

Town Planning

Engineering

Project Management



Shire of Boyup Brook Town Planning Scheme No.2 Amendment No. 17

2019

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION TO ADOPT AMENDMENT TO LOCAL PLANNING SCHEME

**SHIRE OF BOYUP BROOK
TOWN PLANNING SCHEME NO.2
AMENDMENT NO. 17**

RESOLVED that the local government, in pursuance of Section 72 of the Planning and Development Act 2005, amend the above local planning scheme by:

1. Rezoning Lot 913 Fern Valley Road, Boyup Brook from 'Rural' zone to 'Rural Small Holding' zone; and
2. Including appropriate special conditions relating to Lot 913 Fern Valley Road, Boyup Brook into Schedule 12 Rural Small Holdings.

Note: The Amendment 17 is a standard amendment in accordance with part (d), (e), (f) and (g) of the standard amendment definition contained in Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

(d) an amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all the types that are outlined in the plan;

(e) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;

(f) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;

(g) any other amendment that is not a complex or basic amendment.

Dated this _____ day of _____ 20__

CHIEF EXECUTIVE OFFICER

1.0 INTRODUCTION

MPM Development Consultants has been engaged by Mr Robert Jones to prepare documentation to initiate an amendment to the *Shire of Boyup Brook Town Planning Scheme No.2* relating to Lot 913 Fern Valley Road, Boyup Brook.

This report provides Council the amending documentation to progress a local planning scheme amendment to rezone the land from "Rural" to "Rural Small Holdings" zone that will facilitate subdivision of the subject site.

