



SHIRE OF GINGIN LOCAL PLANNING SCHEME AMENDMENT NO. 25

Shire of Gingin Local Planning Scheme No. 9

Lot 5905 (No. 1546) Cowalla Road, Wanerie



Harley Dykstra[®]

PLANNING & SURVEY SOLUTIONS



**RESOLUTION TO ADOPT AMENDMENT TO
LOCAL PLANNING SCHEME**

**Shire of Gingin Local Planning Scheme No. 9
Amendment No.25**

Resolved that the local government pursuant to section 75 of the Planning and Development Act 2005, amend the above Local Planning Scheme by:

1. Rezoning Lot 5905 (No. 1547) Cowalla Road, Wanerie from 'General Rural (uncoded)' to 'General Rural (coded 10)'.
2. Amending Schedule 10, and including an additional General Rural (coded) zone as follows:

No.	Description of Land	Conditions
3	Lot 5905 (No. 1546) Cowalla Road, Wanerie	<p><u>Environmental Management.</u></p> <ul style="list-style-type: none">• Prior to submission of an application for subdivision approval, the developer shall identify any vegetation worthy of protection and identify the means for protection. Vegetation can be protected through fencing and/or notifications on title. <p><u>Land use Settlement Pattern.</u></p> <ul style="list-style-type: none">• Lots that share an interface with the gazetted Road (Land ID 3148443) require a minimum average lot size of 15ha.• The subdivision lot layout is to retain remnant vegetation located on the site. <p><u>Land Within 500m of Adjoining Horticultural Land Uses.</u></p> <ul style="list-style-type: none">• Building envelopes are required to be identified as part of subdivision for lots within 500m of adjoining horticultural land uses to ensure future development is appropriately setback from these land uses.• Building envelopes should be located greater than 300m from the edge of adjoining horticulture uses unless the adjoining horticultural uses cease or else otherwise agreed with the Shire.

3. Amending the Scheme Map accordingly.

Dated this _____ day of _____ 20__

(Chief Executive Officer)

MINISTER FOR PLANNING

PROPOSAL TO AMEND A LOCAL PLANNING SCHEME

LOCAL AUTHORITY	Shire of Gingin
DESCRIPTION OF SCHEME	Local Planning Scheme No. 9
TYPE OF SCHEME	Local Planning Scheme
SERIAL NUMBER OF AMENDMENT	Amendment No. 25
PROPOSAL	<ol style="list-style-type: none">1. Rezone Lot 5905 (No. 1547) Cowalla Road, Wanerie from 'General Rural (uncoded)' to 'General Rural (coded 10)' and amending the Scheme Map accordingly.2. Listing Lot 5905 (No.1547) Cowalla Road, Wanerie as GR 10 in Schedule 10 General Rural (coded) Zones, with land use controls and special provisions

DOCUMENT CONTROL

Control Version	Date	Status	Distribution	Comment
A	29/10/2023	Draft	HD	For QA
B	01/11/2023	Final	Client	For Comment
C	20/11/2023	Final	External	For Lodgement

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Date: 29 February 2024

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Job No: 23651

Reviewed by: HD

Rev: C

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1 INTRODUCTION

1.1 Purpose

This Scheme Amendment Request (SAR) has been prepared by Harley Dykstra on behalf of the landowner, for Lot 5905 (No. 1546) Cowalla Road, Wanerie, Gingin ('the subject land'). The SAR respectfully requests that the Minister for Planning, Lands and Heritage approve an amendment to the Shire of Gingin's Local Planning Scheme No. 9 (LPS 9) to rezone Lot 5905 from "General Rural" to "General Rural - Coded". On account of this change, the proposed Scheme Amendment addresses a 'density coding amendment' over the lot as opposed to a change in zoning over the land.

The proposed Scheme Amendment Request would formalise a logical extension to an existing 'General Rural - Coded' precinct currently located to the south-east of the subject land. Preliminary correspondence with a planner from the Shire of Gingin indicated general compliance with the adopted Local Planning Strategy and General Rural coding proposed over the land, subject to the demonstration of an appropriate site design which responds to the site's characteristics and existing physical features. This SAR was also presented to the Shire of Gingin Council in a briefing session, where Council provided recommendations on various aspects of the proposal required to be addressed within this Scheme Amendment.

