

SHIRE OF AUGUSTA MARGARET RIVER

BASILDENE ESTATE STRUCTURE PLAN

Lots 20, 231, 232, 233, 243, 252, 253

Merino Way, Margaret River

Lots 16, 26, 151, 152, 213, 221, 222, 241, 242,

251, 271, 272, 273, 281, 282, 283, 291, 292,

293, 351, 352, 353, 361, 362, 363, 380, 403

Illawarra Avenue, Margaret River

Lots 153, 161, 162, 170, 171, 181, 182,

191, 192, 193, 211, 212

Hereford Place, Margaret River

Lots 371, 372, 373, 374, 375, 376, 377, 378, 379

Percheron Place, Margaret River

Lots 401 & 402

Clydesdale Place, Margaret River

Revised August 2020



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Version Control

Report version	Revision No.	Purpose	H&A Author	Review date by officer	Date
Draft	1	Structure Plan	Michael Whitbread	9 January 2019	
	2	Structure Plan	Michael Whitbread	16 January 2019	
	3	Structure Plan	Michael Whitbread	21 February 2019	
	4	Structure Plan	Marc Halsall	15 March 2019	
	5	Structure Plan	Vivienne Clarke	31 August 2020	

Approval for Issue

Name	Signature	Date

Basildene Estate Structure Plan

**Various Lots Merino Way, Illawarra Avenue, Hereford Place, Percheron Place and Clydesdale Place,
Margaret River**

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

IT IS CERTIFIED THAT THIS STRUCTURE PLAN

WAS APPROVED BY

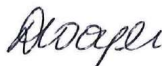
RESOLUTION OF THE WESTERN AUSTRALIAN PLANNING COMMISSION ON:

3 SEPTEMBER 2020

Signed for and on behalf of the Western Australian Planning Commission:



an officer of the Commission duly authorised by the Commission pursuant to Section 24 of the *Planning and Development Act 2005* for that purpose, in the presence of:



Witness

8 September 2020

Date

8 September 2030

Date of Expiry

TABLE OF AMENDMENTS

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

EXECUTIVE SUMMARY

This Structure Plan has been prepared for consideration of the Shire of Augusta Margaret River ('AMRSC') and approval of the Western Australian Planning Commission ('WAPC') in regard to a large number of lots immediately west of Margaret River with particular focus on providing subdivision opportunity for Lots 16 & 26 Illawarra Avenue and Lot 20 Merino Way, Margaret River ('the subject sites'), which are located within an existing precinct of Rural Residential zoned land. The objective for the area was initially to reintroduce opportunities for subdivision to a minimum of 1 ha for three of the lots that inadvertently lost the opportunity when the new Scheme came into operation in 2010. The new Scheme had the effect of no longer recognizing the minimum lot size of 1 ha that had already been applied across most of the area under the previous Scheme and Subdivision Guide Plan (Structure Plan). As such the Shire wanted to reintroduce the zoning and structure plan for the entire area to correct that anomaly. This document and the recent investigation reports herein are specific to the three lots that being given their subdivision opportunities back. These three lots are closer to the urban front than the majority of lots that have been subdivided already and this objective will therefore infill subdivision pattern and complete the subdivision of the area. With respect to the balance of the lots that will not be given subdivision opportunities, the Shire required the original Scheme Amendment document to be appended to provide the original justification for the Structure Plan and zoning return to the area. It was noted as onerous for the three landowners that are pursuing subdivision consistent with the surrounding area to fund an investigation of lots that have essentially already been justified and subdivided. As such the reports supporting this Amendment include a Bushfire Management Plan, Environmental Study and Effluent Capability investigation specific to Lots 16, 20 and 26.

This Structure Plan is to be assessed concurrent to Scheme Amendment No.60 which also incorporates a modification to both the Scheme map annotation and text for inclusion of the subject sites under Schedule 7 – 'Special Provisions relating to Rural Residential Zones', in accordance with the Deemed Provisions of the Planning and Development (Local Planning Schemes) *Regulations 2015*, Schedule 2, Part 4.

Prior to the preparation of this Structure Plan, consultation was held with representatives of the Local Government and WAPC, who confirmed as stated above that the Structure Plan would be required to be in place to guide subdivision of Lots 16, 26 and 20 however also to reinstate the minimum lot size of 1 ha for the balance area to essentially remove an anomaly. The Structure Plan for the subject lots is attached at Appendix A.

Within this precinct several landowners who did not subdivide their lots under the 1997 Basildene Estate Subdivision Guide Plan have facilitated this Structure Plan application. The landowners of the subject sites at Lots 16 and 26 Illawarra Avenue and Lot 20 Merino Way have funded and arranged this Structure Plan and the concurrent Scheme Amendment No.60.

It is considered that the Structure Plan meets the criteria outlined in the state and local planning framework. This report provides the relevant justification and technical detail to support this Structure Plan application proposal.

EXECUTIVE SUMMARY TABLE

Item	Data	Structure Plan Ref. (section no.)
Total area covered by the Structure Plan	Approximately 77.8 hectares	1.1
Area of each land use proposed: Rural Residential	Lot yield: 3 additional lots Minimum lot area of 1 hectare (average of 1.2 hectares achieved).	1.4
Estimated number of dwellings	3 additional single dwellings	1.4
Estimated percentage of natural area	Not applicable on the subdividable lots	N/A

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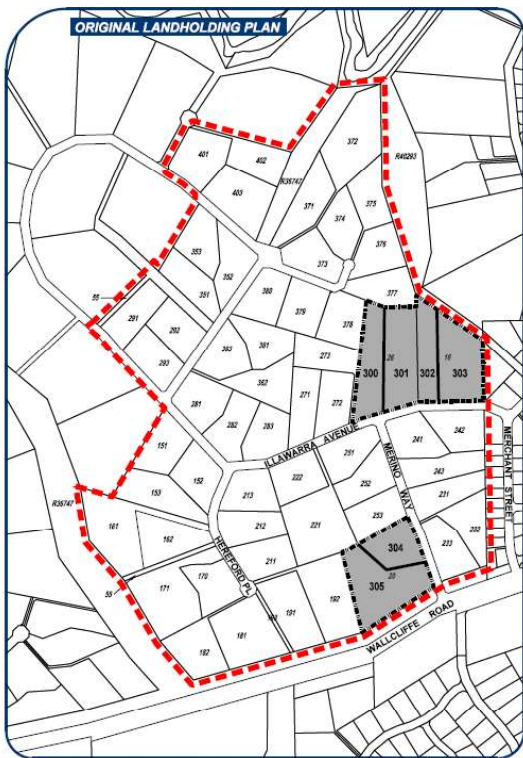
PART 1 - IMPLEMENTATION

