



**Shire of Boyup Brook  
Local Planning Scheme No. 2  
Scheme Amendment No. 24**



**Lots 51, 1007 & 1118  
Boyup Brook – Arthur Road, Boyup Brook**

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November 2024

**PLANNING AND DEVELOPMENT ACT 2005  
RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME**

**SHIRE OF BOYUP BROOK LOCAL PLANNING SCHEME No. 2**

**AMENDMENT No. 24**

RESOLVED that the local government in pursuance of Section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

1. Rezoning Lots 51, 1007 and 1118 Boyup Brook – Arthur Road, Boyup Brook from the 'Rural' zone to the 'Special Use (SU2)' zone.
2. Inserting the following provisions in Table 5 - Special Use Zones in Scheme Area:

No.	Description of land	Special use	Conditions
SU2	Lots 51, 1007 and 1118 Boyup Brook – Arthur Road, Boyup Brook	<p>A future residential estate, contemplating both residential R5 and rural residential zones, where the mix of lots is to be addressed via a structure plan.</p> <p>Permissibility: Uses permitted within the areas designated as 'Residential' are as per the Zoning Table.</p> <p>Uses permitted within the areas designated as 'Rural Residential' are: Ancillary Dwelling 'P' Art Gallery 'D' Community Purpose 'D' Family Day Care 'A' Home Business 'D' Home Occupation 'P' Home Office 'P' Home Store 'D' Hosted short-term rental accommodation 'P' Industry – Cottage 'D' Recreation – Private 'A' Repurposed Dwelling 'D' Residential Building 'A' Rural Home Business 'A' Rural pursuit/hobby farm 'P' Second Hand Dwelling 'D' Single House 'P' Telecommunications Infrastructure 'D' Unhosted short-term rental accommodation 'D'</p> <p>All other uses are 'X' (prohibited).</p>	<p><b>General application</b></p> <ol style="list-style-type: none"> <li>1. The conditions in this schedule apply to SU2 in addition to all other relevant provisions in the Scheme.</li> <li>2. If there is a conflict between any other provision in the Scheme, this Schedule prevails.</li> </ol> <p><b>Structure Plan</b></p> <ol style="list-style-type: none"> <li>3. Prior to subdivision and development, a structure plan is to be prepared and endorsed by the WAPC.</li> <li>4. Proposed future zones and reserves in the structure plan are to accord with the zones and reserves of the Scheme.</li> <li>5. In addition to the matters required in clause 16 of the deemed provisions, the structure plan is to address the below:               <ol style="list-style-type: none"> <li>i. Arrangements for licensed electricity supply;</li> <li>ii. Provision of a licensed water supply for lots designated for residential purposes with a minimum lot size of 2000m<sup>2</sup>; or</li> <li>iii. If a licensed water supply is not to be provided, lots are to be designated as rural residential with a minimum lot size of 1 hectare;</li> <li>iv. Site and soil evaluation to determine:                   <ol style="list-style-type: none"> <li>(a) Areas where depth to groundwater is less than 0.5m which are to contain lots with a 1 hectare minimum lot size; and</li> <li>(b) Land application area locations not subject to inundation;</li> </ol> </li> <li>v. Water management and protection as per a Local Water Management Strategy report including nutrient balance modelling and mitigation;</li> <li>vi. Foreshore management, including:                   <ol style="list-style-type: none"> <li>(a) Identification of flood prone areas;</li> <li>(b) Allocation, management and design of river and seasonal creek</li> </ol> </li> </ol> </li> </ol>

No.	Description of land	Special use	Conditions
			<p>foreshore reserves and areas of public open space;</p> <p>(c) Proposed arrangements for weed control, revegetation, fencing, pedestrian access and restrictions on vehicular access;</p> <p>vii. Protection of endangered black cockatoo habitat trees and suitable significant trees to the satisfaction of the local government and responsible agencies;</p> <p>viii. Bushfire risk criteria including access and egress for various subdivision stages;</p> <p>ix. Traffic Impact Assessment, including potential upgrades to existing roads and intersections servicing the proposed estate;</p> <p>x. A movement network that provides suitable transport options for vehicle, bicycles and pedestrians.</p> <p>xi. Aboriginal Cultural Heritage survey and management plan to identify and protect Noongar Cultural Heritage Values.</p> <p><b>Subdivision</b></p> <p>6. Future subdivision shall generally be in accordance with a structure plan endorsed by the WAPC.</p> <p>7. Protection of Aboriginal Cultural Heritage values based on a survey and management plan.</p> <p>8. Based on a Foreshore Management Plan, the WAPC may impose conditions relating to revegetation and management of seasonal creeks.</p> <p>9. The WAPC may impose conditions relating to:</p> <p>i. Revegetation and landscape planning addressing buffer strip planting adjoining Boyup Brook – Arthur Road/Bode Street and surrounding rural use land;</p> <p>ii. Ongoing separation of lots to remaining rural use land within the structure plan area to be staged as applicable;</p> <p>iii. Restrictive covenants for prevention of direct vehicular access between lots and Boyup Brook – Arthur Road/Bode Street;</p> <p>iv. Notifications on Title relating to:</p> <p>(a) Nuisance impact to residential amenity from adjacent rural operations; or</p> <p>(b) The Shire's resource recovery centre.</p> <p><i>Note: Structure plan areas are to be zoned progressively, as land is subdivided, and when opportunities arise for scheme amendments.</i></p>

3. Amending the Scheme Map accordingly.

Determines Amendment No. 24 is a standard amendment under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- An amendment relating to a zone that is consistent with the objectives in the scheme for that zone;
- The amendment is consistent with the Local Planning Strategy;
- The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and
- The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

Dated this 25 day of July 2024

\_\_\_\_\_  
Chief Executive Officer

\_\_\_\_\_  
Date

## CONTENTS

Section No.	Heading	Page No.
1	Introduction	6
2	Background	7
3	Planning Framework	9
4	Amendment Proposal	16
5	Planning Considerations and Planning Justification	20
6	Conclusion	35
<b>Attachments</b>		
1	Certificates of Title	
2	Location Plan	
3	Site Plan	
4	Context, Opportunities and Constraints Plan	
5	Local Water Management Strategy	
6	Site Soil Evaluation	
7	Bushfire Management Plan	
8	Concept Plan	
9	Extract of Local Planning Strategy	
10	Engineering Servicing Report	
11	Targeted Black Cockatoo Habit Survey Report	
12	Traffic Management Assessment	

## PROPOSAL TO AMEND A LOCAL PLANNING SCHEME

- |   |  |
|---|--|
| <b>1. LOCAL GOVERNMENT:</b>                     | Shire of Boyup Brook   |
| <b>2. DESCRIPTION OF LOCAL PLANNING SCHEME:</b> | Local Planning Scheme No.2   |
| <b>3. TYPE OF SCHEME:</b>                       | Local Planning Scheme  |
| <b>4. SERIAL NUMBER OF AMENDMENT:</b>           | 24   |
| <b>5. PROPOSAL:</b>                             | i) Rezoning Lots 51, 1007 and 1118 Boyup Brook – Arthur Road, Boyup Brook from the Rural zone to the Special Use (SU2) zone.<br>ii) Adding provisions to Table 5.<br>iii) Amending the Scheme Map accordingly. |

### REPORT BY THE SHIRE OF BOYUP BROOK

#### 1. INTRODUCTION

The Shire of Boyup Brook seeks the support of the Western Australian Planning Commission (WAPC) and the approval of the Hon. Minister for Planning to rezone Lots 51, 1007 and 1118 Boyup Brook – Arthur Road, Boyup Brook (the 'site') from 'Rural' to 'Special Use (SU2)'.

In order to progress subdivision and development of the site, in a manner that reflects the strategic direction of the *Shire of Boyup Brook Local Planning Strategy*, it is proposed to rezone the site to 'Special Use'.

The purpose of this report, supporting technical reports and associated plans are to explain the proposal and set out the planning merits of the Amendment which is consistent with the planning framework including the *Shire of Boyup Brook Local Planning Strategy*.

The Amendment is supported by various technical investigations and a Concept Plan.

The site's suitability for residential and rural residential development includes that it essentially adjoins the Boyup Brook townsite and the technical investigations reveal the site is capable of accommodating residential and rural residential development. More detailed planning and investigations will occur at the structure plan, subdivision application,

development application and building permit stages.

The site offers the potential to provide a significant supply of residential and rural residential lots in the short to medium term which are consistent with the Shire's Strategic Community Plan.



Photo 1: central location

## 2. BACKGROUND

### 2.1 Cadastral details

A copy of the Certificates of Title are provided in **Attachment 1**.

Cadastral details for the site are summarised below in Table 1.

Lot	Diagram	Volume	Folio	Area	Owner
51	62150	2727	332	110.2788 hectares	Leaffield Pty Ltd
1007	103924	2618	816	107.4556 hectares	Leaffield Pty Ltd
1118	103925	1194	20	4.0481 hectares	Leaffield Pty Ltd

The site has a total area of 221.78 hectares.

### 2.2 Regional context

The site is located in the Shire of Boyup Brook and adjoins the Boyup Brook townsite. Boyup Brook is located approximately 260 kilometres south of Perth and 100 kilometres south-east of Bunbury. Boyup Brook is a district centre in the Warren-Blackwood Region. The town provides a range of services and facilities to residents and visitors.

### 2.3 Local context

The site's location is set out in **Attachment 2** while **Attachment 3** shows the Amendment site.

As outlined above, the site comprises three separate land parcels being Lots 51, 1007 and 1118 Boyup Brook – Arthur Road, Boyup Brook.

The western boundary of the site is around 1.5km north-east of the Boyup Brook townsite. Nearby uses include rural living development, the Country Music Festival site (including tourist accommodation), public uses and rural uses. **Attachment 4** outlines the Context, Opportunities and Constraints Plan. This also shows that most

of the site is unconstrained for development.

The site borders the Blackwood River which adds to the site's attractiveness.

### 2.4 Physical characteristics

The site is outlined in **Attachments 3** and **4** and has the following characteristics and features:

- It is an attractive site bounded by Bode Street to the west, Boyup Brook – Arthur Road to the north, the Blackwood River to the east and south, rural land to the north-east and rural zoned land used for rural living purposes to the south-west. As outlined on the Existing Scheme Map, a Structure Plan Area is identified opposite the site on the southern side of the Blackwood River;
- It is used for rural (grazing) purposes;
- It contains several dams;
- It is predominantly cleared with small pockets of native vegetation, which have been parkland cleared;
- The site contains a range of slopes. It is overall moderately sloping. Elevation varies across the site from approximately 185 metres AHD at the lowest point near the Blackwood River, to approximately 262 metres AHD in a central part of the site. There are some smaller steeper sections as outlined in **Attachment 4**;
- There are seasonal watercourses and some drainage lines. Details relating to surface and groundwater are outlined in **Attachment 5**;
- It has extensive frontage to the Blackwood River;
- Lot 51 contains a dwelling and several outbuildings;
- The soils are overall conducive for on-site sewage disposal as evidenced by **Attachment 6**. Some parts of the site, including the western section, are however, constrained and need appropriate mitigation strategies;
- There are various soil types which generally relate to the associated

vegetation. Details are in **Attachments 5 and 6**; and

- It is not on the Department of Water and Environmental Regulation's Contaminated Site Database.

The site attributes are considered overall favourable to generous sized residential and rural residential development. More detailed investigations will occur at future planning and design stages.

Overall, the site has considerable opportunities and manageable constraints to accommodate residential and rural residential development in the range of 2000m<sup>2</sup> to around 7.5 hectares.

## 2.5 Existing services

### 2.5.1 Overview

The site is currently provided with relevant services appropriate for rural land. Infrastructure is required to be extended, provided or as required upgraded to facilitate residential and rural residential development.

### 2.5.2 Roads

The site adjoins the sealed Bode Street and Boyup Brook – Arthur Road, which are Shire managed roads, and also has access to an unconstructed road reserve near the southern boundary.

### 2.5.3 Drainage

The site contains three seasonal watercourses. The site drains to the Blackwood River which is located to the east and south of the site. There is no nearby Shire piped drainage systems.

### 2.5.4 Water supply

The site is not connected to Boyup Brook's reticulated water system operated by Water Corporation. The site is currently located outside of Water Corporation's planned water supply area given the current 'Rural' zoning.