Figure 1
Subject Land



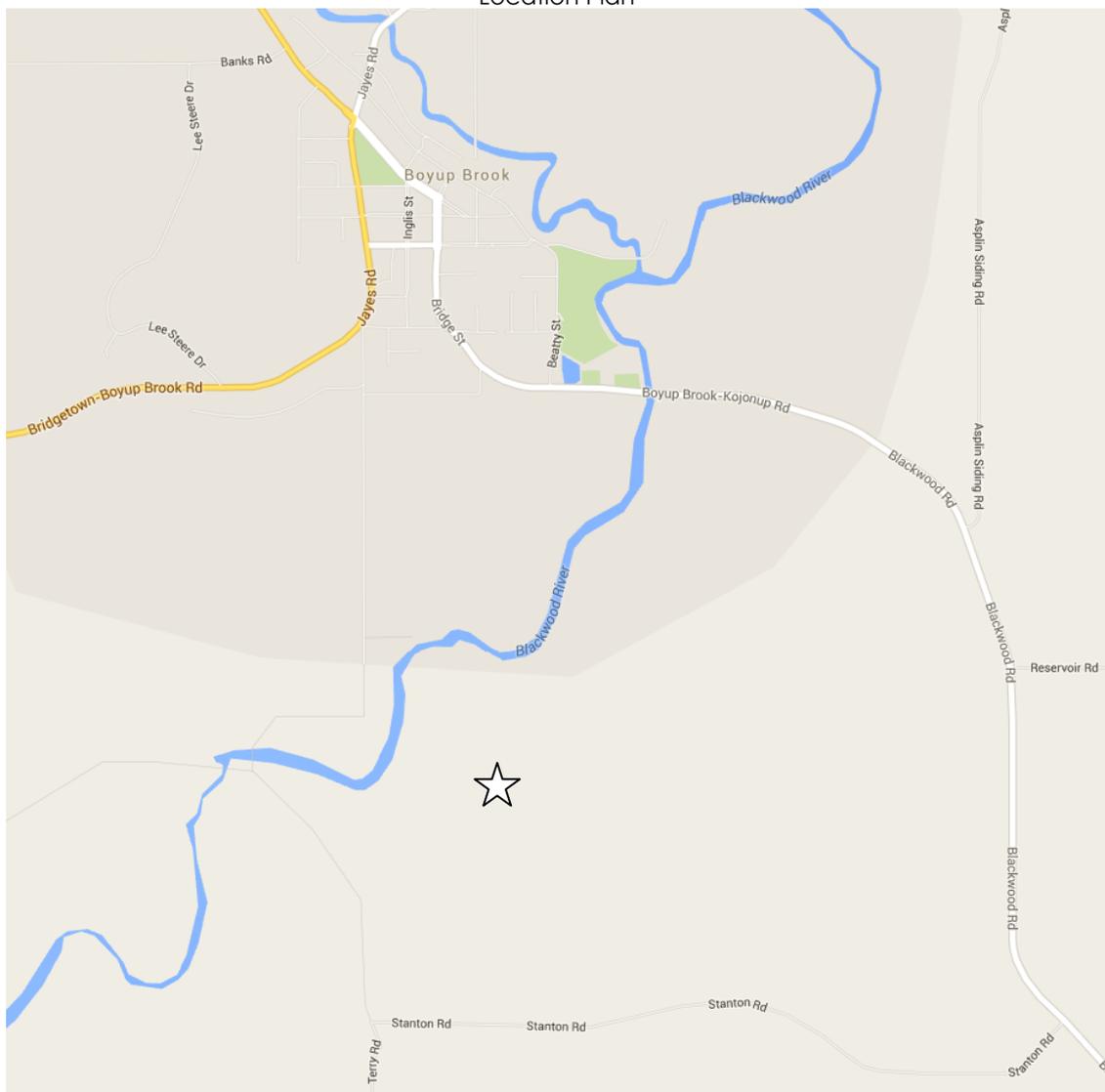
Source: landgate.wa.gov.au

2.0 BACKGROUND

2.1 Location

The land the subject of this Scheme Amendment is described as Lot 913 Fern Valley Road and is located south east of the Boyup Brook town site adjacent to the Blackwood River (north eastern corner of the lot) as shown on the attached location plan (refer to **Figure 2 – Location Plan**). The surrounding land use is currently general farming.

Figure 2
Location Plan



Source: Google Maps

2.2 Land Ownership & Area

Lot 913 has an area of 40.58 hectares and is the subject of land ownership details as per the below table (**Table 1**).

Table 1
Land Details

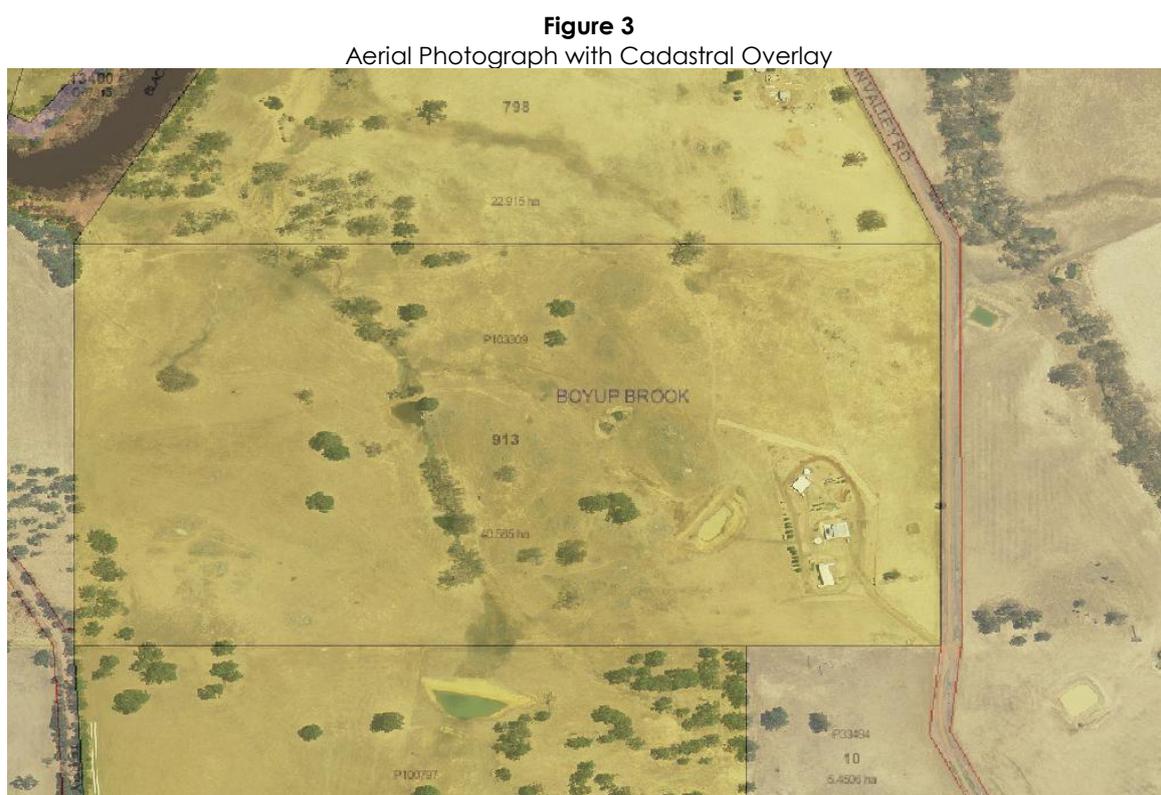
Lot Number	Ownership	Certificate of Title	Lot Area
913 (Plan 103309)	Robert Jones & Samantha Curran	813/95	40.58ha