1.1 Structure Plan Area

The Structure Plan is applicable to rural residential zoned land located in the former Basildene Estate and includes Lots 20, 231, 232, 233, 243, 252, 253 Merino Way, Lots 16, 26, 151, 152, 213, 221, 222, 241, 242, 251, 271, 272, 273, 281, 282, 283, 291, 292, 293, 351, 352, 353, 361, 362, 363, 380, 403 Illawarra Avenue, Lots 153, 161, 162, 170, 171, 181, 182, 191, 192, 193, 211, 212 Hereford Place, Lots 371, 372, 373, 374, 375, 376, 377, 378, 379 Percheron Place and Lots 401 & 402 Clydesdale Place, Margaret River ('the subject sites'). It has been prepared to guide future subdivision of three lots (Lots 16, 20 and 26) and rectify the anomaly of incorrect lot size for other lots already subdivided.

The Structure Plan area is shown at Figure 1 below and those lots that are essentially receiving subdivision opportunities are marked accordingly.

Figure 1 - Structure Plan Area



The Structure Plan area is approximately 77.8 hectares and the subdivisable lots combined would be 8.39 hectares. Located approximately 1.6 kilometres to the west of the Margaret River Townsite, the precinct adjoins land subject to the same zoning under the Local Planning Scheme. This locality is also known as Basildene Estate and was subject to a Subdivision Guide Plan adopted in 1997 under Town Planning Scheme No.11.

Although the Basildene Estate Subdivision Guide Plan fell away when Town Planning Scheme 11 was revoked in 2010, the majority of lots within Basildene Estate by that time had implemented the Subdivision Guide Plan and subdivision had occurred. This has resulted in a subdivision pattern in this Precinct characterized by an average/minimum lot area of 1 hectare.

Basildene Estate is serviced by a constructed paved and drained local road network from Wallcliffe Road. The subject sites are also serviced with power and telecommunications, and the Margaret River Town water supply would be available to all lots. However, wastewater is treated onsite by way of leach drains and septic tanks given the lots are located at some distance from a reticulated sewer connection. In addition to the availability of a reticulated water supply is the availability of local fire hydrants in the road reserves to provide added fire fighting capacity to this precinct.

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'). The Structure Plan is contingent upon an Amendment to Schedule 7 the Scheme and in this case Amendment 60 has been prepared to be lodged concurrently with the Shire of Augusta Margaret River.

1.3 Staging

No staging would be applicable to the proposed lots within this application. The subdivision of each of the three applicable lots within this Structure Plan is not contingent upon the subdivision or provision of infrastructure to any other lots.

1.4 Subdivision and Development Requirements

As detailed within the preamble of this report, the proposal seeks to reintroduce a Structure Plan for the Lots 16 & 26 Illawarra Avenue and Lot 20 Merino Way, Margaret River. Scheme Amendment No.60 has submitted concurrently with this Structure Plan application to amend Schedule 7 of the Scheme to introduce this locality as Rural Residential (R-R39).

The proposed Structure Plan provides the layout for the subdivision of Lot 16 & Lot 26 Illawarra Avenue, and Lot 20 Merino Way, Margaret River is Appendix A of this report.

Subdivision will be guided by the Structure Plan contained at Appendix 1. This includes consideration of the following:

1. Subdivision shall have due regard to the endorsed Structure Plan.
2. The Landscape buffer is intended to preclude built development (unless minor variations are assessed as suitable) to provide visual separation between the Wallcliffe Road corridor and future dwellings and outbuildings. Landscape screening in the buffer as depicted on the Structure Plan is to be implemented at subdivision stage to the satisfaction of the Shire of Augusta Margaret River.
3. All effluent disposal systems to be setback a minimum of 30m from any watercourse unless otherwise determined.
4. At subdivision of Lots 16, 20 and 26 (Illawarra Ave and Merino Way), a Section 70A notification shall be applied to notify of the application and need to comply with the requirements of the Bushfire Management Plan.
5. The Bushfire Management Plan shall be implemented at subdivision stage.
6. Building envelopes are operative as shown on the Structure Plan for Lots 16, 20 and 26 Merino Way and Illawarra Avenue. All other lots shown on the Structure Plan are deemed to have envelopes as shown on any planning approval plan or if not depicted on such approval as per clause 4.22.2(e) of Local Planning Scheme No. 1.
7. Significant Trees as identified on the Structure Plan and Map 5 of the Flora and Fauna Significance Assessment shall be protected unless otherwise determined by Council.

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

1.5 Land Use Permissibility – Zoning

The zoning of the land as ‘Rural Residential’ under the Scheme and the subject sites will be included under Schedule 7 - ‘Special provisions relating to development on land Zoned ‘Rural Residential Zone’ reference R-R39, which would be designated on the Scheme map. The Structure Plan would reinstate the ability of the three lots to subdivide that was lost when the Basildene Restate Subdivision Guide Plan fell away when Local Planning Scheme No.1 was gazetted in 2010.

1.6 Interpretation and Scheme Relationship

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

Subdivision within the rural residential zone is currently guided by Clause 4.22 of the Scheme.

Pursuant to Clause 4.22.1 (a) of the Scheme:

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

Also pursuant to Clause 4.22.1 (b) of the Scheme:

‘Subdivision is to be preceded by the preparation of a Structure Plan. Subdivision, which is inconsistent with an endorsed Structure Plan will not be supported. All subdivision is to be consistent with the objectives and policies applicable to the rural residential zone’.

Therefore the request by the landowners to subdivide the subject lots to an average of 1 hectare requires the preparation of a Structure Plan as per the requirements of Clause 4.22 of the Scheme. In addition the proposed Structure Plan will become referenced under Schedule 7 – Special Provisions relating to development on land zoned ‘Rural Residential Zone’ – RR-39’ of LPS No.1 ‘. Also via the Scheme Amendment new average lot size will also supersede the default at 4.22.1(a) and rectify non compliant lot sizes across the area.