Subdivision approval was granted on 10 September 1996 to subdivide former parent lot 4375 on Plan 62760 into thirty-one (31) new lots (WAPC Ref: 99606). The subdivision approval was implemented to formalise the creation of 31 new lots, ranging in size from 9.8ha-28.7ha. The approved Subdivision Guide Plan (SGP) coordinated the subdivision design and provided opportunity for the subdivision to extend over Lot 5905 to round off the development and provide a through road connection of Rangeview Drive to Cowalla Road. A copy of the Subdivision Guide plan related to WAPC approval 99606 has been included at **Appendix A**. The subdivided land affected by WAPC ref: 99606, is currently zoned 'General Rural 20' upon the adoption and gazettal of the Shire of Gingin Local Planning Strategy and Local Planning Scheme No.9.

The proponent/landowner of the subject site is committed to developing the land on the basis of the Local Planning Strategy, which promotes two corridors of General Rural (GR) smallholdings along the two major rivers within the Shire. The proposed GR10 coding of the land also seeks to complement and complete the existing Subdivision Guide Plan over lot 4375. Future subdivision of this site will be designed to be of a quality commensurate with the physical characteristics of the site, specifically existing vegetation and topography. The ultimate gazettal of this SAR will likely facilitate a twenty-one (21) lot subdivision of the land, featuring a minimum lot size of ten (10) hectares.

1.2 Site Context

The subject site comprises of a land area of 272.2047ha, located on the eastern side of Cowalla Road, approximately 36km north-west of the Gingin town centre. The subject site is adjacent to 'General Rural 20' (GR 20) zoned land to the south-east (parent lot 4375) and 'General Rural (uncoded)' zoned land directly to the north-east and west. The Moore River Nature Reserve is located further east of

the subject land, while ‘General Rural - Coded’ precincts are located further north, south and west of the Subject land. A *Context and Zoning Plan* depicting the subject site in its cadastral context is included at **Figure 1** below. A *Context Aerial Image* has been included in **Figure 2** while an overview of the site and its physical characteristics taken from aerial imagery, is portrayed in **Figure 3**.

The subject site comprises a single rural lot with a total area of 272.2047 hectares. The land contains an existing dwelling with a number of associated outbuildings. The balance of the site comprises of various clumps of scattered vegetation located over undulating topography, and grasslands previously used for grazing and the keeping of livestock. The Lot currently derives its access by an existing crossover onto Cowalla Road, along the south western boundary, with a fire emergency access to Rangeview Drive located east of the subject land. An unconstructed Gazetted Road borders the north eastern boundary of the lot, providing access to Lot 5904 (No. 1770) Cowalla Road, north of the subject site. **Appendix E** includes various images taken over the site, including a reference plan identifying the location and direction of each image.

The subject site is located adjacent to a General Rural coded precinct south-east of the site, and ‘General Rural’ landholdings located north and west of the subject land. The Shire of Gingin Local Planning Strategy has designated the subject site as Rural small holdings.

