of investigations undertaken within proposed Lot 571 and Lot 572 within the location of the proposed

building envelope.

Investigations identify that both proposed Lot 571 and 572 are classified as a "P" sites in accordance with AS2870-1996 AS1726-1993 and AS-1289.

Comments in provide that light frame construction is recommended, with saturated mungite clay compresses under load and settlement will occur with any load. Gravel should be left in place as it provides subsurface drainage "P" classification – (collapsing mungite). Footings and slab should be rafted (footings and slab attached).

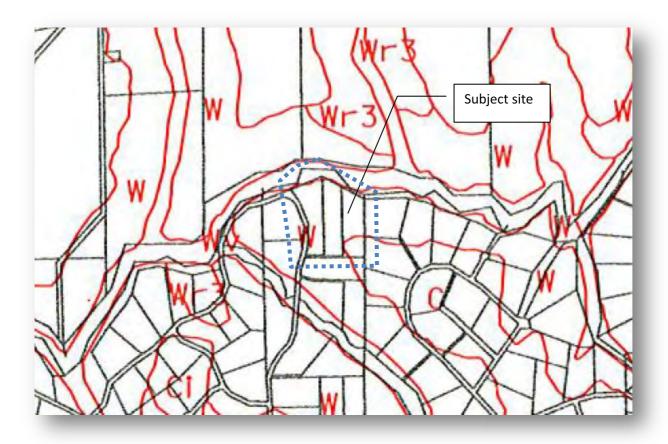
Findings demonstrate that site conditions for Lot 571 and 572 appear capable of catering of supporting construction of future residential structures.

### **Soils**

The soil characteristics of the area have been described by Tille and Lanzke (1990) in their study on behalf of Agriculture WA. An excerpt from the diagrams provided in that report is included at Figure 5 below.

Figure 5 – Excerpt from Tille and Lantzke

Source: Tille and Lantzke (1990)



As can be viewed in Figure 5 above the area contains predominately soils of the Wilyabrup Slopes land system ('W'), with the majority of the site appearing to fall within the 'W3' – Wilyabrup Low Slopes: gradients 5-10% classification.

The south eastern section of Lot 56 is also identified as 'C' – Cowaramup Flats and Gentle Slopes. Flats (0-2% gradient) and with gravelly duplex (Forest Grove) and pale grey mottled (Mungite) soils.

Appendix 3 of the land capability study provides advice in relation to physical limitations for housing on small rural lots. The Wilyabrup Valleys soil classification can have moderate limitations in relation to soil absorption and minor limitations relevant to trafficability. In relation to limitations associated with soil absorption, a setback is to be introduced for proposed Lot 572 to restrict the location of on-site effluent disposal mechanisms to 100m from the location of the Margaret River bank such that such mechanisms may be sited at a suitable distance from the location of this permanent watercourse. This will be

implemented by a notation on the LDP. An Environmental Assessment – soil wastewater capability and vegetation assessment has also been undertaken by Sean Smith of Environmental and Landscape Management in December 2014. This report demonstrates that soil absorption capability from test pits excavated within the vacant designated building envelopes across Lot 57 appear acceptable such that soil absorption limitations are considered to be manageable. Additionally, the location of existing development within the configuration of the site currently serviced by existing onsite effluent disposal mechanisms further demonstrates the soil absorption capability.

To further demonstrate capability of the lots to cater for future development, a geotechnical investigation has also been carried out on the site by Margaret River Structural Engineering Pty Ltd on the 24 November 2014 (see Appendix D). This consisted of study undertaken on a bore hole excavated within the location of the proposed building envelope associated with proposed Lot 572. Results indicate that the sites are suitable from a geotechnical perspective to cater for future development. Detail in relation to this is provided in a later section of this report.

Trafficability is also considered manageable by existing access arrangements across the site together with access arrangements in proximity to the site. Limitations for both soil units have not been obstructive given the large number of lots within these soil classifications zoned to allow for 1 hectare lots.