In addition to being incorporated into LPS 1 the proposed structure plan would comply with the Deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2, Part 4 of the *Regulations* which requires that a 'Structure Plan means a plan for the coordination and future subdivision and zoning of an area of land'.

The Structure Plan is Appendix A to the report and identifies the layout that will be used to guide subdivision and recognising existing lots in the area. The plan has been formulated following investigations into the capacity of the sites to deal with on-site wastewater disposal as well as assessing the site from a bushfire management perspective.

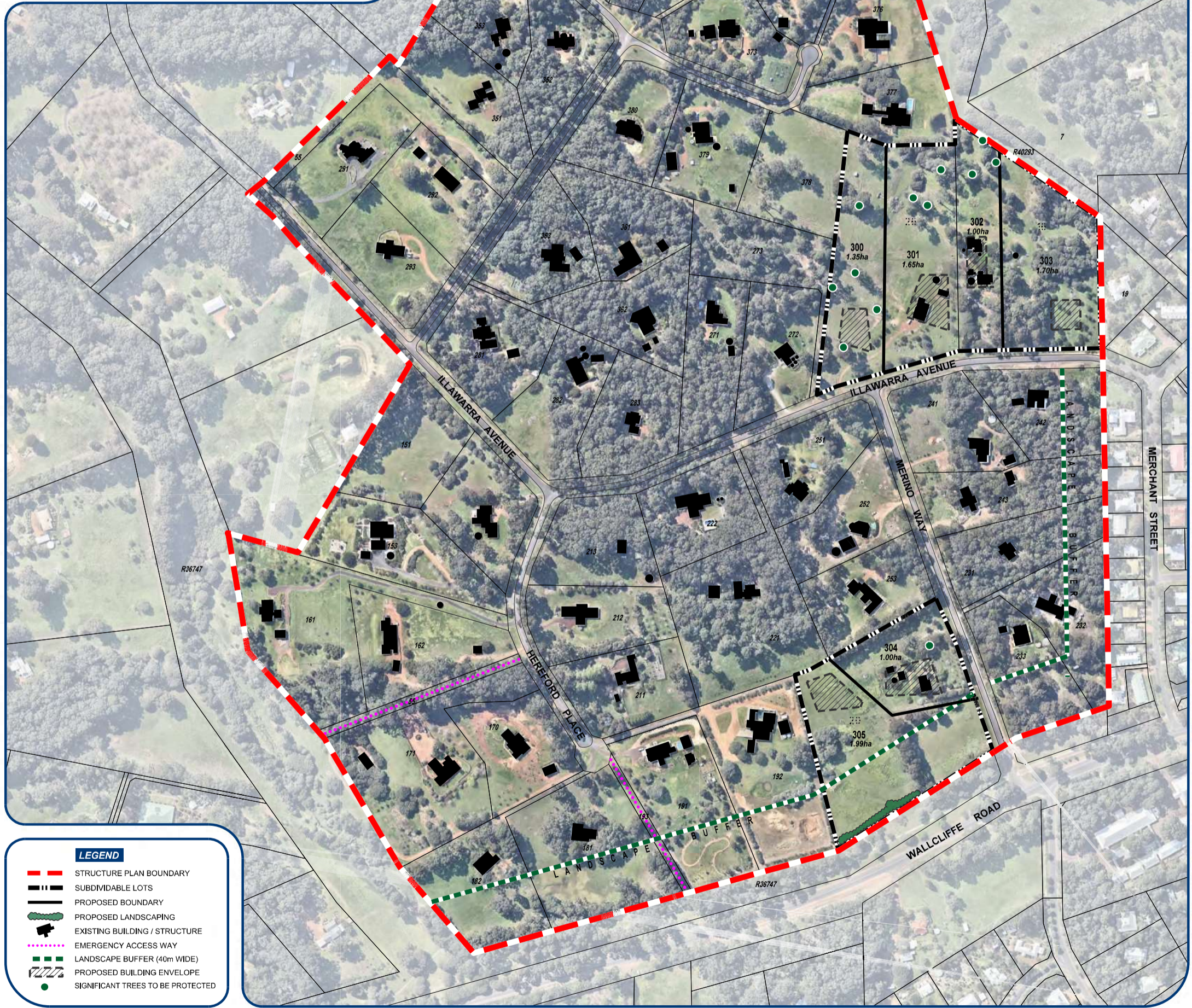
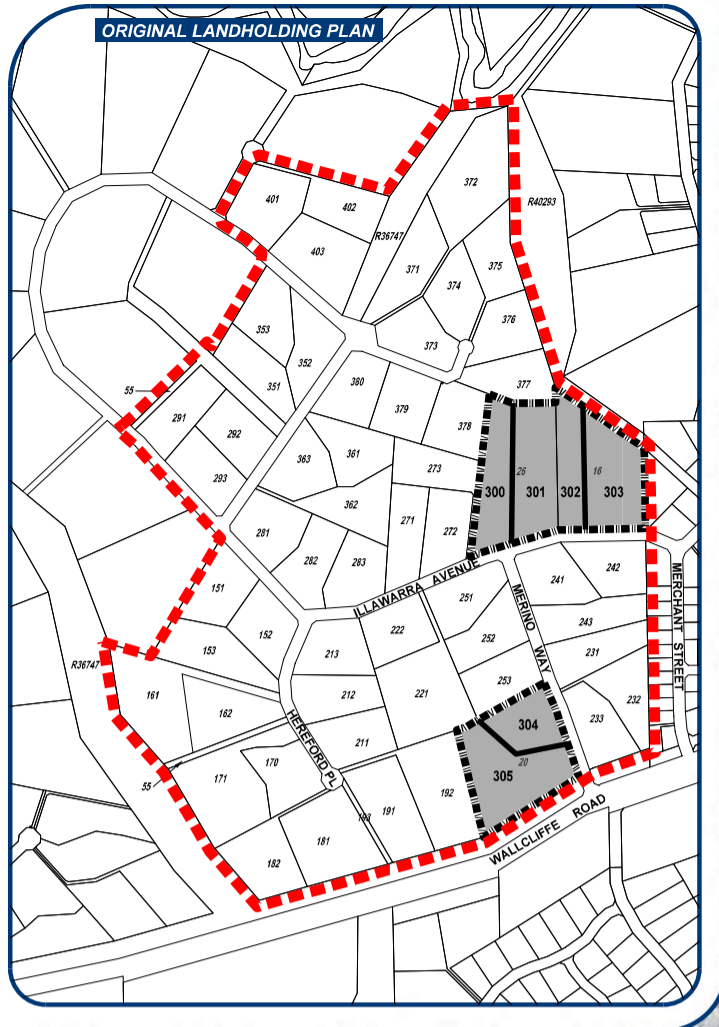
The proposal seeks to achieve the rural residential densities consistent with strategic documents including the Shire of Augusta Margaret River Local Planning Strategy ('Strategy') and Leeuwin Naturaliste Ridge Statement of Planning Policy ('LNRSP'). Both planning documents support infill subdivision within existing Rural Residential Zones wherever practicable.