### 2.5.5 Wastewater disposal

The site is not connected to the reticulated sewerage system noting that there is no

reticulated sewerage system in the Shire of Boyup Brook. The site contains a dwelling, which is serviced by on-site sewage disposal.

### 2.5.6 Power and telecommunications

Power and telephone services are currently available to the site.

## 2.6 Heritage

The Department of Planning, Lands and Heritage's database reveals there is a Registered Aboriginal Heritage Site (ID 20434) applying to the property. The Registered Aboriginal Heritage Site has mythological significance associated with the Blackwood River and tributaries. Preliminary contact has been made with the South-West Aboriginal Land and Sea Council and the Department of Planning, Lands and Heritage's Aboriginal Heritage team to ensure Aboriginal heritage values are respected, are appropriately addressed and to understand how to respectfully develop the property. Additionally, land developers have an obligation under the *Aboriginal Heritage Act 1972*, to protect places and objects in Western Australia that are important to Aboriginal people because of the connections to their culture.

The proposed Scheme provisions for SU2 set out the need to prepare an Aboriginal Cultural Heritage survey and management plan to identify and protect Noongar cultural heritage values at the structure plan stage.

The site does not contain any structure or place of non-indigenous heritage significance on the Shire of Boyup Brook Municipal Inventory (heritage survey) or on the Shire's Heritage List.

## 2.7 Council resolution, and EPA Services advice and additional technical investigations

The Council at its Ordinary Meeting on 16 February 2023 adopted Amendment No. 24 in rezoning the site from 'Rural' to 'Special Use (SU2)', inserting provisions in



Table 5 – Special Use Zones in Scheme Area and determining it is a standard amendment.

EPA Services then considered the Amendment and wrote to the Shire on 16 March 2023. In summary, EPA Services required further information and technical investigations relating to:

- Local Water Management Strategy (incorporating nutrient modelling);
- Site and Soil Evaluation; and
- Targeted Black Cockatoo Habit Survey Report.

Following receipt of the EPA Services advice:

- South Environmental prepared the Local Water Management Strategy (incorporating nutrient modelling) and Site and Soil Evaluation (also includes nutrient modelling) and have worked through matters with the Department of Health and the Department of Water and Environmental Regulation;
- Bio Diverse Solutions prepared the Targeted Black Cockatoo Habit Survey Report;
- Based on Department of Planning, Lands and Heritage and Shire advice, the Structure Plan is now 'uncoupled' from the Amendment. The Structure Plan is a proposed statutory requirement. The Structure Plan will be separately progressed should the Minister for Planning's approval be obtained for the Amendment;
- Water Corporation have confirmed there is sufficient scheme water to service subdivision and development of the site; and
- A Concept Plan has been prepared based on initial and additional technical investigations. This has resulted in the expected lot yield reducing from 360 lots to 284 lots. Lot sizes in the western portion of the site and near seasonal watercourses have increased from the initial concept considered by Council on 16 February 2023.



Photo 2: extensive views

## 3. PLANNING FRAMEWORK

### 3.1 Overview

The site and proposed residential and rural residential subdivision/development are subject to a range of State Planning Policies, WAPC publications and bulletins, WAPC regional strategies, along with Environmental Protection Authority (EPA) bulletins, various Shire strategies and policies, along with the *Shire of Boyup Brook Local Planning Scheme No. 2 (LPS2)*.

The following section will outline how the proposed Amendment suitably addresses relevant planning policies, strategies, plans and LPS2. These documents consider key planning, environmental, servicing and economic development matters. In summary, the Amendment is consistent with the State, regional and local planning framework which support residential and rural residential subdivision in areas which are in close proximity to towns and where land suitability and capability are appropriately addressed.

### 3.2 State planning framework

#### 3.2.1 Overview

The following strategies and policies are of relevance to the Amendment:

- *State Planning Strategy 2050* - sets a broad strategic plan for Western Australia built on sustained growth and prosperity. The Strategy highlights the importance of job creation and supports developing strong and

resilient regions. The Strategy also supports a diverse, liveable, connected and collaborative State;

- *State Planning Policy 1 State Planning Framework Policy;*
- *State Planning Policy 2 Environment and Natural Resources;*
- *State Planning Policy 2.5 Rural Planning;*
- *State Planning Policy No. 2.9 Water Resources - a Local Water Management Strategy is set out in **Attachment 5**;*
- *State Planning Policy No. 3 Urban Growth and Settlement;*
- *State Planning Policy 3.7 Planning in Bushfire Prone Areas – the site is partly classified as a Bushfire Prone Area as shown at <https://maps.slip.wa.gov.au/landgate/bushfireprone/>. A Bushfire Management Plan is set out in **Attachment 7**. This assessment addresses SPP 3.7 and the *Guidelines for Planning in Bushfire Prone Areas*;*
- *State Planning Policy 5.4 Road and Rail Noise – the site is not within the 'trigger distance';*
- *Residential Design Codes – Volume 1;*
- *Operational Policy 1.1 Subdivision of Land – General Principles;*
- *Development Control Policy 2.2 Residential Subdivision – residential lots are required to be capable of development, be located within an area which is suitable for subdivision in terms of its physical characteristics and be provided with an appropriate vehicle movement network;*
- *Development Control Policy 2.6 Road Planning;*
- *Liveable Neighbourhoods;*
- *Government Sewerage Policy; and*
- *EPA Guidance Statements including *Guidance Statement 33 – Environmental Guidance for Planning and Development* and *Guidance Statement 3 – Separation Distances between Industrial and Sensitive Land Uses*.*

### 3.2.2 State Planning Strategy 2050

The *State Planning Strategy 2050* sets a broad strategic plan for Western Australia built on sustained growth and prosperity. The vision (page 20) is:

#### *Sustained growth and prosperity*

'The vision of sustained growth and prosperity envisages a future where Western Australians enjoy high standards of living, improved public health and an excellent quality of life for present and future generations.'

Sustained growth (page 20) consists of:

- 'A diverse state; offering a diversity of ecosystems, landscapes, enterprises, people and cultures.'
- 'A liveable state; the place of choice for the brightest and best.'
- 'A connected state; as connected to the rest of the world as any other place.'
- 'A collaborative state; enabling alignments that progress the State's sustained growth and prosperity.'

The Strategy (page 20) seeks the following:

'By 2050, Western Australia will have a diverse range of interconnected and vibrant local communities and regional centres. The people in these communities will be healthy, resilient, active, prosperous, respectful of cultural difference and participate in the public domain.

Standards of living will continue to be amongst the highest in the world. Improved connections and smarter technologies will enhance the State's ability to attract global and domestic investment capital where and when it is most needed.

A 'can do' attitude will prevail, inspiring new ways of thinking and working, which will deliver optimal outcomes for the economy and communities of Western Australia.'

The Strategy establishes objective and the strategic approach in relation to economic development, physical infrastructure, social infrastructure, environment and security. The Strategy is the lead strategic planning document within Government which informs all other State, regional and local planning strategies, policies and approvals.

The Amendment is consistent with the Strategy. This includes that it supports sustained growth and economic development in Boyup Brook, it promotes development adjoining the townsite and it promotes liveability.

### 3.2.3 State Planning Policy 1 – State Planning Framework Policy

The State Planning Framework Policy (Variation No. 2) applies to all land within Western Australia. It is an amalgamation of all planning policies, strategies and guidelines that provide direction on the form and methods of growth and development throughout the State. It identifies that the primary aim of planning is to provide for the sustainable use and development of land. The Amendment and the associated Concept Plan have taken consideration of SPP1.

### 3.2.4 State Planning Policy 2 – Environment and Natural Resources Policy

The Policy defines the principles and considerations that represent good and responsible planning, in terms of environment and natural resource issues, within the framework of the State Planning Strategy. The Policy is supplemented by more detailed planning policies on particular natural resources matters that require additional information and guidance. Noting the site is largely cleared and remaining native vegetation is sought to be conserved, **Attachment 5** considers and addresses matters arising from SPP2.

### 3.2.5 State Planning Policy No. 2.9 Water Resources

The Policy provides guidance in the planning, protection and management of

surface and groundwater catchments, including implementation of total water cycle management principles in the land use planning system.

**Attachment 5** sets out the approach to managing stormwater for the site. The Local Water Management Strategy adopts water sensitive urban design which is consistent with the Policy. Further details will be addressed at the subdivision stage through preparation and implementation of an Urban Water Management Plan.

The Local Water Management Strategy was informed by pre-development surface water and groundwater monitoring and also contains a nutrient modelling report (**Attachment 5**).

### 3.2.6 State Planning Policy No. 3 – Urban Growth and Settlement

This Policy sets out the principles and considerations which apply for urban growth and settlement in Western Australia. In summary, the policy objectives are to:

- Promote a sustainable settlement pattern including providing sufficient and suitable land for a wide variety of housing;
- Build on existing communities with established services and infrastructure and to promote local economies;
- Address environmental, heritage and community considerations;
- Promote accessibility, housing choice and an identifiable sense of place; and
- Ensure appropriate servicing which is provided in an efficient manner.

The Policy sets out requirements for sustainable communities. This includes using land efficiently, convenient access to employment, retail and community facilities, quality design, addressing environmental considerations and supporting a positive planning framework which seeks to facilitate and promote quality development.

The consolidation and expansion of existing settlements is preferred to the development of new settlements. The Amendment is consistent with the Policy given the site is close to the Boyup Brook townsite, a wide variety of housing lot sizes are proposed and it will be appropriately serviced.

### 3.2.7 Residential Design Codes (Volume 1)

A range of lot sizes will be created to address site conditions with the smallest lot size being 2000m<sup>2</sup> (Residential R5 which has a 30 metre frontage) to approximately 7.5 hectares. Future subdivision will be guided by the Local Structure Plan. Future residential development will be guided by the R-Codes including setbacks, site planning and design, and car parking. Rural residential development will be guided by LPS2. To support the Amendment, a Concept Plan has been prepared (**Attachment 8**).

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

Portions of the site are classified as bushfire prone. Accordingly, *State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP 3.7)* relates to a portion of the site. SPP3.7 is complemented by *Guidelines for Planning in Bushfire Prone Areas*.

A Bushfire Management Plan is set out in **Attachment 7** to address SPP 3.7 and the Guidelines.

### 3.2.9 Development Control Policy 1.1 Subdivision of Land – General Principles

This Policy sets out the general principles used by the WAPC in determining subdivision applications. It indicates the WAPC's key requirements for the creation of new lots. Policy objectives include to:

- Ensure that the subdivision of land is consistent with *State Planning Policy No. 1 State Planning Framework* and relevant WAPC policies and plans;
- Ensure the subdivision pattern is responsive to the characteristics of the site and the local planning context;

- Ensure that the subdivision is consistent with orderly and proper planning and the character of the area; and
- Facilitate development which achieves appropriate community standards of health, safety and amenity.

The Amendment is consistent with Policy objectives.

### 3.2.10 Liveable Neighbourhoods

*Liveable Neighbourhoods* is an operational policy of the WAPC, which implements *State Planning Strategy* objectives, to guide sustainable urban development. The principal aim of *Liveable Neighbourhoods* is to provide for walkable neighbourhoods which are located around activity centres of compatible mixed uses in order to reduce car dependence and foster a strong local identity.

*Liveable Neighbourhoods* provides guidance on a number of design elements including the movement network, lot layout, public parkland, urban water management and utility planning. The objectives of community design are a balance between urban and environmental outcomes.

The Amendment and associated Concept Plan (**Attachment 8**) have regard to relevant elements of *Liveable Neighbourhoods* noting that *Liveable Neighbourhoods* has generally been applied to the Perth Metropolitan region and large regional centres. The Concept Plan has considered the movement network, range of housing types and lot sizes, lot layout, provision of environmental conservation/public parkland, and effectively managing stormwater. These details will be refined at the subdivision stage.

Proposed residential development on the site is located 1.5 kilometres from the Boyup Brook townsite. No activity centres are proposed for the Amendment site. Instead, proposed development is intended to support the existing town

centre and other services/facilities in Boyup Brook.

The site adjoins the Blackwood River and it contains seasonal watercourses. Accordingly, there are environmental and recreational assets in close proximity (walking distance) of proposed lots. The Amendment will promote walkable communities and cycling.