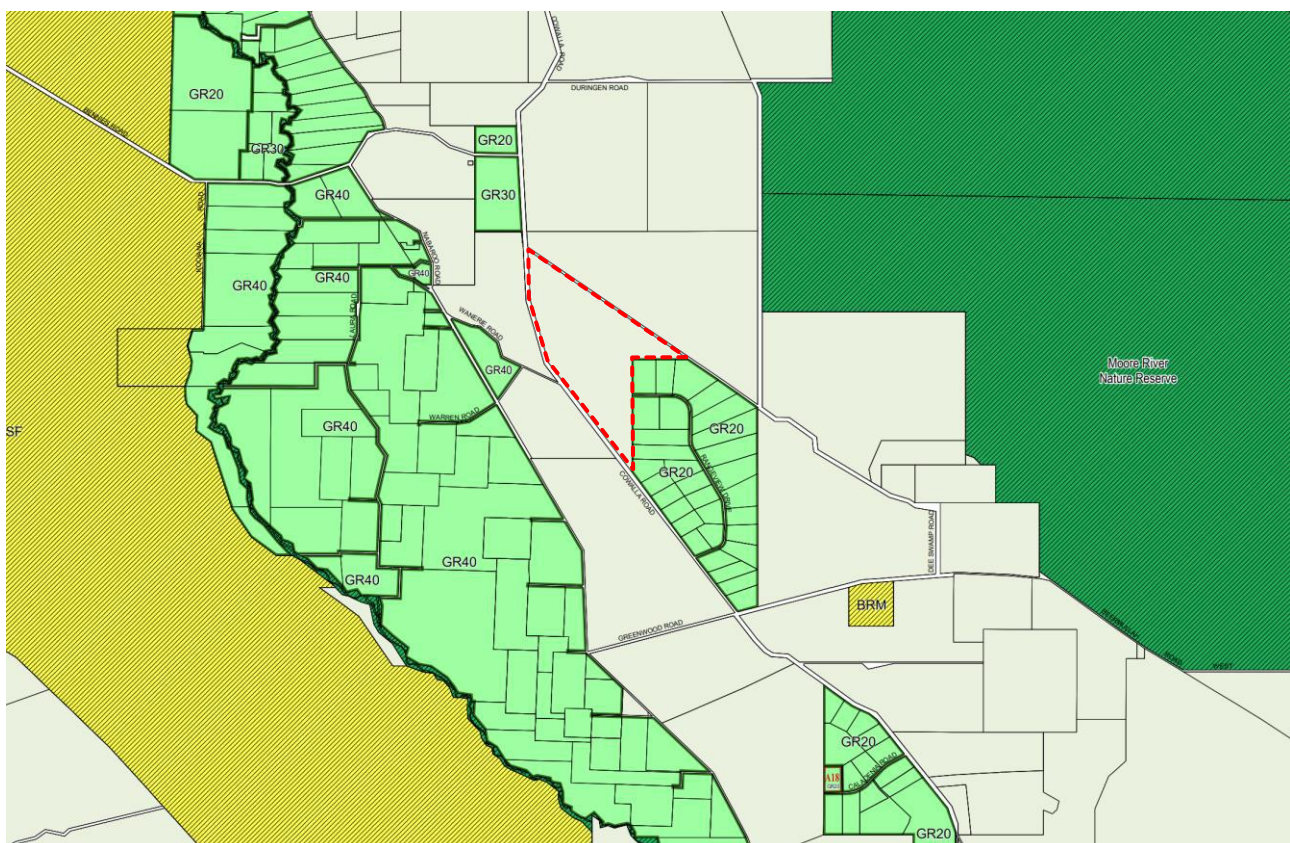


FIGURE 1 – CONTEXT AND ZONING PLAN (SUBJECT SITE OUTLINED IN RED)



FIGURE 2 – CONTEXT AERIAL IMAGE



FIGURE 3 – AERIAL IMAGE OF SITE WITH CONTOURS (SUBJECT SITE OUTLINED IN RED)

1.3 The Subject Site

The landowner of the subject land currently manages a self-replenishing Merino sheep flock which graze the land. The elderly sheep are sold as exports for meat and other uses, replaced by lambs, born and bred on site. Due to the size of the land the landowner has indicated that the current scale of agriculture is not economically self-sustainable and are required to be supported by additional parcels of land or other forms of income to generate a profitable outcome over the lot. Given that the land is not considered economically viable in association with the current use, the landowner wishes to develop the lot to promote a diversity of rural smallholding lots in accordance with the existing development to the south-east of the subject site. The proposed rural small holding lots will create housing opportunities to support rural lifestyle living and expanding cottage, horticultural and regional tourism industries.

Table 1 below provides a summary of the legal description of the land. A copy of the Certificates of title has been included at **Appendix B**.

LOT NUMBER:	DIAGRAM:	VOLUME/FOLIO:	LOT AREA:	REGISTERED PROPRIETOR:
5905	164777	334/160A	272.2047ha	ANTHONY LEIGHTON RUSE

TABLE 1

2 PROPOSED SCHEME AMENDMENT

2.1 Overview of Proposal

This SAR seeks to facilitate the rezoning of the subject land from “General Rural” to “General Rural - coded (GR 10)”. The proposal represents an appropriately located ‘General Rural - coded’ precinct which aligns with the objectives of the Shire of Gingin Local Planning Strategy and seeks a logical extension to the existing Rangeview Drive Estate. The allocation of the ‘General Rural - coded’ Precinct aims to protect the landscape and environmental value of the locality while ensuring General Rural land is preserved and remains unfragmented in accordance with the objectives of the Local Planning Strategy. Future subdivision and development could potentially be in accordance with the Concept Plan of Subdivision provided, with lots to be established with a minimum lot size of 10ha as determined at subdivision stage.