1.7 Other Requirements

1.7.1 Servicing Considerations

Existing development within the area is currently serviced with an overhead power supply, telecommunications services and a reticulated town water supply is available within this Basildene Estate Precinct. It is assessed that there is capacity within the existing services networks in this locality to accommodate the three additional lots and the single house that would be able to be developed.

In relation to effluent disposal a Soil Wastewater Assessment has been carried out on the subject sites and the subsequent analysis has demonstrated the capability of the soils to cater for on-site effluent disposal within the nominated building envelopes. The consultant's report on the wastewater disposal capacity of the proposed lots within the building envelopes is Appendix B to this report.

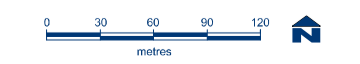


LEGEND

- - - STRUCTURE PLAN BOUNDARY
- - - SUBDIVIDABLE LOTS
- - - PROPOSED BOUNDARY
- - - PROPOSED LANDSCAPING
- EXISTING BUILDING / STRUCTURE
- - - EMERGENCY ACCESS WAY
- - - LANDSCAPE BUFFER (40m WIDE)
- - - PROPOSED BUILDING ENVELOPE
- SIGNIFICANT TREES TO BE PROTECTED

NOTE

BUILDING ENVELOPES NOT SHOWN ON THIS PLAN SHALL BE AS PREVIOUSLY APPROVED OR IN ACCORDANCE WITH CLAUSE 4.22.2 OF THE SCHEME.



LEIGHTON
LANDSCAPE ARCHITECTURE & PLANNING

Title: BASILDENE ESTATE STRUCTURE PLAN

Date: August 2020
Scale: 1:3,000@A2
Revision No: D

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Rural & Urban Subdivisions
 Development Applications
 Structure Planning
 Tourism Projects
 Rezoning
 Drafting

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

PART 2 – EXPLANATORY REPORT

2.1 Planning Background

2.1.1 Introduction and Purpose

The proposed Structure Plan encompasses Lots 20, 231, 232, 233, 243, 252, 253 Merino Way, Lots 16, 26, 151, 152, 213, 221, 222, 241, 242, 251, 271, 272, 273, 281, 282, 283, 291, 292, 293, 351, 352, 353, 361, 362, 363, 380, 403 Illawarra Avenue, Lots 153, 161, 162, 170, 171, 181, 182, 191, 192, 193, 211, 212 Hereford Place, Lots 371, 372, 373, 374, 375, 376, 377, 378, 379 Percheron Place and Lots 401 & 402 Clydesdale Place, Margaret River.

Specifically the owners of Lot 16 and Lot 26 Illawarra, and Lot 20 Merino Way ('the subject sites') have engaged Halsall and Associate Town Planning Consultants to prepare a Scheme Amendment to Local Planning Scheme No.1 ('the Scheme') and an associated Structure Plan to guide the subdivision of the three subject sites for a total of 6 additional lots with an average lot area of one (1) hectare.

Prior to the preparation of this Structure Plan proposal meetings were held with representatives of the Shire's Planning Department to gain an understanding of the process required to have a Structure Plan and a Scheme Amendment adopted affecting the subject sites for further subdivision. It was confirmed as necessary to incorporate all lots within the context of the Structure Plan because the subdivision to smaller lot sizes throughout the precinct was not recognised by the Scheme and the original Subdivision Guide Plan inadvertently fell away when the Scheme was updated in 2010. The Structure Plan would reintroduce a correct recognition of the general lot size down to 1ha and allow the 3 lots that did not previously subdivide to undertake this. Interestingly, the subject sites are generally closer to the urban townsite and are surrounded by smaller lots.

Scheme Amendment No.60 has also been concurrently prepared that references this Structure Plan and as these two documents cross reference one another it is recommended that they be assessed concurrently.

2.2 Land Description

2.2.1 Location

The Structure Plan is applicable to Lots 20, 231, 232, 233, 243, 252, 253 Merino Way, Lots 16, 26, 151, 152, 213, 221, 222, 241, 242, 251, 271, 272, 273, 281, 282, 283, 291, 292, 293, 351, 352, 353, 361, 362, 363, 380, 403 Illawarra Avenue, Lots 153, 161, 162, 170, 171, 181, 182, 191, 192, 193, 211, 212 Hereford Place, Lots 371, 372, 373, 374, 375, 376, 377, 378, 379 Percheron Place and Lots 401 & 402 Clydesdale Place, Margaret River. The Structure Plan has been specifically prepared to guide subdivision opportunity for Lots 16, 20 and 26. The site is located approximately 1.6 kilometers west of the Margaret River town centre and adjoins similarly zoned land.

The context of this Rural Residential land and that of the subject sites is shown in Figures 1a, 1b and 1c below.