3.0 EXISTING ENVIRONMENT AND INFRASTRUCTURE

3.1 Existing Land Use

The subject site is substantially cleared farming land with an existing residence and associated outbuildings. The subject land is best described as predominately cleared and gently sloping from the east down the Blackwood River on the western boundary.

The following aerial photograph with cadastral overlay (refer to **Figure 3**) depicts the predominantly cleared nature of the land.



Source: landgate.wa.gov.au

3.2 Environmental & Landform Features

3.2.1 Vegetation Types

There are isolated groupings of remnant vegetation comprising predominantly Marri and Jarrah woodland. These areas have been subject to long term grazing and have little or no under storey vegetation.

The location of these trees appears to follow the natural drainage lines.

3.2.2 Land Capability

The Warren Blackwood Rural Strategy Land capability Map identifies the subject land within the Blackwood River Basin BV4 Upper Blackwood (part of the BR 3 Tweed Planning Unit).

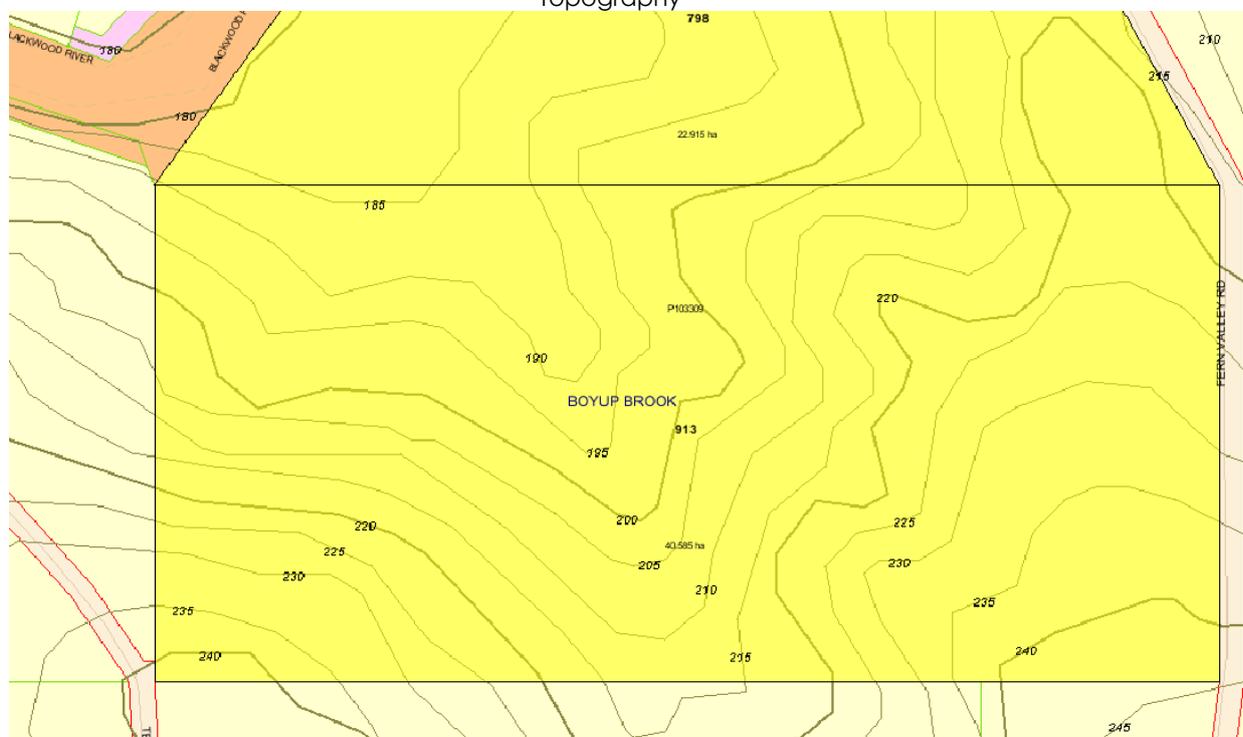
Soils consist of loamy gravels, deep and duplex sandy gravels and deep loamy and deep sandy duplexes. There are some steep slopes along the river valleys. There is high water erosion risk on the hills and along the valley slopes, with a water logging risk on the plateau areas and the whole area is potentially saline.