Subsequent to this SAR, the land could be subdivided generally in accordance with the Concept Subdivision Plan attached at **Appendix C**. This permutation of subdivision design facilitates an extension of Rangeview Drive, through to Cowalla road, completing a through road connection, resolving current fire access arrangements. A secondary road extends from Rangeview Drive, servicing the northern portion of the lot. This road is considered a no-through-road, with a Fire Service Access Route extending through to Cowalla Road, ensuring two-way access is achievable for all lots.

2.2 Type of Amendment

Pursuant to regulation 34 of the Planning and Development (Local Planning Schemes) Regulations 2015 (as amended), the proposed Scheme Amendment represents a ‘Standard Amendment’. The relevant clauses defining a Standard amendment are as follows:

Standard amendment means any of the following amendments to a local planning scheme —

- (a) an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
- (b) an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
- (c) an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;
- (d) an amendment to the scheme map that is consistent with a structure 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.

The relevant definition of a ‘Standard amendment,’ considered relevant to the proposal, is:

(b) “an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission.”

The requested change of zoning from ‘General Rural’ to ‘General Rural – Coded (GR 10)’ is consistent with the Shire of Gingin Local Planning Strategy and therefore should be considered a ‘Standard Amendment’.

2.3 Proposed Scheme Changes

Subject to the finalisation of this proposed Scheme Amendment, the subject land will be eligible for further subdivision. To ensure any future subdivision is in accordance with the intent of the Local Planning Strategy and consistent with proper and orderly planning a number of provisions are proposed within Schedule 10 of the Shire of Gingin Local Planning Scheme. The proposed additions to Schedule 10 are outlined below:

Schedule 10 – General Rural (Coded) Zones		
No.	Description of Land	Conditions
3	Lot 5905 (No. 1546) Cowalla Road, Wanerie AMD XX GG XX/XX/XX	<u>Environmental Management.</u> <ul style="list-style-type: none"> Prior to submission of an application for subdivision approval, the developer shall identify any vegetation worthy of protection and identify the means for protection. Vegetation can be protected through fencing and/or notifications on title. <u>Land use Settlement Pattern.</u> <ul style="list-style-type: none"> Lots that share an interface with the gazetted Road (Land ID 3148443) require a minimum average lot size of 15ha. The subdivision lot layout is to retain remnant vegetation located on the site. <u>Land Within 500m of Adjoining Horticultural Land Uses.</u> <ul style="list-style-type: none"> Building envelopes are required to be identified as part of subdivision for lots within 500m of adjoining horticultural land uses to ensure future development is appropriately setback from these land uses. Building envelopes should be located greater than 300m from the edge of adjoining horticulture uses unless the adjoining horticultural uses cease or else otherwise agreed with the Shire.

3 PLANNING CONTEXT

3.1 State Planning Policies

3.1.1 State Planning Policy 2.5 – Rural Planning (SPP2.5)

State Planning Policy 2.5 *Rural Planning* (SPP 2.5) guides the requirements and controls for land use planning in rural areas within Western Australia. The intent and purpose of the policy is to “*protect and preserve Western Australia’s rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values. Ensuring broad compatibility between land uses is essential to delivering this outcome.*”

SPP 2.5 provides a number of policy measures to assist decision makers in achieving the objectives of the policy which are summarised as:

- 5.1 *Protection of Rural Land / Rural Uses;*
- 5.3 *Rural Living;*
- 5.10 *Managing and Improving Environmental and Landscape Attributes; and*
- 5.12 *Preventing and Managing Impacts in Land Use Planning*

The SAR is consistent with the Policy Measures of SPP2.5, given the site has been identified as part of the Rural Smallholdings precinct within the Shire of Gingin Local Planning Strategy enabling potential for further detailed planning and subdivision of the land. Given the land has been earmarked for Rural smallholdings under the Shire of Gingin Local Planning Strategy, the SAR is considered consistent with Section 5.3, providing rural living style lots in a planned and coordinated manner.

The Concept Subdivision design, attached at **Appendix C**, demonstrates each lot is able to accommodate a sufficient land area to accommodate a dwelling with appropriate separational distance to nearby industrious horticultural land uses, and be outside of areas designated bushfire prone. An environmental assessment of the impact of the existing neighbouring horticultural uses will be conducted and submitted as part of a subdivision application, following the successful gazettal of this SAR.