Figure 1a – Entire Structure Plan Area



Basildene Estate Structure Plan

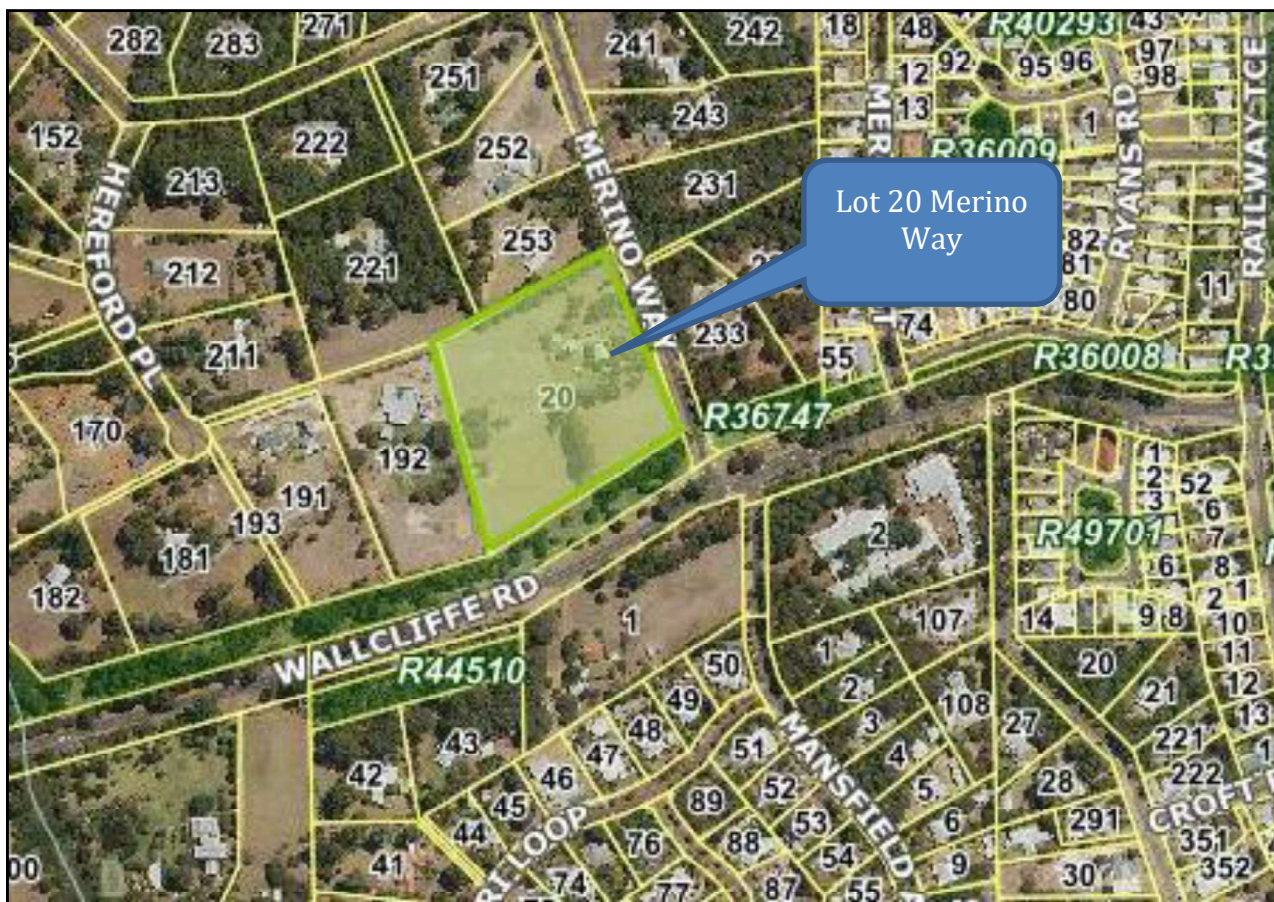
Various Lots Merino Way, Illawarra Avenue, Hereford Place, Percheron Place and Clydesdale Place,
Margaret River

1.37ha

Figure 1b – Subdivisible Lots Illawarra Ave (shaded green)



Figure 1c – Subdivisible Lot Merino Way



Source: AMRSC Intramaps (2018)

Basildene Estate is subject to the general development standards for land zoned Rural Residential under the Scheme. Lots 16, 20 and 26 Merino Way and Illawarra Ave represent the last remaining un-subdivided lots in the Basildene Estate area.

2.2.2 Area and Land Use

The area is located within an existing rural residential area to the northern of Wallcliffe Road, Margaret River. Basildene Estate is characterised by lots that have been created with an averaged lot area of 1 hectare and development consists of single dwellings and associated outbuildings contained within building envelopes.

2.2.3 Legal Description and Ownership Subdivisible Lots

The certificates of titles for the three lots that are subdivisible indicate that:

Lot 16 (No.16) Illawarra Avenue: The registered owner is Suzanne Claire Spiers.

Lot 26 (No.32) Illawarra Avenue: The registered owner is Lynda Margaret Willmott.

Lot 20 (13) Merino Way: The registered owners are Geoffrey John Smith and Wendy Margaret Smith.

Copies of the Certificates of Title are Appendix E to this report. The details of other lots need not be provided as the proposal simply recognizes the status quo and removes an anomaly.

Below is a brief description of each of the lots to be provided with subdivision potential within the proposed Structure Plan.

Lot 16 Illawarra Avenue Lot 16 is 2.7 hectares. The rear northern portion of the site adjoins Reserve 40293, zoned Parks and Recreation, which links to the Margaret River and acts as a drainage point for the locality. Proposed Lot 302 would be 1 hectare and the proposed eastern Lot 303, resulting from this subdivision, would be 1.7 hectares. The existing development would remain within a nominated building envelope on proposed Lot 302. The site incorporates regrowth native vegetation and more so significant planting by the owners in isolated pockets. The average lot area resulting from the subdivision of parent Lot 165 would be 1.35 hectares.

Lot 26 Illawarra Avenue Lot 26 is immediately west of Lot 16 Illawarra Avenue and is 2.7 hectares. The proposed western Lot 300 on this site would be 1.35 hectares and would be a vacant site with a designated building envelope. Proposed Lot 301 on the eastern portion of this site would be 1.65 hectares of the site, and would retain the single house and appurtenant structures within a building envelope. The site also incorporates isolated pockets of vegetation that is contiguous with those lots adjoining. Direct access is

available to Illawarra Avenue. The resulting average lot area resulting from the subdivision of Lot 26 would be 1.5 hectares.

Lot 20 Merino Way

This site is 2.99 hectares and located is on the corner of Merino Way and Wallcliffe Road. A landscape buffer along the Wallcliffe Road frontage denies access from lots on to Wallcliffe Road and screens development. Proposed Lots 304 and 305 at 1 hectare and 1.99 hectares respectively and access to Merino Way would be via generous frontage. Remnant Lot 305 would be 1.99 Hectares and contain a designated building envelope for consideration of future development and also the landscape buffer adjoining the Wallclife road frontage. Lot 304 will include the existent house and outbuildings.