The above is a broad classification of the Planning Unit and the soil conditions will be subject to local variations on the site. Generally however it would be expected that the majority of the site has good to fair capacity to accommodate buildings and on site effluent disposal.

3.2.3 Topography

The topography of the site is best described as a gradual slope towards the river; with surface levels ranging from 185 metres AHD in the north-western part of the property to approximately 240 metres AHD in the south-east (refer to **Figure 4**).

Figure 4
Topography

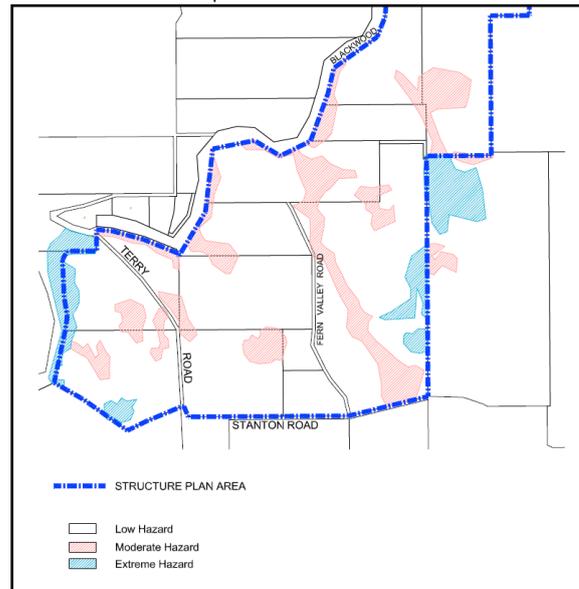


Source: landgate.wa.gov.au

3.2.4 Fire Management

A preliminary bushfire hazard assessment was undertaken to support the District Structure Plan Area 4. The subject land generally has a low bushfire hazard rating with some isolated treed areas having a moderate rating. A detailed Fire Management Plan will be prepared to support the detailed Local Structure Plan for Lot 913.

Figure 5
Excerpt of Fire Hazard Assessment



3.3 Utilities

3.3.1 Electricity

Western Power has a local distribution main located on the eastern side of the property running in a north-south direction. It is not recognized within any easement.

3.3.2 Telecommunications

Telephone services are available to the site.

3.3.3 Water

The proposed lots will not be connected to reticulated water. Each dwelling will have a 120,000 litre rainwater tanking comprising of 92,000 litres for domestic supplies and 28,000 litres for fire fighting and other uses.

3.3.4 Sewer

The subject land falls outside of the Water Corporation licensed area, therefore the provision of reticulated sewer infrastructure and services is not proposed. The use of Alternative Treatment Unit systems (ATU's) is proposed for waste disposal.

3.3.5 Drainage & Water Management

The development of the site will be in accordance with the Better Urban Water Management Framework (2008) and the Department of Environment's Stormwater Management Manual (2004) by:

- Protecting life and property from a major storm event up to and including the 1 in 100 year Average Recurrence Interval (ARI) storm event;
- Managing a medium 1 in 5 year ARI storm event to ensure the post development flow regime matches the pre-development environment;
- Managing a small 1 in 1 year ARI storm events as close as possible to source; and
- Minimising the conveyance of pollutants throughout the drainage network.

3.4 Flood Levels

The Department of Water has no formal floodplain mapping for this section of the Blackwood River. However, the following flood levels were observed for a major event in January 1982 on the Blackwood River. This event is expected to have a probability of ~ 1 in 100 AEP.