### 3.2.11 Planning for Bush Fire Protection Guidelines

The document forms the foundation for fire risk management planning on private land in Western Australia. As set out in **Attachment 7**, proposed residential and rural residential development can address management issues including development location, vehicular access, water, siting of development, and design of development.

The site is located in an area of predominantly moderate bushfire hazard level on cleared land. There are two small areas within the site which have an extreme bushfire hazard level. Bushfire levels can be suitably addressed to enable suitable development in these areas.

At this stage, a subdivision design is not finalised. BAL contour mapping will be prepared at the subdivision stage to demonstrate compliance with the Guidelines including each lot having sufficient areas of BAL-29 or below.

Further details relating to fire management are set out in section 5.6 and **Attachment 8**.

### 3.2.12 Visual Landscape Planning in Western Australia Manual

This document was released by the WAPC and the former Department for Planning and Infrastructure in November 2007. Amongst matters, it provides principles and guidelines for the location, siting and design of buildings, structures and new planting. Page 3 states 'The aim should be to accommodate change while

maintaining and, where possible, enhancing the quality of our landscapes.'

It is appreciated that portions of the site can in part be viewed from Bode Street/Boyup Brook-Arthur Road. The Concept Plan and this Amendment consider landscape impacts including in section 5.7.

### 3.2.13 EPA Guidance Statements

The EPA has prepared a series of Guidance Statements. These statements address specific issues, and sometimes set preferred limits for various activities. The statements provide assistance to proponents of development and other decision-making authorities on the expectations of the EPA. Of particular note to the Amendment are *Guidance Statement 33 – Environmental Guidance for Planning and Development* and *Guidance Statement 3 – Separation Distances between Industrial and Sensitive Land Uses* (2005). Guidance Statement 3 is further considered in section 5.5.2.

### 3.2.14 Government Sewerage Policy

The *Government Sewerage Policy* establishes the Western Australian Government's position on the provision of sewerage services in the State through the planning and development of land.

Noting the proposed large lot sizes and the site conditions, the Site and Soil Evaluation prepared by South Environmental (**Attachment 6**) addresses the *Government Sewerage Policy* for this stage of the planning process. This sets out the property is suitable for on-site disposal based on the report recommendations including on siting. Further details are outlined in section 5.12.3.

## 3.3 Regional planning framework

### 3.3.1 South-West Regional Planning and Infrastructure Framework

The Framework supports a diverse and adaptive economy and supporting population growth. The Framework identifies Boyup Brook as a 'town'.

The Framework's vision is expressed through objectives and an agreed strategic direction for economic growth, population and sustainable settlements, transport, community infrastructure, essential services, natural assets, and culture, heritage and visual landscape. There is also a list of regional planning initiatives, a list of committed projects, a list of anticipated directions for regional infrastructure, and a framework map. The Framework highlights there are opportunities for in-migration from retirees and tree-changers. The Framework promotes development in or near existing communities. Accordingly, the Amendment is consistent with the Framework.

### 3.3.2 Warren-Blackwood Regional Planning Strategy

Boyup Brook is identified as a 'district centre'. The site is located in Planning Unit BR3 – Tweed and parts of BR3 are suitable for townsite and rural residential development.

### 3.3.3 Warren-Blackwood Rural Strategy

The Strategy provides in-principle support for rural residential development (page 53) and rural smallholdings development (page 55) within 5km of an urban area. The site is located within Planning Unit BR3 Tweed. The site is broadly outlined for non-rural use on Map 9.

### 3.3.4 South West Regional Blueprint

The Blueprint establishes priorities for economic development and growth of the South West region and provides an analysis of local, regional, national and global factors influencing the region. A strategic economic growth plan and proposed transformational projects are set out. The Blueprint supports growing the region's population, promoting a vibrant economy and growing the economy. The Amendment is consistent with the Blueprint.

## 3.4 Local planning framework

### 3.4.1 Shire of Boyup Brook Local Planning Strategy

The *Shire of Boyup Local Planning Strategy* includes the site in a Planning Area as 'Residential & Rural Residential' (see **Attachment 9**). The Strategy also summarises planning considerations and issues/opportunities for the site.

The Strategy recognises that the Boyup Brook townsite will not be provided with infill sewerage. The lack of infill sewerage is expected to result in only modest growth prospects for the existing townsite. Most of the proposed growth will occur on greenfield land close to the townsite (including on the Amendment site).

The Strategy notes that people are moving to the region and taking up residence on the fringes of the Boyup Brook townsite, on rural lifestyle properties.

The Strategy notes that Boyup Brook needs more lots in the vicinity of around 2000m<sup>2</sup> – 5000m<sup>2</sup>. The Strategy supports a diversity of lot sizes including 4000m<sup>2</sup> – 5000m<sup>2</sup>.

The inclusion of the site as a Planning Area recognises that subject to suitable technical investigations, the site is broadly suitable and capable for development. The site:

- Is cleared and has low environmental impacts and will deliver high economic and community outcomes;
- Will comply with *State Planning Policy 3.7 Planning in Bushfire Prone Areas* and the *Guidelines for Planning in Bushfire Prone Areas*. This includes access routes in different directions;
- Adjoins a sealed road which enhances viability compared to an unsealed road;
- Is an attractive and marketable property, including that it adjoins the Blackwood River and has a range of views/aspects; and
- Is owned by a landowner who has the will, experience and financial capacity to develop the site.

The Amendment site provides a realistic opportunity to grow and complement the Boyup Brook townsite with lot sizes and pricing that are appropriate for a country town and for market expectations.

Without landowners/developers willing to 'play the long game', committing to investing in Boyup Brook over the long-term and having experience in delivering larger scale subdivisions, it is expected that lot creation and associated population growth (if any) will be low. Practically, there are considerable risks, high upfront costs and a delay in generating a profit in undertaking land development in Boyup Brook.

#### 3.4.2 Shire of Boyup Brook Local Planning Scheme No. 2

The site is zoned 'Rural' in the *Shire of Boyup Brook Local Planning Scheme No. 2* (LPS2). The 'Rural' zone is intended for primarily agricultural pursuits with permitted uses within the Zoning Table including extensive and intensive agriculture. The existing Rural zoning is not applicable to the use and development of the site as envisaged by the Local Planning Strategy.

The current LPS2 zonings and reservations relating to the site and adjoining land are shown on the Existing Scheme Map. Surrounding land is zoned 'Rural' and 'Rural Residential' while land to the south and east is reserved as 'Public Open Space'. A Structure Plan Area is located on the opposite side of the Blackwood River.

Boyup Brook – Arthur Road and Bode Street are reserved as a 'Regional Distributor Road'.

The aims of the Scheme are outlined in clause 9. This includes to 'provide for reasonable expansion of residential, industrial and commercial uses based on the District's established structure'.

Other sections of LPS2 relevant to the Amendment include:

- Clause 16 - zone objectives;
- Table 3 – Zoning Table; and
- Clause 21 and Table 5 – Special Use zones.

Given the above, the Amendment is consistent with LPS2 aims, objectives and future development can achieve required standards. The Amendment will assist to create an appropriate interface zoning between the townsite and existing Rural Residential zoned land and agricultural uses. The site is appropriately located for residential and rural residential development and it will address the aims and objectives of LPS2.

The proposed Special Use zoning can accommodate envisaged uses including low-key employment and tourism accommodation uses.

#### 3.4.3 Local Planning Policies

The Council has endorsed a number of planning policies and various policies are of relevance to the future subdivision and development of the site including drain and fill, naming new roads and fire. The Concept Plan and Amendment have taken into account relevant Local Planning Policies.

#### 3.4.4 Shire of Boyup Brook Strategic Community Plan 2021-2031

The Plan recognises the importance of population growth, maintaining and upgrading facilities and infrastructure, increasing new housing, supporting economic development and creating new jobs.

The Strategic Community Plan sets the community's vision for the future and is the principal strategic guide for the Council's future planning and activities. The vision for Boyup Brook is:

'Growing our community together.  
Our Shire will be:

A place for people, with a sense of community, one that is active, vibrant, engaged and connected.

A place with community and visitor facilities that are well maintained and further developed as required.

A place that is safe and secure. An inclusive place that nurtures local youth and aging population and retains local health and medical services.

A place that grows housing and employment opportunities through economic development based on our local comparative advantage.'

The Amendment is consistent with the vision and objectives of the Strategic Community Plan. Key implications for the Amendment include promoting new investment and new housing, protecting natural resources, supporting economic development and the appropriate provision of infrastructure.

### 3.5 Planning framework implications for Amendment

Common themes of the policies, strategies, plans and LPS2 and their implications for the Amendment include:

- Expansion of the Boyup Brook townsite has been anticipated and supported in the Local Planning Strategy;
- Boyup Brook will remain the Shire's key centre and a focus for employment and population growth;
- Promoting residential and rural residential development in appropriate locations;
- Ensuring that key environmental assets are conserved or enhanced;
- Addressing key environmental assets and bush fire risk;
- Addressing land use compatibility;
- Consolidation of existing settlements, including Boyup Brook, is preferable to isolated 'stand-alone' developments;
- Support for a variety of housing and promoting liveability;
- Appropriate servicing including addressing stormwater management;
- Addressing landscape impact;

- Supporting local communities and local economies;
- The need for structure planning and adopting relevant principles of *Liveable Neighbourhoods*; and
- A requirement for sustainable and quality design.

Based on the above, the Amendment and associated Concept Plan are consistent with the planning framework. In particular, the Amendment promotes a sustainable settlement pattern as it builds onto a district centre, environmental assets will be conserved and the subdivision will be appropriately serviced.

## 4. AMENDMENT PROPOSAL

### 4.1 Overview

The intent of the Amendment is to provide for a range of residential and rural residential lot sizes which complement the Boyup Brook townsite. The purpose of the Amendment is to:

- Facilitate new lots and dwellings in Boyup Brook;
- Provide for the orderly and proper planning of the site in terms of land use, servicing and design;
- Address the planning requirements set out in LPS2 and in the planning framework; and
- Require a structure plan prior to subdivision.

The Amendment is supported by a Concept Plan. The Concept Plan (**Attachment 8**) provides a framework for the site to be subdivided and developed. Future subdivision and development is required to be in accordance with a Local Structure Plan.

### 4.2 Proposed scheme amendment

The Amendment proposes to rezone the site from the 'Rural' zone to the 'Special Use (SU2)' zone. The Amendment will facilitate subdivision/development between 2000m<sup>2</sup> and approximately 7.5 hectares. To control and guide subdivision



and development, various planning provisions are proposed to apply to Special Use (SU2). To address site opportunities and constraints, development will be setback from the Blackwood River and seasonal watercourses.

The Amendment requires a structure plan to be prepared and endorsed by the WAPC prior to subdivision.

### 4.3 Concept Plan

In support of the Amendment, a Concept Plan is provided in **Attachment 8** which provides a broad framework for future subdivision and development. The Concept Plan has been informed by various technical investigations, has considered the site's context, including adjoining and nearby land uses, bushfire management, servicing, environmental assets, landscape considerations and market requirements.

It is highlighted the Concept Plan has no planning 'status'. It is also highlighted that all road alignments and lots are conceptual and are subject to further investigation. The Concept Plan will be refined at the Structure Plan and subdivision stages.

The development of the site requires some degree of flexibility relating to design details. Factors that may alter the design include servicing requirements and market demand.

The Concept Plan has been informed by technical investigations which includes servicing (water management, sewage assessment), environmental, bushfire, and land management considerations.

The Concept Plan assesses the future subdivision/development of the land having considered its physical form and relationship with its context and physical attributes. The Concept Plan provides a broad framework to develop the site for residential and rural residential land use

which is consistent with the Shire's strategic planning vision.

The Concept Plan provides land for housing (residential and rural residential), public open space/foreshore reserve and infrastructure. The predominant land use is residential followed by rural residential. The Concept Plan guides land uses, densities and the estimated lot yield of 284 lots. The Concept Plan supports a variety of lot sizes, budgets and lifestyles.

The proposed land uses are complementary with adjoining and nearby uses. More detailed planning and investigations will occur at the structure plan, subdivision, development application and building permit stages.