The three lots if subdivided in accordance with the attached Structure Plan result in six (6) additional lots in the precinct.

2.3 Planning Framework

2.3.1 Deemed Provisions

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

Clause 15 of these Regulations outlines the circumstances for the preparation of a Structure and that separate approvals by the Local Authority and the Western Australian Planning Commission (WAPC) are required. In this case where further subdivision of Rural Residential Lots is being considered a structure plan is therefore required.

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

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

The Structure Plan for this proposal at Appendix A

- Illustrating the area covered by the structure plan and nominated building envelopes for all lots proposed;
- Allowing an average lot area of 1 hectare in the Structure Plan area.
- Guides subdivision of the Lots 16, 20 and 26 to provide 4 additional lots.
- Implementation of the Bushfire Management Plan at subdivision.
- Indicates that access arrangements to the subject lots remain unchanged.

2.3.2 Scheme Amendment No.60

In accordance with section 87 of the *Planning and Development Act 2005* the Minister for Planning approved the Shire of Augusta Margaret River Local Planning Scheme Amendment No. 60 on the 4th August 2020. This will allow for further subdivision to be guided by the Structure Plan in accordance with the provisions under Schedule 7 ‘RR-39’ of the Scheme.

Scheme Amendment No. 60 has been prepared to amend Schedule 7 – ‘RR -39’ as follows:

R-R 39	Lots 20, 231,232,233,243, 252, 253 Merino Way, Lots 16, 26, 151, 152, 213, 221, 222, 241, 242, 251, 271, 272, 273, 281, 282, 283, 291, 292, 293, 351, 352, 353, 361, 362, 363, 380, 403 Illawarra Avenue, Lots 153, 161, 162, 170, 171, 181, 182, 191, 192, 193, 211, 212 Hereford Place, Lots 371, 372, 373, 374, 375, 376, 377, 378, 379 Percheron Place and Lots 401 & 402 Clydesdale Place, Margaret River. <i>AMD 58 GG 14/08/2020</i>	1. The local government will not support any proposal to re-subdivide the land until such time a Structure Plan has been prepared and adopted for the land in accordance with the Scheme or subsequent Structure Plan approved by the Western Australian Planning Commission, in accordance with the process set out in Part 4 of the Deemed Provisions. 2. All vegetation on the land shall be preserved unless dead or dangerous or required to be removed to give effect to an approved subdivision or development. 3. Notwithstanding the provisions of Clause 4.21 of the Scheme, the average lot size for re-subdivision of the land shall 1 hectare.
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2. Amending the Scheme Map to incorporate Lots 20, 231, 232, 233, 243, 252, 253 Merino Way, Lots 16, 26, 151, 152, 213, 221, 222, 241, 242, 251, 271, 272, 273, 281, 282, 283, 291, 292, 293, 251, 352, 353, 361, 362, 363, 380, 403 Illawarra Avenue, Lots 153, 161, 162, 170, 171, 181, 182, 191, 193, 211, 212

Hereford Place, Lots 371, 372, 373, 374, 375, 376, 377, 378, 379 Percheron Place and Lots 401 and 402 Clydesdale Place, Margaret River with the RR-39 designation.

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

The subject site and the immediate locality is currently zoned 'Rural Residential' under the Scheme. As outlined above the vast majority of lots within Basildene Estate were re-subdivided under the former Basildene Subdivision Guide Plan (1997), which permitted a minimum lot area of 1 hectare.

The Scheme specifies that the purpose of the Rural Residential zone is:

"To provide and recognise established rural residential lifestyle development opportunities in strategic rural locations but to confine any further such development to land where such activities are consistent with the provisions of the LNRSP, the conservation of the significant landscape values and environmental attributes of the land and with appropriate fire management."

Adjoining lots at 1 hectare, created under the 1997 Subdivision Guide Plan, have already demonstrated that the 'purpose' of the Rural Residential zone would not be compromised by lots with an average of 1 hectare as proposed in the structure plan.

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

- a) *"to limit the extent of the land set aside for rural residential use to that consistent with the objectives and policies of the LNRSP;*
- b) *to recognise that the conservation of the physical, environmental and landscape characteristics of the land is paramount;*
- c) *to provide opportunities for a range of limited rural and related ancillary pursuits on rural residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land;*
- d) *to facilitate the conservation of native vegetation and to promote revegetation with suitable indigenous species consistent with sound bushfire management practices and;*
- e) *to require adequate bushfire management consistent with the objectives of preserving environmental and landscape values."*

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

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

“Land uses and development within this zone shall comply with the following general provisions and where appropriate with the site specific conditions relevant to particular land areas nominated in Schedule 7. In the event of any conflict between the provisions of Clause 4.22 and the site specific conditions of Schedule 7, conditions of Schedule 7 shall prevail.”

4.22.1 provides for consideration of subdivision in the rural residential zone as follows:

- “a) The minimum lot size for land within the Zone is 3 hectares unless otherwise specified under Schedule 7 and shown on the applicable Structure Plan.*
- b) Subdivision is to be preceded by the preparation of a Structure Plan. Subdivision, which is inconsistent with an endorsed Structure Plan, will not be supported. All subdivision is to be consistent with the objectives and policies applicable to the Rural Residential Zone.”*

Where the provisions of Schedule 7 and the Scheme do not agree it is the provisions of the former that would apply. This permits Council to allow subdivision to an average lot size of 1 hectare and can become provision of the Structure Plan.

Other provisions of the Scheme that follow include the application of building envelopes which become relevant as shown on Structure Plan. It would be a mammoth task to identify all envelopes for already subdivided lots and as such, they are not shown. This leaves guidance to the existing approvals for such lots on relevant property files. This is a logical approach. Clearing outside of building envelopes is not permitted other than for fire management purposes.

A Bushfire Management Plan has been prepared for the subdivisible lots that cause land use intensification and the Bushfire Management Plan can be effectively implemented at subdivision stage, as required as a notation on the Structure Plan. There is no need to apply a Bushfire Management Plan to all lots in the areas as the Structure Plan does not facilitate any intensification. The environmental assessment

undertaken for the subject site also identifies that there are no major implications for important species or habitat by way of implementation of the Bushfire Management Plan. Detail in relation to findings is provided in a later section of this report.