Boyup Brook – Kojonup Road	187.55 m AHD
Lot 2 Brown Seymour Road	184.51 m AHD

Based on the available contour information, a portion of the structure plan area is likely to be affected by flooding during major flow events.

The Floodplain Management strategy for the area is

- Proposed development (i.e., filling, building, etc) that is located outside of the floodplain for an event of similar magnitude to the January 1982 event is considered acceptable with respect to major flooding, however, a minimum habitable floor level of 1.0 metre above the appropriate January 1982 flood level is recommended to ensure adequate flood protection.
- Proposed development (ie, filling, building, etc) that is located within the floodplain for an event of similar magnitude to the January 1982 event and considered obstructive to major flows is not acceptable as it would detrimentally impact upon the existing flooding regime. No new buildings are acceptable in the January 1982 event floodplain.

3.5 Foreshore

Shire of Boyup Brook Town Planning Scheme No.2 District Structure Plan Area No.4 requires that a biophysical assessment to identify an accurate foreshore protection area to the Blackwood River. Those lots fronting the river are also required to prepare and implement a Foreshore Management Plan.

The subject land does not extend to the water line, with the cadastre merely intersecting at the north western corner of the property. Given this, it is not considered necessary that a Biophysical Assessment or Foreshore Management Plan is required for the site.

3.6 Heritage

The river and two tributaries are recognized in the subject lots as registered aboriginal heritage sites. These sites will not be affected through the structure plan or future proposed development as clearing of vegetation for development of roads, houses or recreation areas is not proposed. Building envelopes will not be located across the heritage sites.

3.7 Terry Road River Crossing

The Terry Road River crossing does not provide direct access into the overall Structure Plan area (SPA 4). The majority of lots will access town from the northern entrance to the structure plan area, and the lots subdivided in the southern extent of the structure plan area (including Lot 913) will have nominal impact on traffic volumes over the Terry Road river crossing. The service of the Terry Road river crossing extends broadly to influences further north and south of the crossing. The issue of the Terry Road upgrade needs to be addressed at a more strategic level and dependent on Council review to define the level of upgrade to suit these strategic needs.

Contributions for any upgrade to the Terry Road river crossing will not be applied specifically to this proposed structure plan area (for Lot 913). Council may review contributions required for this purpose through a separate mechanism taking into consideration the broader town site area, once a review has been conducted into the upgrade requirements for the crossing.

4.0 STATUTORY PLANNING CONTEXT

4.1 State Planning Policy 2.5 “Agricultural and Rural Land Use Planning”

This State Planning Policy is intended to reinforce the long term protection and support for the state agricultural areas. The policy is guided by the following fundamental principles:

- The State's priority agricultural land resource should be protected;
- Rural settlement opportunities should be provided if sustainable and of benefit to the community;
- The potential for landuse conflict should be minimised;
- That the State's natural resources should be carefully managed.

One of the four key policy objectives relating to the principles is to plan and provide for rural settlement where it can:

- benefit and support existing communities, and
- has access to appropriate community services and infrastructure.

State Planning Policy 2.5 Agricultural and Landuse Planning Policy provides the statutory town planning scheme provisions for rural settlement and provides the general provisions for Rural Small Holdings to be incorporated into the town Planning scheme. The intention of these provisions is reflected in the amendment.

4.2 The Warren Blackwood Rural Strategy

The Warren Blackwood Rural Strategy requires that:

- Rural smallholding estates be identified as policy areas in local planning strategy or scheme, in response to a demonstrated need.

- Subdivision and development not permitted until land rezoned and subdivision guide plan prepared and approved.
- Rural smallholding estates to be located in reasonable proximity to an urban centre, but not supported on land that would otherwise be Priority Agriculture zone.

The Warren Blackwood Rural Strategy provides guidance for the Shire of Boyup Brook Local Rural Strategy which identifies the subject lot within an area suitable for Rural Small holdings. Therefore the proposal is submitted in response to the WAPC endorsed planning framework.

4.3 Boyup Brook Local Rural Strategy

The Western Australian Planning Commission endorsed the *Shire of Boyup Brook Local Rural Strategy* in May 2010. The Strategy promotes the Blackwood River as a key natural resource asset and source of attraction for residents and visitors. It provides guidance for defined watercourse protection/enhancement measures.