3.1.2 State Planning Policy 3.0 – Urban Growth and Settlement (SPP 3)

SPP 3.0 promotes appropriately located settlements to provide for sustainable patterns of urban growth to enable the efficient, economic and timely provision of infrastructure and services to urban areas.

In considering the objectives of SPP 3 in relation to this SAR, the proposal is considered to appropriately locate a General Rural Coded precinct in accordance with the Shire of Gingin Local Planning Strategy and providing opportunity for rural living without fragmenting larger rural landholdings within the Shire.

3.1.3 State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7)

State Planning Policy 3.7 *Planning in Bushfire Prone Areas (SPP3.7)* guides the development requirements for any proposed development of land or infrastructure within designated bushfire prone areas. The intent of the policy is to implement effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.

The Guidelines for Planning in Bushfire Prone Areas Version 1.4, provide further detail and supporting information to assist decision makers and proponents in determining the appropriate land use in relation to bushfire prone areas, and ensuring that the necessary required measures are incorporated in development relating to bushfire protection.

Section 2.6 within the *Guidelines for Planning in Bushfire Prone Areas Version 1.4*, details discretionary decision making where exemptions may be sought from the requirements of SPP 3.7. The guidelines state that where there is no intensification of land-use and/or the proposal does not result in an increase to the bushfire threat, proponents can apply for an exemption from SPP3.7 requirements.

The Subject land only accommodates small portions of the site designated Bushfire Prone, identified by the Department of Fire and Emergency Services (DFES)(**Figure 4** refers). A Bushfire Management Plan has not been prepared in support of this Scheme Amendment, given the Opportunities and Constraints Plan (**Appendix D**) demonstrates each lot has a suitable portion of land located outside Bushfire prone areas. It is acknowledged that a future subdivision application will require a bushfire assessment to be undertaken to demonstrate compliance with the requirements of SPP 3.7.

3.1.4 Development Control Policy 3.4 - Subdivision of Rural Land (DCP 3.4)

Development Control Policy 3.4- *Subdivision of Rural Land (DCP3.4)* sets out the policy requirements for planning in rural zoned land. DCP 3.4 is an operational policy to assist in guiding subdivision in accordance with the provisions of State Planning Policy 2.5 *Rural Planning*.

The Policy indicates that subdivision of rural land should be consistent with the provisions of a local planning scheme/strategy and be undertaken in a proper and orderly fashion to avoid the fragmentation of rural zoned land and the creation of smaller ad-hoc rural lots.

The proposed Scheme Amendment seeks to formalise and progress the provisions outlined within the Local Planning Strategy, which identifies the subject land as ‘Rural smallholdings.’ The allocation of the Rural Smallholdings zone indicates the potential for further development of the land. The proposed Scheme Amendment seeks to amend the zoning of the lot from ‘General Rural’ to ‘General Rural – Coded’. The Strategy highlights that a number of existing ‘General Rural -Coded’ precincts are dispersed throughout the region identified as ‘Rural Smallholdings’ in accordance with the Local Planning Strategy. The Strategy further indicates that an infill of ‘Rural Smallholding’ lots within the specified locations will not contribute to the additional fragmentation of ‘Rural’ zoned land, given that the land is considered to already be largely fragmented.

3.1.5 Government Sewer Policy 2019 (GSP)

The Government Sewerage Policy (GSP) sets the State Government’s position on how sewerage services are to be provided in Western Australia through the planning and development of land. Given that there is no reticulated sewer within the area and reticulated sewer cannot be feasibly extended to service the site, onsite effluent disposal will need to be addressed as a part of any future subdivision.

Figure 5 provides an extract of the Government Sewerage Policy Mapping and identifies areas classified as ‘Sewer Sensitive.’ As evidenced by **Figure 5**, the site is not identified as sewer sensitive neither is it located within a public drinking water area.

Section 4 of the GSP indicates the policy applies to subdivision applications which result in the creation of lots lesser than 4ha. Given that the future subdivision of land will accommodate lot sizes aligned with the GR10 coding (minimum lot size of 10ha), this Scheme Amendment and probable subsequent subdivision application is considered exempt from the requirements dictated within the Government Sewerage Policy 2019.