The Concept Plan addresses key development considerations for the site and outlines:

- Residential and rural residential lots ranging between 2000m<sup>2</sup> – 7.5 hectares;
- A highly connective design with linkages to the surrounding properties and roads;
- Roads which are aligned to avoid native vegetation wherever possible and significant Black Cockatoo habitat trees in particular. The road reserves are indicatively 20 metres wide and will incorporate stormwater pipes or swales for managing stormwater;
- Buildings can be located on cleared land which are setback from Boyup Brook-Arthur Road, the Blackwood River and the seasonal watercourses/drainage lines;
- Building envelopes are provided on some lots to address matters such as land use compatibility, flood risk, and setbacks for on-site sewage disposal from the Blackwood River and seasonal watercourses. Development on other lots will be guided by the R-Codes and LPS2 standards;
- Future dwellings and buildings are to be located within building envelopes to address setback standards in LPS2;

- Provide for approximately 284 lots with any new lot to be at least 2000m<sup>2</sup> in area. It is expected that a range of lot sizes will be provided based on market requirements and feasibility considerations; and
- Future dwellings can achieve BAL-29 or below.

#### 4.4 Rational for Concept Plan Design

The Concept Plan (**Attachment 8**) responds to the site's context, opportunities and constraints, appropriate linkages to surrounding properties (**Attachment 4**) and the planning framework. In particular, key planning and design considerations include:

- Taking account of site characteristics soil types and overall gentle to moderate gradients;
- Technical investigations;
- Considering key environmental assets and conserving the majority of the site's native vegetation;
- Taking account of *State Planning Policy 3.7: Planning in Bushfire Prone Areas, the Guidelines for Planning in Bushfire Prone Areas* and the Bushfire Management Plan including the provision of multiple access routes;
- Considering seasonal drainage lines and stormwater management. The road pattern is integrated with stormwater management;
- Generous lots sizes on the boundaries of the site to address land use compatibility between off-site uses including the resource recovery facility to the north-west and with agricultural uses to the north and east along with the provision of smaller lots internally;
- Providing a range of lot sizes to enhance attractiveness to the market and to promote feasibility;
- Proposing no direct vehicle access between lots and Bode Street/Boyup Brook – Arthur Road;
- Appropriate access to Bode Street/Boyup Brook-Arthur Road to satisfy Shire requirements and provide suitable sight distances;

- Proposing an interconnected network of streets which facilitate safe, efficient and pleasant walking, cycling and driving;
- Road linkages to adjoining land;
- Ensuring there are suitable areas, on each proposed lot, to locate a dwelling and outbuilding and also to appropriately dispose of sewage;
- Responding to the site's landform with no need for retaining walls on property boundaries; and
- Seeking to create regularly shaped lots with generous frontages, that generally orientate north-south or east-west to promote opportunities for passive solar building design.

The Concept Plan seeks to adopt principles including connectivity, walkability, affordability and quality of life. The Concept Plan seeks to integrate with surrounding uses and development. Future design should seek to promote the site's 'sense of place' and create a built form that is site responsive. To promote a sense of place, the following is proposed:

- Street trees – likely to be suitable exotics that address Boyup Brook's climate, enhance amenity, and minimise increased bushfire risks;
- Entry statements onto new roads intersecting Bode Street/Boyup Brook – Arthur Road;
- Signage to meet Shire requirements; and
- Restrictive covenants.

#### 4.5 Local Structure Plan

The preparation and approval of a Local Structure Plan is a separate statutory process to the rezoning of the site. The Regulations outline the requirements and procedure for the preparation and approval of Structure Plans. The Local Structure Plan will be subject to community and stakeholder consultation.

The Local Structure Plan will provide for a range of lot sizes including those not currently available in Boyup Brook. The lot sizes will reflect Boyup Brook's non-

metropolitan lifestyle. The aim is to provide choice, to create an estate with its own identity and to enhance liveability in Boyup Brook.

The Local Structure Plan is a proposed statutory requirement. The Local Structure Plan will be separately progressed should Minister for Planning approval be obtained for the Amendment.

#### 4.6 Future servicing and more detailed planning

Future lots and development will be appropriately serviced for low density residential and rural residential development in accordance with Shire, WAPC and other government agency requirements. This includes for on-site sewage disposal, stormwater management, underground power and telecommunication services. Further details are outlined in **Attachment 10** and later sections of this report, with more detailed planning to occur at the subdivision, development application and building permit stages.

The future subdivision and development will consist of:

- Sealed roads;
- Reticulated scheme water;
- On-site sewage disposal;
- Enhanced stormwater management;
- Underground power;
- Telecommunication services;
- Upgraded fire management measures including fire hydrants;
- New and upgraded fencing; and
- Appropriate replanting.

Most lots will require no fill. There may be a need for modest fill, on some lots, to address the findings in the Site and Soil Evaluation.

Based on Water Corporation's recent advice, the Boyup Brook townsite and proposed subdivision development on the Amendment site have a sufficient and secure scheme water supply. This includes to service

planned development in the townsite along with servicing the Amendment site.

The provision of sufficient scheme water and storage capacity for the Boyup Brook townsite is strategically important to the Shire, the local community and to the landowner. This will assist to support planned growth and development in Boyup Brook. Some of the benefits include:

- Supporting new development and housing. This includes making a significant contribution to providing lots and housing for Talison Lithium;
- Supporting the local and regional economy to complement the State Government's Just Transition Fund;
- Facilitating population growth, job creation and economic development along with assisting to create a more sustainable local economy and sustaining local facilities and services; and
- Assisting to 'rebrand' Boyup Brook through providing a different product including a range of lot sizes, lifestyle opportunities, affordability and housing choices to suit a wide range of people. This includes lot sizes not currently available in Boyup Brook.

Further details are outlined in later sections of this report.

#### 4.7 Scheme provisions

The proposed residential and rural residential subdivision/development and land use will be controlled by existing and proposed LPS2 provisions plus provisions in the Local Structure Plan. The proposed scheme provisions will address subdivision, development and land use, servicing requirements, bushfire management and purchaser notification.



**Photo 3: view of Blackwood River and future public open space**

## **5. PLANNING CONSIDERATIONS AND PLANNING JUSTIFICATION**

### **5.1 Overview**

This section brings together an assessment of the site's attributes and the planning framework in considering key planning considerations and justifying the requested zoning for Lots 51, 1007 and 1118 Boyup Brook – Arthur Road, Boyup Brook from 'Rural' to 'Special Use (SU2)' zone.

### **5.2 Planning suitability for residential and rural residential development**

The Concept Plan proposes predominantly Residential R5 (minimum lot size of 2000m<sup>2</sup>) plus rural residential lots, along with public open space land uses consistent with those proposed by the Local Planning Strategy.

The Concept Plan shows additional details and illustrates that approximately 284 residential and rural residential lots could be established on the site, with a minimum lot size of 2000m<sup>2</sup>. There is additional land set aside for foreshore reserve and public open space/community purposes.

Lots adjoining Boyup Brook – Arthur Road and Bode Street will have a landscape

buffer that will maintain the 'low key' rural feel for the area.

The site is suitable to be rezoned to Special Use (SU2) to facilitate residential and rural residential subdivision/development. The reasons include:

- It is consistent with the planning framework. Various planning policies and strategies support residential and rural residential subdivision adjoining or close proximity to existing towns. The site adjoins the Boyup Brook townsite and accordingly is near the town's associated educational, medical, community, recreational and retail services;
- It promotes and delivers on new investment and population growth which is consistent with the vision of the Local Planning Strategy and the Council's Strategic Community Plan;
- It will integrate with and complement the Boyup Brook townsite;
- The site provides a realistic opportunity to grow and complement the Boyup Brook townsite with lot sizes and pricing that are appropriate for a country town and market expectations;
- The site provides a suitable interface between the Boyup Brook townsite and rural residential development and agricultural areas;
- Development will be compatible with adjoining and surrounding land uses;
- Appropriate buffers can be provided to adjoining and nearby uses;
- Most the site has been previously cleared. Remaining environmental assets, focused on riparian vegetation and water resources, can be appropriately conserved;
- There are opportunities for revegetation/environmental repair;
- The technical investigations confirm subdivision/development will address on-site sewage disposal requirements and bushfire risks;
- It is overall moderately sloping land, with suitable soil types for development;

- It will be appropriately serviced in accordance with local government and State Government guidelines;
- Traffic impacts will be manageable, and traffic can readily be accommodated on Bode Street/Boyup Brook – Arthur Road as outlined in the Traffic Management Assessment;
- There is no direct access between lots and Bode Street/Boyup Brook – Arthur Road;
- The site is not located in a public drinking water source area;
- Bushfire management measures will comply with the objectives of *State Planning Policy 3.7 Planning in Bushfire Prone Areas* and the *Guidelines for Planning in Bushfire Prone Areas*. This includes access routes in different directions;
- There will be manageable landscape impacts, when associated with the preparation and implementation of a landscape plan. The site's attributes, along with landscaping and design guidelines will create a unique 'sense of place';
- It assists to provide a variety of housing and lifestyle choices near Boyup Brook;
- It is near the town centre and there are opportunities for enhanced walking and cycling connections including along the Blackwood River and Ritson Street;
- There will be enhanced public access to the Blackwood River;
- The proposal will complement Boyup Brook increasing its overall viability, vitality and prosperity, increasing the economic viability of existing services and adding to the range of services that can be provided;
- Approval and implementation will assist to support the viability and sustainability of local services, facilities and businesses;
- It assists to 'rebrand' Boyup Brook through providing a different product including a range of lot sizes, lifestyle opportunities, affordability and housing choices to suit a wide range

of people. This includes lot sizes not currently available in Boyup Brook;

- It provides families, empty nesters, first homebuyers and others wishing to relocate to Boyup Brook with greater spaciousness and lifestyle options;
- The site is attractively located on the Blackwood River and there are a range of views which will be attractive to the market;
- It provides community benefits including, if required by the Shire, ceding land adjoining the Blackwood River free-of-cost to the Crown. Securing public land adjacent to the Blackwood River offers conservation, recreation and accessibility opportunities to the community; and
- It will provide a new standard of subdivision in Boyup Brook.

Further details relating to the site's suitability for the residential and rural residential uses are outlined in this section and summarised in Table 2.

### 5.3 Range of lot sizes

It is acknowledged that the Local Planning Strategy identifies the site as a Planning Area 'Residential & Rural Residential'. Accordingly, the Concept Plan propose lot sizes between 2000m<sup>2</sup> – 7.5 hectares. The reasons for the range of lots include:

- The requirement to provide reticulated water and address associated feasibility;
- To provide a range of lifestyle opportunities to meet anticipated market demand;
- Boyup Brook does not have many lots in the range of 2000m<sup>2</sup> to 1 hectare. These lots are generally favoured by the market for reasons including space for growing families, they are more manageable than lot sizes between 1 – 2 hectares and they are expected to be provided in a country town;
- It more efficiently uses land adjoining the Boyup Brook town site; and
- It follows technical investigations which reveal the need for different lot

sizes over the site to address opportunities and constraints.

#### 5.4 Consistency with planning framework

As outlined in Section 3 of this report, the Amendment is consistent with the State, regional and local planning framework. For instance:

- The Amendment will support implementing a sustainable use of the land consistent with the objectives of the *State Planning Policy 3: Urban Growth* and the Local Planning Strategy in terms of accommodating additional residential and rural residential development near an established district centre;
- The Amendment will facilitate development that meets the vision outlined in the Local Planning Strategy. The subdivision/development will conserve local environmental assets and character whilst providing increased opportunities for new residents to experience a tree-change lifestyle;
- The site is identified as a Planning Area 'Residential & Rural Residential' in the Local Planning Strategy. The intent of the Amendment is to implement the recommendations of the Local Planning Strategy by rezoning the site to 'Special Use (SU2)' under LPS2;
- The creation of residential and rural residential lots will facilitate increased population in close proximity to existing services and facilities provided in the Boyup Brook townsite. These include retail/commercial, services and health, education and recreational facilities. The additional population will assist in supporting and increasing the provision of such services and facilities in the district; and
- Key matters such as bushfire risks, stormwater management, traffic impact and on-site sewerage disposal are addressed in the technical investigations.

From a spatial perspective, the rezoning of the site will provide a logical extension to providing additional residential and rural residential lots near the Boyup Brook townsite without causing adverse amenity impacts to the locality. **Attachment 4** shows the Context, Opportunities and Constraints Plan. The proposed Special Use (SU2) zone provides an appropriate transition use between the Boyup Brook townsite and rural residential areas and agricultural operations.