### **Bushfire Hazard**

A Bushfire Management Plan has been prepared by RUIC Fire Consultants (May 2016) and this was subsequently updated to reflect the naming conventions and achieve accurate cross referencing with SPP 3.7 and the Guidelines for Planning in Bushfire Prone Areas 2015. The Bushfire Management Plan has now been revised several times to Version 1.4 dated December 2017 and this document has been vetted by DFES and is attached at Appendix B. The BMP is applicable to Lot 57, Kevill Road East, Margaret River and details the bush fire risk and threat level to the proposed development as well as providing mitigation strategies and requirements to be implemented to comply with the relevant bushfire management criteria.

The Bushfire Management Plan for the site provides justification for the proposal and supports the suitability of the Local Structure Plan, Scheme Amendment and subdivision. The required works associated with implementation of the BMP will be undertaken prior to subdivision clearance as will be required under

the endorsed and revised Local Structure Plan.

Heritage

The subject site does not contain any heritage sites listed in this Shire's Municipal Inventory of Heritage

Places.

There are no registered sites identified under the Department of Indigenous Affairs Database however, the

subject proposal is in proximity of the Margaret River which is a registered site under the DIA Database

ID:4495 as a mythological site. The Local Structure Plan is outside the registered site and will not have

impact on the Margaret River.

**Coast and Foreshores** 

The subject site is adjacent to the Margaret River and therefore its foreshore. Given the area was the

subject of subdivision previously from an original farm holding a wide foreshore reserve has been created

across the frontage of the site (Reserve 36747). The location of future dwelling within proposed Lot 572 is

situated within the designated building envelope over which the Local Structure Plan identifies an

acceptable 100m setback can be achieved from the river bank for consideration on on-site effluent disposal

systems.

With respect to foreshore widening requirements it should be noted that foreshore widening has already

occurred as part of the previous subdivision which created reserve 36474. This provides a wide separation

from the property boundary and the river itself of between 43 and 75 metres. Within this area, the

vegetation extends between 32 and 74 metres in depth from the river bank towards the property

boundary. The depth of vegetation between the property boundary and the river averages about 45 metres

and this wide open area of a foreshore path in parkland cleared sections between the current property

boundary and the river.

This is evident in the figure below.

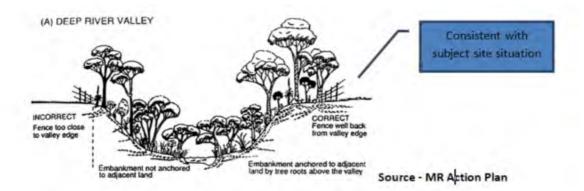
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**Halsall & Associates** 

Figure 6 - Foreshore width and setback



The main recommendations of the plan for foreshore areas adjacent to the Shire are weed control and revegetation by the Shire focused on bridal creeper. No foreshore widening is proposed. The Margaret River Action Plan suggests vegetative buffers of between 10-50metres are generally sufficient and also recommends setbacks for fencing to ground away from the river bank on steep sections as per adjacent to the site as per the diagram below.



#### Vegetative buffers

Vegetated buffers alongside waterways can intercept and slow runoff and thereby trap suspended sediment, including organic material. Research has shown that vegetative buffers 10-50 m wide can achieve phosphorus and nitrogen filtration rates in the order of 50-100% (Pen, 1999). A vegetative buffer need not be of native vegetation and can be a simple grassy strip which is fenced off to control grazing. The nutrients assimilated by the vegetation can be utilised by crash grazing or preferably in hay production since the latter does not involve livestock returning nutrients to the grassy border as urine and manure.

Vegetation within the waterway itself forms a longitudinal buffer which similarly slows the flow rate, prevents erosion and traps soil, sediment and organic matter. Source MR Action Plan

The area in front of the site generally represents a wide foreshore with decent landscaping with the quality of the vegetation classed as A.

#### **Context and other constraints**

The context of the site is addressed in the body of this report and no other constraints not already addressed in this documentation require comment.