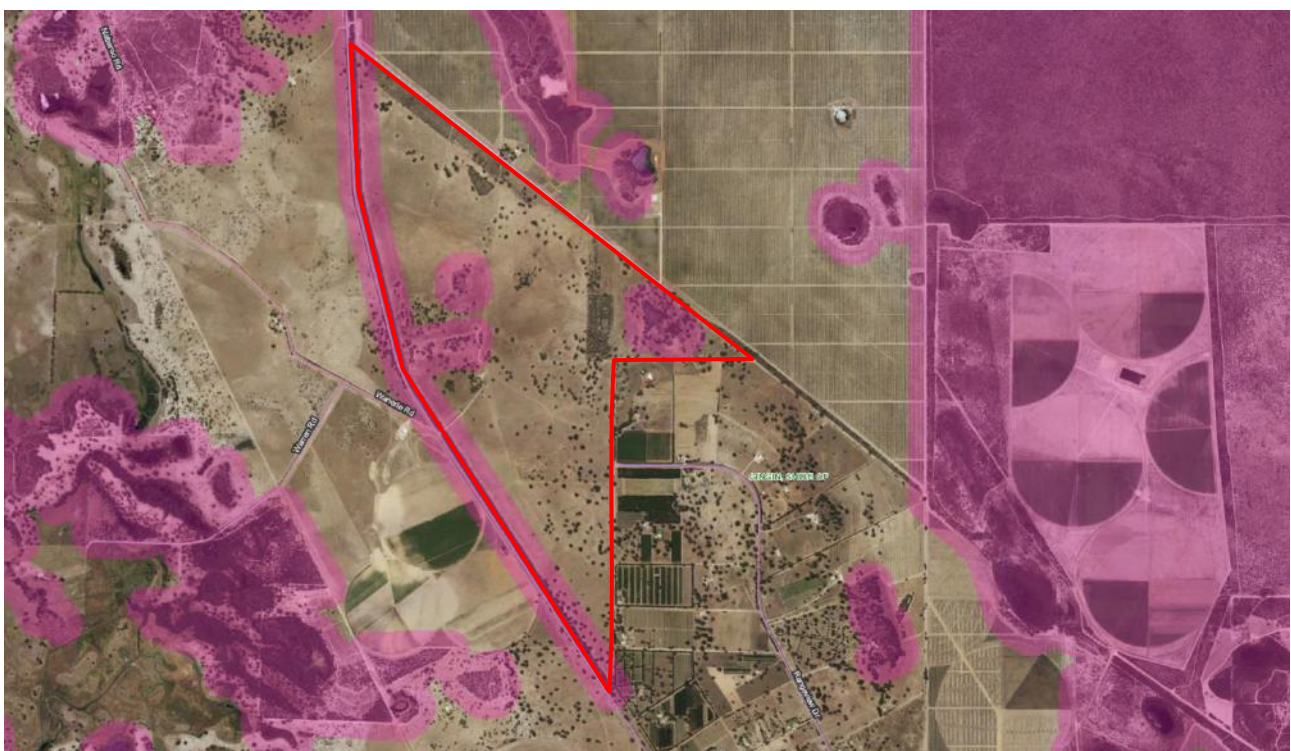


FIGURE 4 – DFES BUSHFIRE PRONE MAPPING



FIGURE 5 – GOVERNMENT SEWERAGE POLICY 2019 MAPPING

3.2 Local Planning Framework

3.2.1 Shire of Gingin Local Planning Scheme No. 9 (LPS 9)

The subject site is currently zoned 'General Rural' under the Shire of Gingin Local Planning Scheme No. 9 (LPS 9) (Figure 1 refers). This SAR proposes the subject land be coded to accommodate a 'General Rural Coded' zone, specifically GR10.

The objectives of the 'General Rural' zone as detailed within LPS 9 are as follows:

- a) *manage land use changes so that the specific local rural character of the zone is maintained or enhanced;*
- b) *encourage and protect broad acre agricultural activities such as grazing and more intensive agricultural activities such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use;*
- c) *maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage; and*
- d) *provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the General Rural zone.*

This SAR proposes a change in density coding within the current zone, ensuring the preservation of the rural character and amenity of the area. The zoning density modification is commensurate with

the provisions within the Shire of Gingin Local Planning Strategy, which promotes rural smallholding lots agglomerating along the major River systems within the Shire. A successful outcome of the SAR will likely result in a subdivision generally in accordance with the concept subdivision plan, attached at **Appendix C**, which demonstrates minimal vegetation will be required to be removed to facilitate both this scheme amendment and likely future subdivision. The concept subdivision plan also demonstrates each lot is able to locate a dwelling which achieves adequate separational distances from the adjoining horticultural land uses.