The local Rural Strategy proposed to limit rural residential development and the development of Rural Smallholdings to selected areas within its 'Town Site and Surround' Precinct (BBR5). The precinct objectives highlight the importance for development surrounding the town site to compliment and reinforce the role and function of the town site and to recognise the Blackwood River corridor and provide opportunities for enhanced protection of the watercourse and associated landscape values.

The subject land forms part of Policy Area 7 of the planning precinct BBR5 which is identified as 'Rural Smallholding'.

Section 2.6 *Rural Residential and Rural Small Holdings* refers to Rural Small Holdings as *lots generally 4-40 ha where the land used for minor rural pursuits, hobby farm, conservation lots and alternative residential life style purposes*. The strategy recommendation limits the location of rural small holdings generally within 5 km of the existing town site.

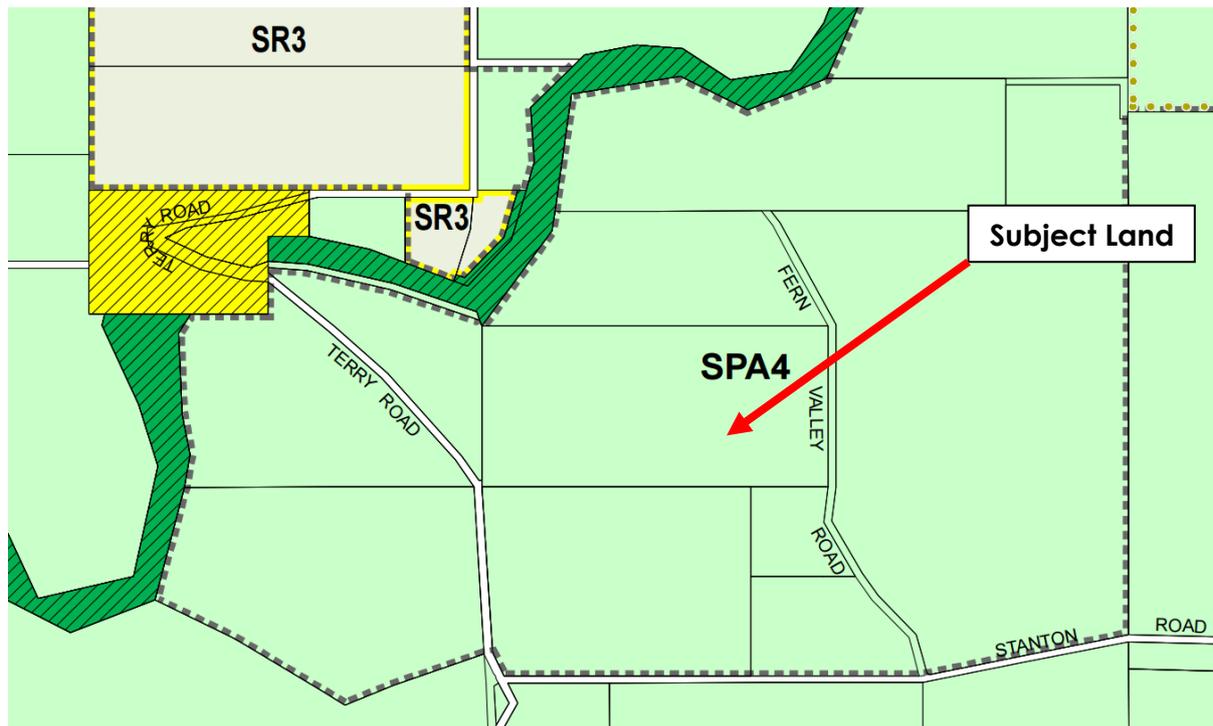
The proposed rezoning of the land is consistent with the identification of the land within the local rural strategy as being suitable for rural residential styled development.

4.4 Shire of Boyup Brook Town Planning Scheme 2

Lot 913 is currently zoned 'Rural' under the terms of the Shire of Boyup Brook Town Planning Scheme Number 2 as depicted in **Figure 6** below. It is located within 'Structure Plan Area 4' which requires the preparation of a Structure Plan before subdivision or development.