Development of the site will significantly assist to address the need for additional residential and rural residential land in Boyup Brook.

#### 5.5 Compatibility with adjoining and nearby land uses

##### 5.5.1 Overview

A key planning requirement is separating potentially conflicting land uses. The Amendment and supporting Concept Plan have considered the site's context, including adjoining and nearby land uses, and considered the compatibility of future subdivision/development.

The proposed residential and rural residential uses are compatible with adjoining and nearby land uses/development as outlined in **Attachment 4**. The reasons include:

- There is rural residential land to the south-west;
- It is consistent with community/public uses to the west including the cemetery and the resource recovery facility. If required, a notification on the title can be included on lots within the resource recovery facility buffer;
- Generous sized lots and an appropriate buffer are provided to the farming land to the north and north-east;
- The Local Planning Strategy recognises the existing and proposed co-existence of multiple land uses nearby including residential, rural residential, industry and agriculture;

- Proposed revegetation will be undertaken adjoining the Bode Street/Boyup Brook - Arthur Road boundary including to the resource recovery facility. This will assist in conserving local amenity.

Environmental Protection Authority Guidance Statement No. 3 provides recommendations on separation distances for industrial and sensitive land uses.

### 5.5.2 Resource recovery facility

The Concept Plan provides appropriate buffers between proposed future dwellings and the resource recovery facility.

The Shire's resource recovery facility is located on Reserve 15706 (No. 184 Bode Street). An appropriate separation distance will be provided between the resource recovery facility and new dwellings (sensitive uses) on the site. The EPA's Separation Distances between Industrial and Sensitive Land Uses (2005) outlines the buffer distance is determined 'case by case'. The Concept Plan shows a buffer of 200 metres with future dwellings to be appropriately setback which is achieved via rural residential lots and appropriately locating a building envelope. Planting on the site, near the resource recovery facility, will complement the native vegetation in the Unallocated Crown Land and assist to screen and lower impacts from the facility.

It is expected there will be a notification placed on the titles for lots within the resource recovery facility buffer.

### 5.5.3 Buffers to agricultural operations

It is recognised that there can be issues at the interface between agricultural and residential/rural residential development, including spraying, the use of machinery, or that farmers can be required to adopt different practices. While noting this, the Amendment and associated Concept Plan can minimise possible or perceived impacts of agricultural operations through appropriate buffers. This in part includes

the provision of generous sized lots adjoining Bode Street/Boyup Brook - Arthur Road and to the north-east. The vegetated Bode Street/Boyup Brook - Arthur Road reserve will be complemented with proposed replanting to assist in screening and assisting to minimise potential impacts.

In order to ensure that appropriate setbacks to nearby agricultural land is undertaken, there will be generous sized lots fronting Boyup Brook - Arthur Road. Dwellings are expected to be set back to agricultural land by approximately 50 metres from the north side of Boyup Brook - Arthur Road to future dwellings.

Accordingly, future dwellings will not impact existing agricultural operations including for properties to the north of Boyup Brook - Arthur Road. This is complemented with proposed revegetation (indicatively 5m width) along with a vegetated road reserve to the north. There will also be a suitable buffer to off-site agricultural areas (grazing/cropping) through larger lots to the north-east and south-west.

It is proposed that notifications are placed on the titles which alert prospective purchasers that there are nearby farming operations.

While noting the above, farming operations also have a requirement to contain impacts on their own land and follow established best practice.

## 5.6 Bushfire management

A portion of the site is designated by the Fire and Emergency Services Commissioner as a 'Bushfire Prone Area' at <https://maps.slip.wa.gov.au/landgate/bushfireprone/>. To address *State Planning Policy 3.7 Planning in Bushfire Prone Areas* and the *Guidelines for Planning in Bushfire Prone Areas*, Smith Consulting have assessed bushfire risks and have prepared a Bushfire Management Plan (**Attachment 7**).

As outlined in **Attachment 7**, the site is overall classified as having a moderate bushfire hazard level given the site is generally cleared, has low fuel levels, is well separated from vegetated areas and has moderate slopes.

Based on the Smith Consulting assessment, the Amendment and future subdivision can meet the 'Acceptable Solutions' of each element of the bushfire mitigation measures as per the *Guidelines for Planning in Bushfire Prone Areas*. Accordingly, based on the Smith Consulting assessment, acceptable protection can be offered to future residents from bushfire hazards within acceptable limits.

To address the Guidelines, there will be:

- The provision of multiple access routes via the public road network;
- A fire service access route is proposed adjacent to the Blackwood River. The proposed fire service access route will be 6m wide;
- Provision of a reticulated water supply and fire hydrants (for lots below 1 hectare); and
- The establishment of 20m Asset Protection Zones around future dwellings. This can be readily achieved, as part of detailed subdivision design, given the site is largely cleared and fuel levels are generally low;
- Boyup Brook is serviced by fire response units located in the Boyup Brook townsite which are close to the site. It is understood they have heavy duty and fast response vehicles that could readily service the site;
- A permeable road network is proposed;
- Advising prospective purchasers of bushfire risk, their obligations and relevant publications addressing bush fire safety; and
- For lots within the bushfire prone area, building construction and protection standards pursuant to the Building Code of Australia and if required to Australian Standard 3959-2009

### *Construction of Buildings in Bushfire Prone Areas.*

There will be a need to prepare a Bushfire Management Plan to support a subdivision application(s) with associated BAL-Contour mapping. Future development can achieve a BAL rating between BAL – Low to BAL 29.

Additional more detailed bushfire investigations will occur at the subdivision, development and building permit stages.

## **5.7 Landscape enhancement**

The site and area are characterised by a mix of land uses including agricultural, rural residential, tourism and community uses. Agricultural operations are primarily cropping and grazing. There is some native vegetation on the site which includes on rocky outcrops, along the seasonal watercourses and adjoining the Blackwood River.

The site's landscape, when viewed from Bode Street/Boyup Brook-Arthur Road, forms part of the 'gateway' into Boyup Brook. The site presents as an open cropping landscape which is complemented with areas of native vegetation.

The site is partially screened from Bode Street/Boyup Brook-Arthur Road by existing vegetation.

There is a need to retain the 'rural' character of the site adjoining Bode Street/Boyup Brook - Arthur Road.

The site will assist to accommodate a sizeable component of the future growth of Boyup Brook. As such, it is not intended that development be invisible, but development will be sensitively integrated with the landscape. The landscape impact of new development will be mitigated by measures including:

- Retaining existing native vegetation where possible;



- Revegetation will enhance the amenity of the site. Revegetation will be undertaken at the subdivision stage particularly adjoining Bode Street/Boyup Brook-Arthur Road, to provide a vegetated entrance into Boyup Brook;
- It is proposed to undertake planting with a depth of 5m adjoining Bode Street/Boyup Brook-Arthur Road. While details are proposed to be addressed as a subdivision condition, it is expected there will be a mix of trees and shrubs of different heights. The proposed planting, when combined with the existing vegetation in the road reserves, will effectively filter future development when viewed from Bode Street/Boyup Brook-Arthur Road;
- The Amendment and resulting subdivision/development will have manageable landscape impacts given future lots will be spacious. There will be generous sized lots adjoining Bode Street/Boyup Brook - Arthur Road will be at least 1 hectare in area. Accordingly, there will be a sensitive interface between future development and Bode Street/Boyup Brook - Arthur Road;
- Future dwellings will have generous setbacks from Bode Street/Boyup Brook - Arthur Road of approximately 50 metres;
- LPS2 provisions will control new development including building materials and outbuildings;
- LPS2 provisions and the Residential Design Codes only permit only one house on each lot. This is considered appropriate in the context of spaciousness and minimising visual impact; and
- There are opportunities to establish restrictive covenants to control building design. This matter is further considered in section 5.13.

There is landowner support for a landscaping theme for the estate along with consideration of long term management of the vegetation.

The landowner supports planting suitable street trees along with planting near Bode Street/Boyup Brook-Arthur Road. At this early stage of the planning/design process, the preference is London Plane trees given they have lower bushfire risks than native trees. It is proposed to enhance the site through street trees in road reserves to enhance the area's amenity which is done in a way that does not impact BAL ratings. There will also be replanting on future lots.

It is considered that the above measures adequately serve to maintain the desired landscape character for the site and for Boyup Brook.

## 5.8 Environmental impact

### 5.8.1 Overview

Various technical assessments relating to environmental land management considerations were proposed to support the Amendment including:

- Local Water Management Strategy (**Attachment 5**);
- Site Soil Assessment (**Attachment 6**); and
- Targeted Black Cockatoo Habit Survey Report (**Attachment 11**).

Both **Attachments 5** and **6** include a nutrient modelling report.

Based on these assessments and the resulting design of the Concept Plan (**Attachment 8**), it is expected that the Amendment and associated subdivision/development will have negligible environmental impacts for reasons including:

- The site has been generally cleared. The remaining native vegetation can be conserved through larger lots containing important areas of native vegetation, building envelopes and carefully designing roads and locating development on cleared land and avoiding significant/Black Cockatoo habitat trees in particular;

- Most native vegetation is degraded due to past stocking. While noting this, there are opportunities for appropriate revegetation/landscaping on portions of the site including the seasonal watercourses, additional planting adjoining Bode Street and Boyup Brook-Arthur Road, in road reserves and planting undertaken by landowners;
- Key environmental assets, including water resources, can be suitably addressed through appropriate servicing, design and management;
- The site is not within a public drinking water source area;
- Groundwater is well below the natural ground level for most of the site (**Attachments 5 and 6**);
- Detailed design, at the subdivision and development stages, will address road design, lot layout and orientation, on-site stormwater management and ensure there is minimal disturbance of the topography;
- The site is not within the trigger distance area of SPP 5.4 Road and Rail Noise;
- There will be appropriate setbacks between future development areas and Bode Street/Boyup Brook – Arthur Road to further reduce noise impacts;
- Site conditions are overall appropriate for on-site sewerage disposal (refer to **Attachment 6**);
- Nutrient modelling reveals the subdivision/development will have similar or lower nutrients than existing rural activities (**Attachments 5 and 6**);
- It will be appropriately serviced including that stormwater will be effectively managed in accordance with the Local Water Management Strategy (**Attachment 7**);
- The site is not classified as a contaminated site by the Department of Water and Environmental Regulation (DWER);
- There is low acid sulphate soil risk;
- The site adjoins the Boyup Brook townsite reducing the need for

motorised transport and providing opportunities for cycling; and

- It will be subject to subdivision and development conditions.

There are no significant impediments to the future subdivision and development of this site as evidenced by the supporting technical investigations. This is subject to an appropriate design response and adopting appropriate mitigation measures. Accordingly, it is suggested that subject to addressing subdivision and development conditions, future subdivision/development should result in minimal on-site or off-site environmental impacts.

#### 5.8.2 Flora and fauna

The majority of the site has been cleared and used for cropping. Remaining native vegetation is focused in a few smaller sections of the site. It is proposed to incorporate these areas into public open space or larger lots.

A Targeted Black Cockatoo Habit Survey (**Attachment 11**) has informed the Amendment and Concept Plan.

It is proposed to limit clearing of native vegetation where possible and practical.

It is proposed to conserve all significant/Black Cockatoo habitat trees.

#### 5.8.3 Flood risks

A small portion of the site, near the Blackwood River, is subject to flood risk (**Attachment 5**). While there is no available flood mapping, a precautionary approach has been adopted based on DWER advice.

At the subdivision stage, the detailed design will provide building envelopes. This will ensure that all lots have a suitably sized building envelope located outside of the 1 in 100 ARI floodplain. This is reflected in the provision of public open space and generous residential lots near the Blackwood River. Future buildings are required to be appropriately setback from the Blackwood River and seasonal

watercourses. There is also a need for a minimum floor level of 190.5m AHD based on DWER advice (be outside of the 190m AHD plus development to have a freeboard of 0.5m).

#### 5.8.4 Hydrology

The site adjoins the Blackwood River. There are three seasonal watercourses on the site which drain into the Blackwood River.

The site is not located within a Public Drinking Water Source Area.

#### 5.8.5 Road noise

State Planning Policy 5.4 Road and Rail Noise (SPP 5.4) does not apply to the site with no part within the 'trigger distance'.