### **CONCLUSION**

In the late 1990's and after 2000 most subdivision in the Rural Residential zoned area occurred with a minimum lot size of one hectare generally making better use of land allocated for this purpose. In 1998 the LNRSPP was endorsed by the Planning Commission and provided further elaboration on the objective to make better use of the land already allocated for Rural Residential rather than identifying new areas for such development.

The Local Planning Scheme and associated Local Planning Strategy and modifications in 2014 further illustrate the importance of this objective and identifying areas where this could occur.

The proposal is reflective of these ongoing decisions in town planning to make better use of Rural Residential land having regard for the planning issues affecting the area and introducing special provisions and guidelines within a Local structure plan such that matters are addressed appropriately.

The proposal will facilitate consideration of re-subdivision of Lot 57. The subject site is just over 3 hectares in area and as such is typically consistent with a typical one (1) hectare lot subdivision need to create three one (1) hectare lots. The three the subject of the proposal will essentially be in excess of one (1) hectare given common property area is proposed, incorporating a common property area to service all lots proposed. The proposal will result in an average lot area of 1.5 hectares within the Local Structure Plan area. Prior discussion with the Shire's Planning Department occurred in relation to this method and this was generally supported. The outcome is essentially the same as green title subdivision with all the lots having the benefit of a one (1) hectare area of land use with use of the common property area.

The Local Structure Plan is consistent with Council's recently adopted changes in the Local Planning Strategy specifically prepared to guide consideration of such proposals.

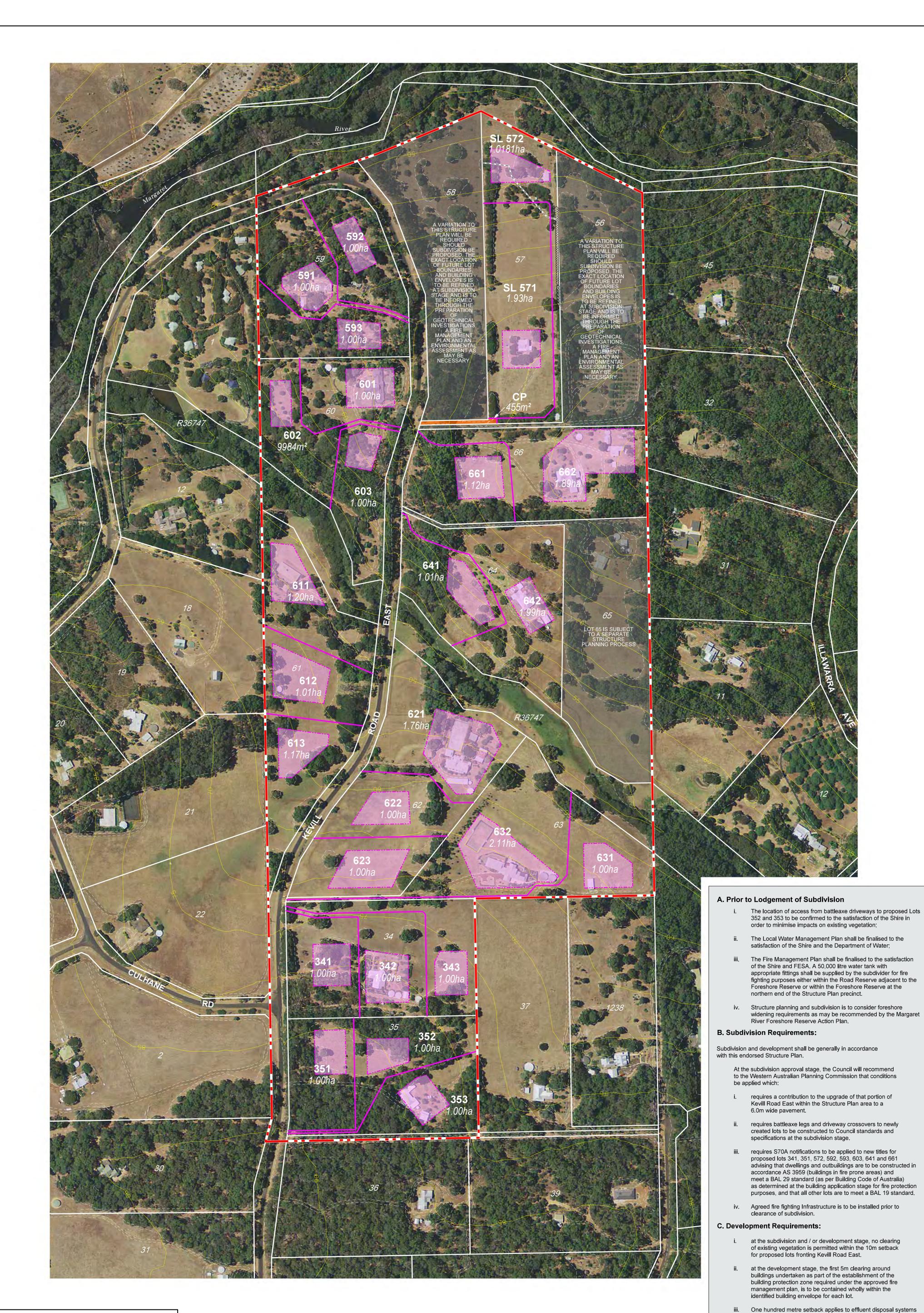
Adequate information as required has been provided to justify subdivision of Lot 57, Lot 56 and 58 has not been investigated in detail and will require additional reporting to inform the Local Structure Plan and this is clearly notated on the LSP.