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

The aspects of these general provisions of the Scheme were considered in the preparation of the Structure Plan and incorporation of the subject sites under the special provisions at Schedule 7. It is assessed that no variations to the provisions of the Scheme are required in order to adopt the Structure Plan into the Scheme through Amendment 60.

2.4 Planning Strategies

2.4.1 Local Planning Strategy (Strategy)

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

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

With this in mind, Council at its meeting held on the 13th August 2014, resolved to amend the Strategy as a means of guiding proposals for the re-subdivision of rural residential land in the Shire. It adopted the following criteria that would make the re-subdivision unlikely to be supported on planning grounds.

- *“Significantly vegetated – subdivision of densely vegetated land would result in an undesirable environmental outcome, would likely put future residents at higher risk of bushfire, and have greater potential to be inconsistent with the environment and landscape provisions of the LNRSP.”*

- *Located in areas which have an extreme fire risk and/or have poor fire management characteristics.*
- *Located along Caves Road – Caves Road is identified as a travel route corridor by the LNRSP where development should be sited so as to be in evident from the road. Subdivision would result in additional development and thus a greater potential for adverse visual impact.*
- *Located in an identified Environmental Corridor (LPS) or National Park Influence Area.*
- *Located in areas which have been developed around the maximisation of views, where additional development would impact upon such views and landscape character.*
- *Isolated from all other lots having potential for subdivision (i.e. – would commence rather than complete a pattern of subdivision inconsistent with the character of the locality).*
- *Not easily accessible, for example – no direct road frontage, located at end of long cul de sac, etc.”*

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

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

- *Lots of not less than 4000m² may be considered where a clustered subdivision approach is appropriate notwithstanding that the 1ha average lot size will still need to be met.*
- *Rezoning and structure planning necessary to support subdivision should be undertaken on a precinct (rather than lot by lot) basis unless completing a pattern of subdivision.*
- *Subdividers will be required to contribute to the proportional upgrade of infrastructure necessary to adequately service the intended additional population.*
- *Opportunities for re-subdivision should seek to provide enhanced environmental outcomes.*
- *A bushfire hazard assessment and Bushfire Management Plan is to be prepared and implemented at the time of subdivision.”*

The proposed Structure Plan satisfies the above criteria.

The Strategy also contains a visual management element, which identifies that the site falls under Visual Management Zone ‘A’ in the northern portion of the site together with Visual Management Zone ‘B’ in the southern portion. This site is also located within an area of ‘rural landscape significance’ over the northern

portion of the site. No new development is proposed in the VMZ 'A' area thus an uncomplicated situation is applicable.

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

2.4.2 State Planning Strategies

2.4.2.1 Leeuwin Naturaliste Ridge Statement of Planning Policy ('LNRSP')

The LNRSP provides for policies for the Rural Residential zone, existing and committed rural residential development as shown on the Strategy Plan. The site is identified as 'Rural Residential' under the Strategy. The LNRSP identifies that for areas identified for Rural Residential land use, infill subdivision is proposed in areas designated rural residential and should adopt cluster principles that are more responsive to retaining landscape values and allowing some agricultural pursuits'.

It is noted that there is significant area that have been re-subdivided down to one (1) hectare west of Margaret River including notably within the immediate Kevill Road/Trinder Drive/Devon Drive and Illawarra locality. These were the subject of similar amendments to the Local Planning Scheme that introduced Structure Plans to guide subdivision.

The preamble of the LNRSP it states that *"new areas of Rural Residential subdivision will not be supported therefore the strategy does not designate new areas for such uses. Where possible, infill development within the areas designated Rural Residential should adopt cluster principles that are more responsive to retaining landscape values and allowing some agricultural pursuits"*.

Policy statement LUS1.25 states that *"subdivision and development design that facilitates better use of land already committed for Rural Residential development will be encouraged. Assessment of proposals will address the following criteria:*

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

- *Suitability for small scale intensive agriculture”.*

The LNRSP provides scope for better use of land in the area, subject to landscape values of the locality being maintained and that development is clustered. In this instance clustering principles have been adopted in the structure plan through the use of building envelopes, which at the same time are located to take into account the preservation of the vegetation, which is an important element in the landscape values of the locality.

As Basildene Estate is a well established rural residential estate the further subdivision of three lots alone would not warrant any upgrading of walking or cycling facilities in this locality and this view is based on the fact that such works were not required across any similar structure plan areas such as Kevill Road or identified in the Shire’s Local Planning Strategy concerning rural residential subdivision. In relation to fostering local enterprise and allowing small scale intensive agriculture, the subdivision design outlined in the structure plan would allow such activities to continue in accordance with 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 building envelopes in cleared areas where development exists and endeavours to minimise landscape impact.

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 providing an average of 1 hectare is met. The proposal is therefore reflective of previous decisions made immediate to the site in response to the State Planning Policy Framework.

2.4.2.2 State Planning Policy 3.7 – Planning in Bushfire Prone Areas

The subject site falls within a Bushfire Prone Area as designated under this policy. On this basis a Bushfire Management Plan (BMP) was prepared to ascertain the risk to existing and proposed dwelling and their inhabitants in the event of a bushfire.

Ecosystems Solutions were engaged to ascertain the suitability of the subdividable lots and its location from an over-arching perspective of ‘...preserving life and reduce[ing] the impact of bushfire on property and infrastructure’ (SPP 3.7).

In summary the BMP provided detailed BAL assessment for the subject sites in regard to the bush fire risks associated with extant development and the most likely placement of new dwellings within the nominated building envelopes. The BMP made a number of conclusions regard to fire risks associated with the proposed creation of new lots within Basildene Estate. The first is on page 23 (item 5.2 refers) where it states that:

“The site assessment was conducted in accordance with AS 3959-2009 Simplified procedure (Method 1). The Proposal meets all the compliance requirements for the four Bushfire Protection Criteria Elements. There are no performance-based solutions proposed.”

Furthermore, the BMP also points out that the extant dwellings and the building envelopes nominated on the proposed new lots would achieve BAL 29 (page 18).

In regards to vehicular access, the BMP indicates that satisfactory two way access is provided to all of the subject lots captured in the Structure Plan (as per Appendix A). The assessment has taken into account the two proposed configuration lots on Lot 20 Merino Way and conclude that these are acceptable given the access width is greater than the minimum 6 metres in width and less than 100 metres in length.