### 5.9 On-site sewage disposal

The Concept Plan responds to the characteristics of the site (including in **Attachment 6**) and sets out a range of lot sizes and other design elements. In particular, larger lots are provided in the western section, adjoining the Blackwood River and adjoining seasonal watercourses.

South Environmental have undertaken a Site Soil Evaluation which is provided in **Attachment 6**. In summary, the assessment reveals:

- There are three soil types which are all capable to accommodate residential development;
- 13 test holes were undertaken throughout the site to a depth of 2 metres. Only 2 test holes encountered groundwater. Typically, the test holes revealed soils consisting of silty sand over deep sands or over sandy loam/sandy clay loam;
- There was no evidence of acid sulphate soils;
- The site is physically capable of residential subdivision/development. In particular, the site contains soils that are conducive for on-site sewage disposal, stormwater management and building construction; and

- South Environmental conclude that the site is physically capable of unsewered residential and rural residential subdivision/development.

## 5.10 Movement Networks

### 5.10.1 Overview

Proposed roads are required to be designed and constructed to meet Shire requirements. Detailed design will occur at the subdivision stage and will be required to address topography, drainage, erosion and other requirements. In particular, all roads and intersections will be designed and constructed in accordance with the Austroads Design Guidelines to the Shire's satisfaction.

### 5.10.2 Roads

The Amendment site adjoins the sealed Bode Street and Boyup Brook - Arthur Road.

There is a high level of connectivity between the Amendment site and the Boyup Brook townsite which will ensure convenient vehicular and cycling access.

The Traffic Impact Assessment prepared by Donald Veal Consultants (Attachment 12) sets out that future subdivision to create 360 lots will not introduce any significant traffic or road safety issues. Since preparation of the Traffic Impact Assessment, the Concept Plan now proposes 284 lots.

The existing road network has sufficient capacity to address the additional traffic generation from the proposed subdivision/development. The subdivision/development will have manageable impacts on local roads, including on traffic flow. Additionally, there are appropriate vehicle sight distances at the intersections.

Anticipated traffic volumes from the development will not have a detrimental impact on the role or functioning of the existing road network.

The Concept Plan proposes:

- Three subdivision roads connecting with Bode Street/Boyup Brook-Arthur Road plus connections to properties to the south and east;
- Appropriate vehicular sight distances at the intersection of proposed access roads and Bode Street/Boyup Brook – Arthur Road which will facilitate safety for road users;
- No direct vehicular access between future lots and Bode Street/Boyup Brook-Arthur Road;
- Convenient vehicular access which will meet safety and amenity objectives; and
- Road reserves will be a width of 20 metres.

The Concept Plan outlines a connected and legible system which is responsive to landform. It will spread the traffic load across a number of routes. As part of detailed design, the road alignment will seek to reflect site conditions and topography and aims to minimise road construction costs by considering drainage and earthworks. It is expected that the design will incorporate measures to create an appropriate speed environment throughout the development. This may in part include some round-a-bouts, median islands, change of road construction materials and the use of street trees.

The internal road network will be designed to meet the *Liveable Neighbourhoods* standards.

The alignment and orientation of roads will cater for stormwater management requirements as well as seeking to create where possible, lots orientated north-south or east-west to maximise solar access.

As outlined in the Traffic Impact Assessment, the intersection of Bode Street/Access Road 1 is unlikely to require auxiliary right turn lane treatment (when turning right from Bode Street into Access Road 1) as subdivision/development proceeds.

At the subdivision stage, crossovers to be suitably located and designed.

### 5.10.3 Walking and cycling

The site's location and attributes provide opportunities for cycling and walking.

Walking and cycling will be promoted through the provision of low-speed roads to encourage convenient and safe pedestrian and cycling movement.

It is intended to provide opportunities for informal walking/cycling within generous sized road reserves (20 metres wide) with overall low traffic volumes. There will be opportunities for looped walking/cycling circuits.

At the subdivision stage, a dual use path may be constructed by the developer along Road 1 (west of Road 2) as set out in the Traffic Impact Assessment.

A pedestrian/cyclist link is proposed, in-time, to be established between the site and the Boyup Brook townsite, via the trail to Skeleton Bridge with a connection to the site. There will also be a path near the Blackwood River adjoining the Amendment site. The link will be appropriately aligned to minimise clearing. It will be a valuable recreation resource for residents and visitors.

### 5.10.4 Connectivity to adjoining land

As outlined in earlier sections, the Concept Plan provides a high degree of connectivity to adjoining land. The Concept Plan proposes various road connections to the east and south. These measures provide appropriate connectivity between future development on the site and surrounding areas.

## 5.11 Development setbacks and building exclusion areas

Most lots will rely on Scheme setbacks.

At the subdivision stage, it is expected there will be a need to set building envelopes for rural residential lots and for

some residential lots that have site specific constraints including flood impacted land, rock outcrops or seasonal waterlogging. Additionally, wastewater exclusion areas may be required for lots to address setbacks from the Blackwood River and seasonal watercourses.

Building envelopes are generally not sought to be established unless practically justified to account for sewage disposal, visual buffering or other requirements.

In most instances building setbacks will specifically relate to the *Residential Design Codes* for the R5 code, however where the physical site characteristics dictate building envelopes will be established.

The key development considerations are shown on Attachment 4, in particular setbacks for lots near the resource recovery facility, near the Blackwood River and adjoining seasonal watercourses. These development considerations have guided the Concept Plan (**Attachment 11**).

## 5.12 Services

### 5.12.1 Overview

The Servicing Report by Peter Eastlake Consulting Engineer is outlined in **Attachment 12**.

The site is capable of being serviced by all necessary utilities required for subdivision/development. Since preparation of the Servicing Report, Water Corporation have advised there is sufficient scheme water available for growth of the Boyup Brook townsite plus subdivision/development of the Amendment site. It is understood that capacity allowances have been made to provide services to the locality. There is a need for more detailed investigations and design to ensure there is capacity of these services for the subdivision/development. The capacity of infrastructure to service future subdivision will need to be determined prior to the issue of titles.

Future subdivision will be appropriately serviced in accordance with Shire, WAPC and other government agency requirements. Future subdivision will require the extension and upgrading of essential civil infrastructure such as reticulated water and power.

Given the moderate slopes and generous lot sizes, it is expected that retaining walls on property boundaries can be avoided. There may be minor filling and retaining associated with the house and shed pads or in some instances, the land application area for on-site wastewater disposal. Houses should be suitably raised above the natural ground level.

### 5.12.2 Stormwater management

The site is located at the top of the catchment and it contains parts of separate smaller sub-catchments.

A Local Water Management Strategy (LWMS), see **Attachment 7**, has been prepared by South Environmental to support the Amendment and associated Concept Plan. The LWMS sets out:

- Groundwater and surface water considerations can be suitably addressed;
- Stormwater from future subdivision/development is required to be effectively managed and appropriately implemented. The details will be progressed through addressing subdivision conditions;
- The proposed lots are generous in size can accommodate stormwater drainage detention on-site;
- Future dwellings and sheds will require drainage to be contained on-site for relevant rainfall events. This is expected to occur through a combination of soakwells and rainwater tanks;
- Each lot is provided with a stormwater connection;
- It is proposed that there will be piped drainage in the road reserves which will be detained in basins; and
- To accommodate major events, the roads will be designed to safely

convey runoff from large storm events (up to 1% AEP).

The LWMS outlines that stormwater can be appropriately managed to achieve the water quality objectives outlined in *State Planning Policy 2.9 Water Resources* and associated guidelines *Better Urban Water Management*. In particular, there is a need to adopt a water sensitive design that seeks to retain, treat and use water, to minimise runoff and to promote at source infiltration.

Stormwater is required to be effectively designed, constructed and managed to the satisfaction of the Shire and DWER to meet publications such as *State Planning Policy 2.9 Water Resources*, *Better Urban Water Management* and *Stormwater Management Manual for Western Australia*. This will require a water sensitive design that seeks to detain, slow down and treat peak flows that especially addresses 'first flush' run off treatment. This includes that post development hydrology is required to be designed to be as close as possible to the pre-development hydrology.

The LWMS has informed the Concept Subdivision Plan, including proposed lot sizes.

Noting the proposed generous lot sizes, future subdivision/development will create manageable stormwater implications. There is also the opportunity to revegetate where appropriate.

Based on **Attachment 7**, it is suggested that stormwater can be effectively managed on the site. For instance, there are opportunities for infiltration on the site. Additional runoff generated by the development will be detained within the site and managed through the use of rainwater tanks, soak wells, vegetated swales and detention basins.

In addition to reticulated water supplies, onsite rainwater capture and storage is encouraged as a sustainability measure and will assist in stormwater attenuation.

A key matter for the detailed civil design stage is treating and controlling runoff from roads.

The LWMS identifies that an Urban Water Management Plan (UWMP) is required as a condition of subdivision approval. The UWMP will need to address relevant matters to support detailed design. The UWMP:

- Is required to ensure that peak discharge from the subdivision/development does not exceed the pre-development levels;
- Will outline management arrangements to improve water quality leaving the site, as a result of the proposed development and the associated drainage strategy, compared to the current situation;
- Address the extent of localised flooding on the site and ensure that no development is located in flood impacted areas;
- Give appropriate consideration for 'wet' sections of the site and their future use and management and should development be proposed in these areas, this will need to appropriately address land capability and suitability, provide engineering designs/certification;
- Give careful consideration to the retention and future management of existing dams and unless required as part of an approved drainage system for on-site detention;
- Ensure that any dams not required for drainage purposes should be privately owned and managed with responsibilities known to all stakeholders 'up-front'; and
- Ensure that any new dams, relocating existing dams and generally altering watercourses will be determined in close association with DWER.

### 5.12.3 On-site sewage disposal

The *Government Sewerage Policy* outlines the general requirement to connect new subdivision and/or development to, or provide for, reticulated sewerage in accordance with the provisions of 5.1.1.

Where provisions 5.1.1 do not apply, such as future subdivision and development proposed on this site, on-site sewage disposal may be considered where the responsible authority is satisfied that:

- Each lot is capable of accommodate on-site sewage disposal without endangering public health or the environment; and
- The minimum site requirements for on-site sewage disposal are met.

The site is remote from the reticulated sewerage network.

Reticulated sewerage is not available in the Shire of Boyup Brook, feasible or necessary. Instead, future subdivision/development will be serviced by on-site sewerage disposal. As reflected in the *Local Planning Strategy*, connection to reticulated sewerage will not be required.

Given the proposed generous lot sizes, future subdivision/development will be serviced by on-site sewage disposal to comply with the *Government Sewerage Policy*.

**Attachment 6** sets out the Site Soil Evaluation, from South Environmental, which addresses the *Government Sewerage Policy* for this stage of the planning process. Other than the more constrained western section, the assessment demonstrates that the proposed residential and rural-residential uses and anticipated lot sizes are capable of accommodating on-site sewage disposal.

South Environmental note that:

- The site is considered to be suitable for receiving wastewater for onsite disposal using conventional wastewater systems for most of the property;
- Future lots will be generous in area which will provide space to accommodate and treat on-site sewage disposal (land application

area). In more constrained areas, lot sizes will be above 1 hectare and will require secondary treatment systems;

- The site is not within a Public Drinking Water Source Area and is not classified as sewage sensitive;
- The minimum lot size for residential development is one dwelling per 2,000m<sup>2</sup>;
- There are three seasonal watercourses which traverse the site. On-site sewage disposal systems within 100m of the seasonal watercourses are required to be secondary treatment systems;
- Site conditions have appropriate capability for residential and rural residential subdivision/development; and
- There will be a further need to address on-site sewage and gain relevant approvals at the subdivision, development and building permit stages.

There may be a need to provide modest fill to accommodate a land application area for a small portion of the site. This is in order to ensure suitable clearances between the natural ground level and late winter ground water levels to accommodate on-site sewage disposal.

The Concept Plan has been informed by the Site and Soil Evaluation through generous lots sizes and appropriate setbacks from the Blackwood River and seasonal watercourses.

#### 5.12.4 Water supply

Rural residential lots will be serviced with rainwater tanks that are a minimum of 92,000 litres.

Proposed lots below 1 hectare are required to be connected to the reticulated (scheme) water system based on WAPC requirements.

Water Corporation has confirmed there is sufficient reticulated water supply network to serve the Boyup Brook townsite. There is a need to extend the network and also construct a high-level water tank to

maintain minimum water pressure requirements.