The proposal has considerable merit, is based on relevant policy and typical issues and is in keeping with previous decisions of Council.

It is proposed that this Structure Plan be considered suitable given the gazettal of the Scheme Amendment and combined; the two documents will ratify planning opportunities for the precinct and provide clarity of minimum lot area and building envelopes.

### PART 3 – TECHNICAL APPENDICES INDEX

Appendix No.	Document Title	Date of	Referral/approval	Summary of
		Document	agency	documentation
				modifications
Α	Local Structure	March 2017		
	Plan			
В	Bushfire	Version 1.4		
	Management	December 2017		
	Plan			
С	Environmental	December 2014		
	assessment			
D	Geotechnical	24 November		
	investigations	2014		



0 10 20 30 40 50 100 150 200

# LOCAL STRUCTURE PLAN (March 2017)

from the river bank unless otherwise approved.

LEGEND

KEVILL ROAD EAST PRECINCT

POTENTIAL LOT BOUNDARY

POTENTIAL BUILDING ENVELOPE

PROPOSED LANDSCAPING / SCREENING

---- EFFLUENT SYSTEM SETBACK (100m FROM RIVER BANK)

RECIPRICOL RIGHTS OF ACCESS ARRANGEMENT

Rase data supplied by MAPS

Aerial Photography dated November 2009, accuracy +/- 4m,
Projection MGA50

Areas and dimensions shown are subject to final survey
calculations.

All carriageways are shown for illustrative purposes only and

are subject to detailed engineering design.

KEVILL ROAD EAST LANDOWNERS GROUP : 1:2,000@A1 : 8 March 2017 : 10887-1-001r.dgn : R : M.H. : B.L. :