Figure 6

Extract from Shire of Boyup Brook Town Planning Scheme No 2 Scheme Map



Schedule 13 in the Scheme lists the Structure Plan Areas and the matters to be addressed in the Structure Plans prepared for each area.

Structure Plan Area 4 (overall District Structure Plan) has been prepared and was approved in May 2016. A further, detailed local Structure Plan specifically for Lot 913 (as described below) is yet to be prepared.

5.0 AMENDMENT PROPOSAL

The town planning framework proposed has been initiated by the District Structure Plan Area 4 and will ensure sustainable outcomes from the structure plan through to detail associated with individual developments. The mechanisms proposed for each individual development are:

- The preparation of an Overall Structure Plan;
- Site Rezoning to Rural Small Holding Zone and associated provisions and development conditions in Schedule 12;
- Detailed Structure Planning; and
- Subdivision

Step 1 – Overall Structure Plan

The initial step is to prepare an overall structure plan for the whole of the Policy Area. There will only be one overall structure plan for each Policy Area/ Structure Plan Area.

The subject land is included within Structure Plan Area No.4 which was approved by the Western Australian Planning Commission on the 4th May 2016.

Steps 2 and 3 – Site Rezoning and DETAILED structure planning

Once the SPA Structure Plan has been approved an owner within a Structure Plan Area can proceed to detailed structure planning and rezoning of their land. The rezoning will include Special Conditions which specifically apply to the subject land and are inserted in Schedule 12.

The subject amendment fulfils the requirement of this step by rezoning the land from 'Rural' to 'Rural Small Holding'.

Step 4 – Subdivision

Following the rezoning of the site and the endorsement of the structure plans, the owner can apply for subdivision approval.

5.1 Proposed Development

The proposed rezoning and detailed structure planning will enable subdivision of the land into lots with a minimum area of 4 hectares. The development and design issues will be addressed through a detailed Structure Plan for the site.

A copy of SPA4 Structure Plan (District Structure Plan) was approved in May 2016 and is shown in **Figure 7**.

Figure 7
Copy of District Structure Plan SPA4



The objectives for the eventuating structure plan and resulting development area to:

- Have a central access road linking through to Fern Valley Road;
- That the lots will not be connected to reticulated water;
- That each dwelling will have a 120,000L rain water tank comprising of 92,000L for domestic supplied and 28,000L for fire fighting and other uses;
- To restrict development within 100m of the river;
- To require dwellings to have a minimum floor level 0.5m above the 1:100 year flood level with no buildings within the flood plain;
- To provide revegetation areas along the internal drainage lines; and
- To manage stormwater in accordance with the Better Urban Water Management Framework (2008) and the Department of Environments Stormwater Management Manual (2004).

These matters will be addressed in detail as part of the detailed Structure Plan for the site that will be prepared following rezoning of the site.

6.0 CONCLUSION

In consideration of the above, it is respectfully requested that the proposed Amendment be initiated by Council to rezone Lot 913 Fern Valley Road, Boyup Brook from "Rural" To 'Rural Small Holdings'.

The objective of the RSH 2 zone is to primarily provide for residential development in a rural setting and secondly for rural pursuits, home based business and minor tourist users.

A detailed local Structure Plan is to be submitted to and approved by the Shire of Boyup Brook and endorsed by the WAPC prior to subdivision or development of the land.

The Structure Plan is to address the matters in Schedule 12 and the recommendations of any approved district structure plan for SPA4 identified on the Scheme Map.

The use of the land for Rural Small Holdings is recommended under the Shire's Local Rural Strategy and addresses the intent of the Shires Local Planning Scheme Policy Area No 7.

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION TO AMEND LOCAL PLANNING SCHEME

LOCAL PLANNING SCHEME NO. 2 AMENDMENT NO 17

Resolved that the Local Government pursuant to section 75 of the *Planning and Development Act 2005* support the above Local Planning Scheme by:

1. Rezoning Lot 913 Fern Valley Road, Boyup Brook from 'Rural' zone to 'Rural Small Holding' zone.
2. Including at Schedule 12 of Shire of Boyup Brook Town Planning Scheme No.2, Rural Small Holdings the following:

Location of Zone	Permitted Uses and Conditions of Development
'Rural Smallholdings Zone 2 (RSH2) Lot 913 Fern Valley Road, Boyup Brook	<ol style="list-style-type: none"> a) The objective of the RSH2 zone is to primarily provide for residential development in a rural setting and secondly for rural pursuits, home based business and minor tourist uses. b) A 'Detailed Structure Plan' is to be prepared and approved in accordance with Schedule 13 of the Scheme and the following requirements stemming from overall Structure Planning on area No.4: <ul style="list-style-type: none"> - External road construction standards, upgrading and contribution requirements being determined; - A Landscape Management Plan being developed to indicate protection and enhancement measures, 30m either side of creeks; - A lot layout being designed considerate of a 4ha minimum lot size, a 100m effluent buffer to the Blackwood River, public access to the Blackwood River, landscape features and internal road connectivity; - Building and effluent exclusions areas being identified on a plan considerate of Bushfire risk, minimum building floor heights above flood levels and environmental impediments; - A Fire Management Plan being prepared; - The setback of effluent disposal systems from the river; and - Landscaping and stream protection c) Subdivision and Development shall generally be in accordance with the endorsed (detailed) Structure Plan. The minimum lot sizes shall be 4ha. Superlot subdivision will be supported if future lot layout can be demonstrated. d) Water management and drainage designs should incorporate the principles of water sensitive urban design. e) The onsite disposal of effluent shall be approved by Council and the Health Department of WA.
	Effluent systems shall be designed and located to minimise nutrient export and or release into any waterway or groundwater. <ol style="list-style-type: none"> f) Prior to subdivision approval a geotechnical report to demonstrate that the areas where septic tank systems are proposed to be used are capable of disposing of effluent within each lot.

3. Amending the scheme maps accordingly

COUNCIL PREPARATION

This Standard Amendment was prepared by resolution of the Council of the Shire of Boyup brook at the Ordinary Meeting of the Council held on the _____ day of _____

.....
SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Amendment is recommended for support by resolution of the Shire of Boyup Brook at the Ordinary Meeting of the Council held on the [number] day of [month], 20[year] 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:

.....
MAYOR/SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

WAPC ENDORSEMENT (r.63)

.....
DELEGATED UNDER S.16 OF
THE P&D ACT 2005

DATE.....
FORM 6A - CONTINUED

APPROVAL GRANTED

.....
MINISTER FOR PLANNING

DATE.....

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

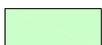
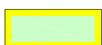


LEGEND

RESERVES

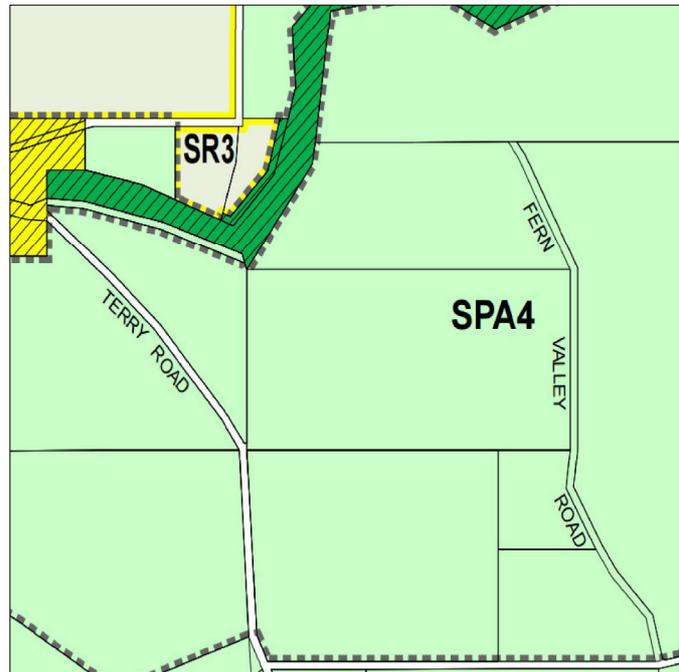
-  PARKS AND RECREATION
-  PUBLIC PURPOSES

ZONES

-  RURAL
-  SPECIAL RURAL

OTHER CATEGORIES

-  SR1 SPECIAL RURAL AREA
-  RSH1 RURAL SMALL HOLDING
-  STRUCTURE PLAN AREA
-  NO ZONE



Existing Scheme



Scheme Amendment Map