Water Corporation's advice confirms there is sufficient capacity to service the proposed subdivision/development on the Amendment site. It is expected there will be a need to create an elevated tank on the site.

At the subdivision stage, the developer's consulting engineer will again approach Water Corporation for information about system capacity and constraints and will conduct engineering investigations to determine the viability of water servicing, from both an engineering and cost perspective. The developer's consulting engineer is required to determine if the system pressure and tank elevation is sufficient to supply the proposed subdivision/development. Proposed lots are required to have sufficient pressure to meet Water Corporation's licence conditions and its Customer Charter.

The subdivision will also be serviced by fire hydrants.

In addition to reticulated water, there are opportunities for additional water supply provision such as landowner's installing rainwater tanks which have sustainability and stormwater management benefits.

#### 5.12.5 Power supply and telecommunications

All proposed lots will be serviced with underground power and required telecommunication infrastructure.

Subject to State Government policy and project feasibility, there may be scope for 'green' energy provision and/or battery storage. Alternatively, it is expected that the electrical network will be extended and designed to service future lots. The subdivision will be serviced with underground power. Transformer(s) will be suitably located and will distribute power to the lots by means of low voltage cabling and pillar units (green domes).

It should be noted that due to the dynamic nature of Western Power's

network, infrastructure requirements and connection points referred to in the Engineering Servicing Report may differ when applications are placed in the future.

It would be preferable that there is no street lighting but instead to promote 'dark sky' principles.

Based on **Attachment 10**, it is expected NBN will be provided by fixed wireless.

#### 5.12.6 Gas

Reticulated gas is not available in this locality. If required, it will be provided by bottled gas.

### 5.13 Restrictive covenants

Restrictive covenants will be required to limit direct vehicular access between lots and Bode Street/Boyup Brook – Arthur Road.

It is expected that the developer will establish restrictive covenants prior to the issue of titles. The restrictive covenants will assist to promote suitable building design to maintain the area's amenity.

#### 5.14 Land supply

There is a shortage of available and serviced residential and rural residential lots in Boyup Brook.

The planning framework supports the ongoing growth of Boyup Brook as a district centre. The site forms part of Boyup Brook's 'development footprint' as established by the planning framework including the Local Planning Strategy which identifies the site in a Planning Area of 'Residential & Rural Residential'.

The Local Planning Strategy sets out a need to provide additional residential and rural residential land in Boyup Brook. The Amendment site will provide an important supply of lots in Boyup Brook. The site provides an opportunity for a wide range of lot sizes and housing choices.



### 5.15 Foreshore reserve and public open space

A foreshore reserve of approximately 5.2 hectares is outlined on the Concept Plan. Additionally, a centrally located area of public open space/community purpose site of approximately 2 hectares is provided.

The foreshore will have recreation 'nodes' along with a continuous reserve adjoining the Blackwood River for the site's entire frontage.

The proposed Scheme provisions set out the need for appropriate management of the foreshore. A Foreshore Management Plan will be required (preparation and implementation) as a subdivision condition. The foreshore reserve will be ceded free of cost by the subdivider.

The subdivider will be responsible for defining, likely through suitable fencing (that does not impede flood waters) the boundary between freehold lots and the foreshore reserve. The Concept Plan shows indicative walk/cycle on the foreshore.

There is a need to work through matters including weed control, revegetation and restricting vehicular access to the foreshore (other than a Fire Service Access Route and to designated public car parks).

Most proposed lots are within 400 metres of future POS (centrally located or on the foreshore). A range of recreational facilities are nearby in Boyup Brook.

It is noted the generous lot sizes (minimum lot size of 2000m<sup>2</sup> to 2 hectares) also provide opportunities for on-site recreation.

There will be cycling paths linking the site to the Boyup Brook townsite via Ritson Street and along the former railway line.

The Concept Plan provides for convenient cyclist and pedestrian links throughout the site. It is intended to provide opportunities

for informal walking/cycling within generous sized road reserves (20 metres wide) with overall low traffic volumes. There will be opportunities for looped walking/cycling circuits.

### 5.16 Staging

A staged development will occur. The first stage is expected to be the northern section given this reduces upfront servicing costs due to proximity to services. The staging will be dependant on a number of factors including pre-sales/demand, feasibility, detailed servicing considerations and ensuring there is two-way vehicular access to address *State Planning Policy 3.7 Planning in Bushfire Prone Areas*.

### 5.17 Supporting the local economy and community

Approval and implementation of the Amendment will have various economic and community benefits including:

- Supporting local employment through the construction of subdivision works and new dwellings;
- Supporting existing or additional local services and community infrastructure;
- Assisting in a more sustainable local economy;
- Increasing population in Boyup Brook which assists in its overall viability, vitality and prosperity;
- Building onto an existing community with established facilities, services and infrastructure and assist to strengthen and sustain Boyup Brook;
- Providing a greater choice for those wishing to buy lots in Boyup Brook in an attractive locality close to the townsite; and
- Broadening the Shire's economic base to assist with increasing local resilience.

The Amendment is consistent with the planning framework which promotes employment and economic growth in Boyup Brook.

## 5.18 Planning justification

The planning justification for the Amendment is summarised in Table 2. Given the below, the Amendment and associated Concept Plan are considered consistent with the planning framework and the principles of orderly and proper planning.

Strategic	Land Use Planning	Environment and Landscape	Transport and Servicing	Economic and Community
<p>The Amendment is consistent with the planning framework.</p> <p>The site adjoins the Boyup Brook townsite which will reinforce Boyup Brook as a district centre.</p> <p>The site is well located for residential and rural residential uses including it is compatible with adjoining and nearby uses.</p> <p>The proposed Special Use zone, between the townsite and rural uses, represents orderly and proper planning.</p> <p>It assists to meet the demand for residential and rural residential development in Boyup Brook in a planned, orderly and sustainable manner.</p> <p>It will provide opportunities for a significant supply of land offering a range of lifestyle choices close to the Boyup Brook townsite.</p> <p>The proposal will provide a new form of lot sizes and lifestyle opportunities in Boyup Brook.</p>	<p>The site is suitable and capable of residential and rural residential uses.</p> <p>Development will be effectively controlled through LPS2 provisions.</p> <p>The Concept Plan provides a co-ordinated approach to future subdivision/ development.</p> <p>The site is well located for the proposed land uses.</p> <p>There are appropriate buffers and mitigation measures to the resource recovery facility and to farming operations.</p> <p>Aboriginal heritage constraints are acknowledged and will be reviewed in greater detail at the structure plan stage.</p>	<p>The majority of the site has been previously cleared. Remaining environmental assets, in particular native vegetation, can be appropriately conserved and there are opportunities for environmental repair/replanting.</p> <p>Subject to suitably addressing stormwater management, future development is unlikely to create any adverse environmental impacts.</p> <p>Bushfire management measures will comply with the objectives of SPP 3.7 and the <i>Guidelines for Planning in Bushfire Prone Areas</i>.</p> <p>The site is not located in a public drinking water source area.</p> <p>There are manageable landscape impacts when viewed from Bode Street/ Boyup Brook- Arthur Road and opportunities to enhance the site's appearance including through replanting.</p>	<p>The site has excellent road connectivity and easy access to Boyup Brook and other areas.</p> <p>Traffic impacts can be readily accommodated on Bode Street/Boyup Brook - Arthur Road.</p> <p>Safe vehicular access can be achieved between the site and Bode Street/Boyup Brook - Arthur Road.</p> <p>There is no direct access between lots and Bode Street/Boyup Brook - Arthur Road.</p> <p>The Concept Plan facilitates opportunities for cycling and walking.</p> <p>The subdivision/ development will be appropriately serviced.</p> <p>On-site sewage disposal and stormwater management can be appropriately located and designed to the satisfaction of the WAPC, Shire and relevant agencies.</p> <p>The site is suitable and capable for the intended use including achieving realistic building, effluent disposal and stormwater outcomes.</p>	<p>It will promote job creation by supporting the development of Boyup Brook and assist to diversify and grow the local economy. This includes adding to its overall viability, vitality and prosperity and adding to the range of services that can be provided.</p> <p>Approval and implementation of the application will assist to increase population in Boyup Brook and in-turn support economic activity and support local services.</p> <p>The site is close to the Boyup Brook townsite and will complement Boyup Brook and supporting businesses, facilities and services.</p>

## 6. CONCLUSION

This report confirms that the Amendment is consistent with the planning framework and that the site is both suitable and capable of accommodating residential and rural residential subdivision/development.

The Amendment will facilitate the development of the site into generous sized lots that will complement the Boyup Brook townsite. The preceding sections have examined various planning principles, statutory and policy considerations, environmental and servicing matters regarding the proposed rezoning.

The Amendment will establish the appropriate zoning for the site and future subdivision/development will be guided by the Concept Plan and a required Local Structure Plan. Existing and proposed LPS2 provisions will ensure that subdivision and development will be effectively controlled.

The support of the WAPC and the Hon. Minister for Planning is requested to approve the Amendment to rezone the site from 'Rural' to 'Special Use (SU2)'.



Photo 4: central location

## PLANNING AND DEVELOPMENT ACT 2005

### SHIRE OF BOYUP BROOK

#### LOCAL PLANNING SCHEME No. 2

#### AMENDMENT No. 24

The Shire of Boyup Brook under and by virtue of the powers conferred upon it in that behalf by the *Planning and Development Act 2005* hereby amends the above Local Planning Scheme by:

1. Rezoning Lots 51, 1007 and 1118 Boyup Brook – Arthur Road, Boyup Brook from the 'Rural' zone to the 'Special Use (SU2)' zone.
2. Inserting provisions in Table 5 - Special Use Zones in Scheme Area:

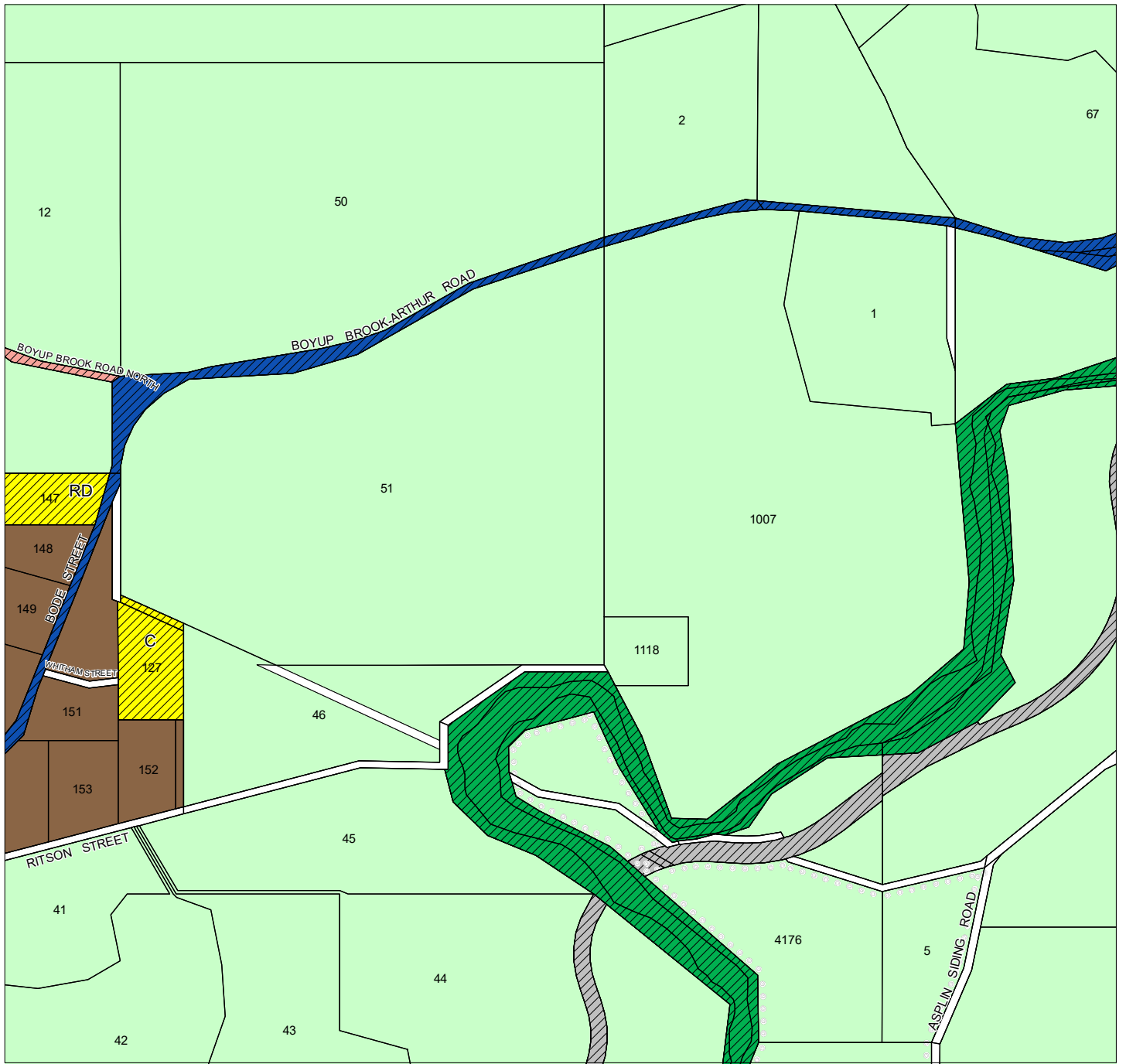
No.	Description of land	Special use	Conditions
SU2	Lots 51, 1007 and 1118 Boyup Brook – Arthur Road, Boyup Brook	<p>A future residential estate, contemplating both residential R5 and rural residential zones, where the mix of lots is to be addressed via a structure plan.</p> <p>Permissibility: Uses permitted within the areas designated as 'Residential' are as per the Zoning Table.</p> <p>Uses permitted within the areas designated as 'Rural Residential' are:</p> <p>Ancillary Dwelling 'P' Art Gallery 'D' Community Purpose 'D' Family Day Care 'A' Home Business 'D' Home Occupation 'P' Home Office 'P' Home Store 'D' Hosted short-term rental accommodation 'P' Industry – Cottage 'D' Recreation – Private 'A' Repurposed Dwelling 'D' Residential Building 'A' Rural Home Business 'A' Rural pursuit/hobby farm 'P' Second Hand Dwelling 'D' Single House 'P' Telecommunications Infrastructure 'D' Unhosted short-term rental accommodation 'D'</p> <p>All other uses are 'X' (prohibited).</p>	<p><b>General application</b></p> <ol style="list-style-type: none"> <li>1. The conditions in this schedule apply to SU2 in addition to all other relevant provisions in the Scheme.</li> <li>2. If there is a conflict between any other provision in the Scheme, this Schedule prevails.</li> </ol> <p><b>Structure Plan</b></p> <ol style="list-style-type: none"> <li>3. Prior to subdivision and development, a structure plan is to be prepared and endorsed by the WAPC.</li> <li>4. Proposed future zones and reserves in the structure plan are to accord with the zones and reserves of the Scheme.</li> <li>5. In addition to the matters required in clause 16 of the deemed provisions, the structure plan is to address the below:               <ol style="list-style-type: none"> <li>i. Arrangements for licensed electricity supply;</li> <li>ii. Provision of a licensed water supply for lots designated for residential purposes with a minimum lot size of 2000m<sup>2</sup>; or</li> <li>iii. If a licensed water supply is not to be provided, lots are to be designated as rural residential with a minimum lot size of 1 hectare;</li> <li>iv. Site and soil evaluation to determine:                   <ol style="list-style-type: none"> <li>(a) Areas where depth to groundwater is less than 0.5m which are to contain lots with a 1 hectare minimum lot size; and</li> <li>(b) Land application area locations not subject to inundation;</li> </ol> </li> <li>v. Water management and protection as per a Local Water Management Strategy report including nutrient balance modelling and mitigation;</li> <li>vi. Foreshore management, including:                   <ol style="list-style-type: none"> <li>(a) Identification of flood prone areas;</li> <li>(b) Allocation, management and design of river and seasonal creek foreshore reserves and areas of public open space;</li> <li>(c) Proposed arrangements for weed control, revegetation, fencing, pedestrian access and restrictions on vehicular access;</li> </ol> </li> <li>vii. Protection of endangered black cockatoo habitat trees and suitable significant trees to the satisfaction of the local government and responsible agencies;</li> <li>viii. Bushfire risk criteria including access and egress for various subdivision stages;</li> <li>ix. Traffic Impact Assessment, including potential upgrades to existing roads and intersections servicing the proposed estate;</li> </ol> </li> </ol>

No.	Description of land	Special use	Conditions
			<p>x. A movement network that provides suitable transport options for vehicle, bicycles and pedestrians.</p> <p>xi. Aboriginal Cultural Heritage survey and management plan to identify and protect Noongar Cultural Heritage Values.</p> <p><b>Subdivision</b></p> <p>6. Future subdivision shall generally be in accordance with a structure plan endorsed by the WAPC.</p> <p>7. Protection of Aboriginal Cultural Heritage values based on a survey and management plan.</p> <p>8. Based on a Foreshore Management Plan, the WAPC may impose conditions relating to revegetation and management of seasonal creeks.</p> <p>9. The WAPC may impose conditions relating to:</p> <p>i. Revegetation and landscape planning addressing buffer strip planting adjoining Boyup Brook – Arthur Road/Bode Street and surrounding rural use land;</p> <p>ii. Ongoing separation of lots to remaining rural use land within the structure plan area to be staged as applicable;</p> <p>iii. Restrictive covenants for prevention of direct vehicular access between lots and Boyup Brook – Arthur Road/Bode Street;</p> <p>iv. Notifications on Title relating to:</p> <p>(a) Nuisance impact to residential amenity from adjacent rural operations; or</p> <p>(b) The Shire's resource recovery centre.</p> <p><i>Note: Structure plan areas are to be zoned progressively, as land is subdivided, and when opportunities arise for scheme amendments.</i></p>

3. Amending the Scheme Map accordingly.

Determines Amendment No. 24 is a standard amendment under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:

- An amendment relating to a zone that is consistent with the objectives in the scheme for that zone;
- The amendment is consistent with the Local Planning Strategy;
- The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and
- The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.



**EXISTING SCHEME MAP**

**Legend**

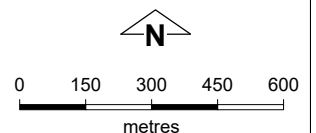
- |                          |                                       |
|--------------------------|---------------------------------------|
| Cadastre with Lot number | Public purposes                       |
| <b>LPS Zones</b>         | C Public purposes : Cemetery          |
| Rural                    | RD Public purposes : Rubbish disposal |
| Rural residential        | Railways                              |
| <b>LPS Reserves</b>      | Regional distributor road             |
| Local distributor road   | <b>LPS Other Categories</b>           |
| Local road               | Structure plan area                   |
| Public open space        |                                       |

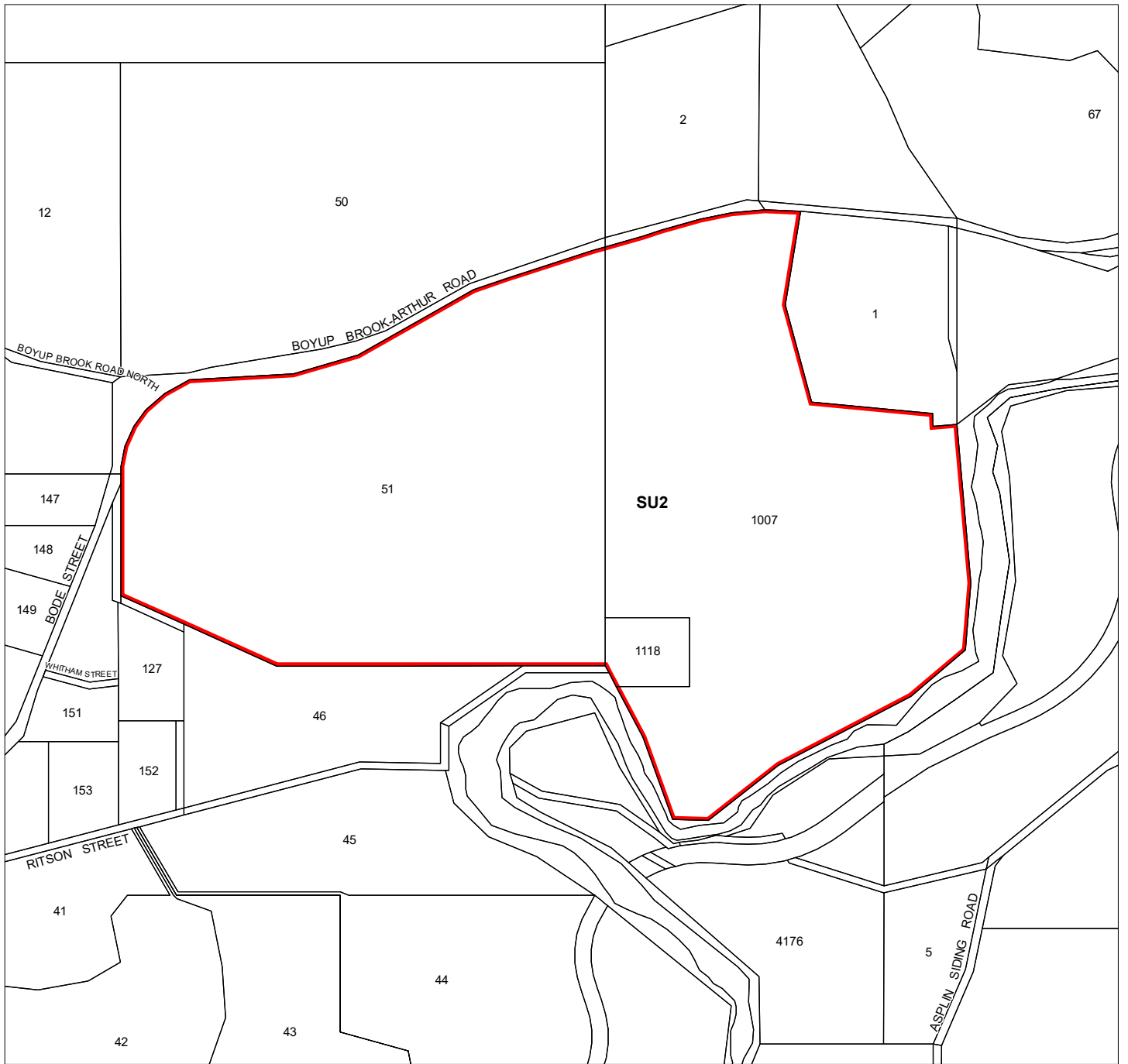


Department of Planning,  
Lands and Heritage

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Base Information supplied by Western Australian  
Land Information Authority SLIP 1096-2018-1


**Shire of Boyup Brook**  
Town Planning Scheme No. 2  
Amendment No. 24






**PROPOSED SCHEME AMENDMENT MAP**

**Legend**

 Cadastre with Lot number

**LPS Zones and Reserves Amendments**

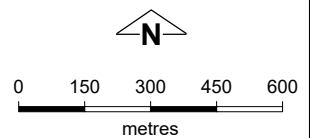
 Special use



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**Shire of Boyup Brook**  
Town Planning Scheme No. 2  
Amendment No. 24



**COUNCIL ADOPTION FOR ADVERTISING**

This Standard Amendment was adopted by resolution of the Council of the Shire of Boyup Brook at the Meeting of the Council held on the 25 day of July 2024.

.....  
SHIRE PRESIDENT

.....  
CHIEF EXECUTIVE OFFICER

**COUNCIL RECOMMENDED/SUBMITTED FOR APPROVAL**

This Amendment is recommended for approval by resolution of the Shire of Boyup Brook at the Ordinary Meeting of the Council held on the ..... day of ..... 20.... and the Common Seal of the Shire of Boyup Brook was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....  
SHIRE PRESIDENT

.....  
CHIEF EXECUTIVE OFFICER

**WAPC RECOMMENDED/SUBMITTED FOR APPROVAL**

.....  
DELEGATED UNDER S.16 OF THE  
PLANNING AND DEVELOPMENT ACT 2005

DATE.....

**APPROVAL GRANTED**

.....  
MINISTER FOR PLANNING  
S.87 OF THE PLANNING AND DEVELOPMENT ACT 2005

DATE.....