ROUP : CLIENT

00@A1 : SCALE

10 2017 : DATE

11r.dgn : PLAN No

R : REVISION

M.H. : PLANNER

B.L. : DRAWN

M.H. : CHECKED

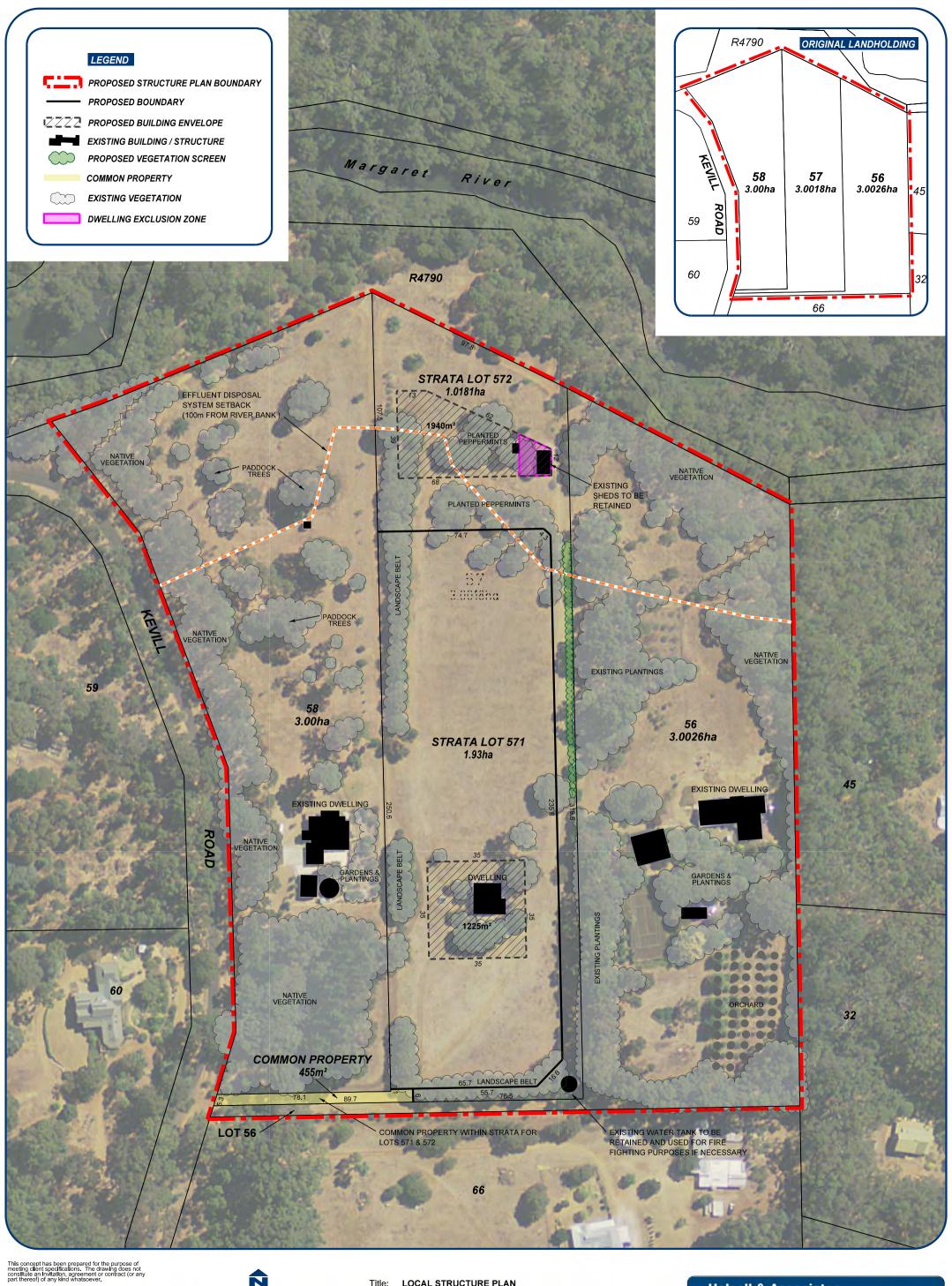
Property Description:

Various Lots, Kevill Road East,
MARGARET RIVER

Rural Residential Zone - RR15 - LPS No.1



RPS Environment and Planning Pty Ltd ACN 108 680 977 ABN 45 108 680 977 PO Box 749 Busselton WA 6280 Unit 1 / 8 Prince Street Busselton WA 6280 T +61 8 9754 2898 F +61 8 9754 2085



Although care has been taken on the compilation of this document by Halsall & Associates, all parties associated with the proposed property development distance and the proposed property development of the proposed property development of the right is reserved to change the plan at any time.

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

LEIGHTON bleighton@w Land development DRAFTING & visuals 0408 820 001

metres

LOCAL STRUCTURE PLAN Title:

LOT 56, 57 & 58 KEVILL ROAD EAST, MARGARET RIVER

Scale: 1:1,500@A3 Revision No: I