2.5 Pre Lodgement Consultation

Prior to the preparation of this proposal, consultation was held with the Acting Manager of Planning and Development Services at the Shire of Augusta Margaret River in 2018 to seek preliminary feedback in regard to the draft Structure Plan proposal, the required information and confirm approval process that

should be undertaken to provide for an informed and orderly approach and it was confirmed (informally) that the preparation of a Structure Plan and Scheme Amendment over the site for consideration of the potential for subdivision of the land was a logical way to proceed.

A Structure Plan proposal and Scheme Amendment No.60 have been prepared in accordance with the advice received.

2.6 Site Conditions and Constraints

All investigations relate only to Lots 16, 20 and 26 Merino and Illawarra given those are the lots that are subject to potential for subdivision. The balance of the area is simply recognised as they exist and need no investigation or justification. Appendix F includes that previous justification that resulted in the creation of those lots.

2.6.1 Environmental Considerations

An Environmental Assessment was undertaken in conjunction with the BMP which assessed that the subject sites are predominately grasslands. Overall, there was a very limited range of native species found across the site, and no Declared Rare Flora or Threatened Ecological Communities (page 15 of the BMP refers).

The report suggests that in the event additions are made to the Landscape Buffer along Wallcliffe Road must also meet the Asset Protection Zone standards set out in Appendix 2 of the BMP.

2.6.2 Landform and Soils

The soil characteristics of the subject lots have been classified in accordance with Department of Agriculture standards. Lot 20 Merino Way is characterized as *Cowaramup undifferentiated uplands phase* and Lots 16 & 26 Illawarra Avenue are classified as *Wilyabrup undifferentiated hillslope phase*. These are typically developed at the higher density.

2.6.3 Onsite Waste Water Disposal

Based on both soil the classification of the subject lots and sampling from a series of 4 test pits the soil wastewater consultant has concluded the subject sites would be capable to on-site waste water disposal in accordance with Australian Standards.

An Environmental Assessment has been undertaken by Sean Smith of Environmental and Landscape Management in September 2018 demonstrates that soil absorption capability from test pits excavated within the vacant designated building envelopes appear acceptable such that soil absorption limitations acceptable in this instance.

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

2.6.4 Wastewater Recommendations

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

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

- A suitable soil amendment is added to the disposal fields to increase the phosphorous binding capability of the soils (to increase the PRI above 20) where the soil PRI is lower;
- That suitable salt tolerant native vegetation is planted around the location of the proposed disposal field to improve evapotranspiration. Local native coast species are noted as ideal; and
- The wastewater and environmental assessment undertaken on each proposed lot indicates that the soils and the relative location to water courses are suitable for the use of on-site effluent disposal systems.

2.6.5 Ground Water and Surface Water

The Environmental Assessment identifies that the overall site has a gradual slope of 5% which is well within the 15 % limit recommended in under Australian Standard AS1547 for onsite wastewater disposal. The subject sites are located at a minimum of 65 metres above sea level. Yalgardup Brook, which flows into the Margaret River, is located around 500 metres from the proposed and extant building envelopes on the subject sites at their closest point.

The depth to rock was greater than the 1-metre minimum required and the depth to groundwater was no less than 1.7 metres over the 4 soil test pits. The soil test pits were sampled in September 2018 following a particularly wet winter when above average rainfall occurred.

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

At the same time the consultant has importantly identified on page 10 of their report that;

'None of the lots fall within a sewerage sensitive area.'

2.6.6 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 affected by the proposed structure plan or within proximity of the subject site.

2.6.7 Previous Justification for all of the lots to be subdivided to 1 hectare

As detailed previously, the entire structure plan area including lots 16, 20 and 26, Merino and Illawarra Ave were previously zoned and approved for subdivision into 1ha lots however the opportunity for three of the lots fell away in 2010. This proposal re-introduces the opportunity. Given this specific studies have been produced for the three lots (Lots 16, 20 and 26, Merino and Illawarra Ave) and the balance lots need not be justified. Notwithstanding this the Shire have suggested the original Scheme Amendment report be attached to this document to provide information to support the overall objective given the Shire's

preference to reintroduce zoning and a structure plan for the entire precinct once again. This is included at Appendix F.

2.7 Conclusion

The entire area was previously identified for subdivision under a zoning and Structure Plan (Subdivision Guide Plan) in 1997 and all but three lots were subdivided in accordance with that to a minimum lot size of 1 hectare. The three lots that did not take up that opportunity lost the right to do so inadvertently when the new Scheme came into operation. This structure plan and accompanying zoning change aims to reintroduce that opportunity. The three lots that will regain the opportunity to subdivide are approximately 3 hectares and the Structure Plan would facilitate and guide resubdivision of three of the subject lots to an average of 1.24 hectares.

The Structure Plan also reflects current WAPC consolidation policies which have been adopted into the Shire of Augusta-Margaret River's Local Planning Strategy and is also an objective of the Local Planning Scheme. These infill policies are an important element in the LNRSP and it is assessed that the criteria under this policy has been met in the proposed Structure Plan covering the subject sites.

A Bushfire Management Plan has been prepared as part of this proposal which addresses the subject lots that can be subdivided and therefore have landuse intensification opportunity indicated on the Structure Plan. At the same time a Soil Wastewater Assessment was conducted to ascertain the ability of the lots to effectively dispose of effluent on-site and they have proven to be suitable.

Given the detailed information and recommendations provided in these documents, it is requested that should the Shire and WAPC adopt the Structure Plan, that they include the Bushfire Management Plan and the Soil Wastewater Assessment in their approval documents so that they become useful reference points from which to create appropriate conditions of subdivision of the subject sites, and provide important background information to the landowners and any interested parties.

This Structure Plan would be considered concurrently with Scheme Amendment No.60 and based on the information provided in the above report support for the proposed Structure Plan is respectfully requested.

TECHNICAL APPENDICES INDEX

Appendix No.	Document Title	Date of Document	Referral/approval agency	Summary of documentation modifications
A	Basildene Estate Structure Plan	August 2020		
B	Basildene Estate Subdivision Guide Plan	1997 (Under TPS 11).		
C	Bushfire Management Plan and Environmental Assessment.	December 2018		
D	Soil Wastewater	September 2018		
E	Certificates of Title	Downloaded from Landgate 21 February 2019		
F	Original Scheme Amendment Document for the Basildene Precinct	1997		