LPS 9 further dictates zone-specific development standards within the ‘General Rural’ zone. Subdivision within the ‘General Rural’ zone should consider the protection of natural vegetation, the provision of services to any future lot, access, building location, bushfire management and the impact on the amenity of the area. Subdivision should also correspond with the General Rural zone lot sizes, specified in Section 4.8.6.1. of LPS 9 and summarised as follows:

Code	Minimum Lot Size
GR10	10ha
GR20	20ha
GR30	30ha
GR40	40ha
UNCODED	<i>Further subdivision will not be supported unless it meets the exceptional circumstance requirements for subdivision under WAPC Development Control Policy 3.4.</i>

On account of the change from ‘General Rural’ to ‘General Rural – coded (GR10),’ the proposed Scheme Amendment addresses a ‘density coding amendment’ over the lot, rather than a change in the zoning over the land.

3.2.2 Shire of Gingin Local Planning Strategy (2012)

The Shire of Gingin has adopted a Local Planning Strategy which sets out the longer-term planning direction for the Shire over a 15–20-year planning horizon. The document provides the opportunity to assist decision makers in producing strategic decisions which align with the future intent and development of the Shire. One function of the Local Planning Strategy is to outline a plan that forms the basis of land use zoning, subdivision and development throughout the Shire.

The Local Planning Strategy was developed on the premise to protect rural land from fragmentation. The Strategy seeks to confine the subdivision of rural land along two major corridors centred along the Gingin Brook and Moore River. The Strategy was implemented to prevent ad-hoc subdivision of rural land on the basis of horticultural capabilities and focus the development of land along two major corridors promoting a diversity of Rural Smallholdings in an area which has been historically proven to be attractive for this type of landholding.

The subject land forms a portion of the ‘Rural Small Holdings’ precinct which agglomerates along the Moore River corridor. An excerpt of the Shire of Gingin Local Planning Strategy Map, demonstrating the subject land in its context has been included in **Figure 6**. The Strategy explicitly outlines that historically subdivision was considered on the basis of land capability for horticulture under the previous Gingin Local Rural Strategy 1994. The method of basing subdivision and

development of land was identified as conflicting with the principles of proper and orderly planning, resulting in the fragmentation of large rural landholdings. In response to these concerns the Shire developed a strategic approach to planning for the Shires rural resources which responds to existing major physical features within the Shire. This strategic approach formalised the creation of two Rural Smallholding corridors centralised along the Gingin Brook and Moore River. These areas were observed to accommodate an extensive pattern of existing rural smallholding lots and fragmented rural lots. Given the existing fragmentation, the Strategy indicates that further controlled subdivision and marginal expansion of these areas will not contribute to the further fragmentation of broad-acre rural land, but rather will provide an attractive location for smaller rural landholdings in an area directly serviced by major access routes, providing linkages to nearby rural and coastal townsites.

The Strategy indicates that the further subdivision of Rural Smallholding lots should only occur within the areas identified on the Local Planning Strategy map. The subject land has been identified to be within the ‘Rural Smallholdings’ area, therefore being capable of accommodating a future zoning/coding amendment under the Shire of Gingin Local Planning Scheme No. 9. This SAR is further considered to be a logical extension to the existing ‘GR20’ precinct directly south-east of the subject land.



FIGURE 6 - LOCAL PLANNING STRATEGY MAP EXTRACT

4 SITE ANALYSIS

4.1 Landform & Topography

The topography of the subject site is demonstrated as per the Conceptual Plan of Subdivision attached as **Appendix C**. The subject site accommodates one major peak located in the north western portion of the lot with a height of 128m AHD. A saddle is located in the southern portion of the lot featuring two peaks, with an approximate height of 100m AHD. The western portion of the lot features a gully with a minimum height of 64m AHD. The site generally slopes upward from Cowalla road and is screened by a 40m wide vegetation buffer along Cowalla Road.

4.2 Geomorphic Wetlands

A detailed review of the department of Biodiversity Conservation and Attractions Geomorphic Wetlands of the Swan Coastal Plain mapping dataset indicate that no geomorphic wetlands are located within close proximity of the subject site as outlined within **Figure 7** below.



FIGURE 7 – GEOMORPHIC WETLAND MAPPING OF THE SWAN COASTAL PLAIN (DBCA)

4.3 Land Use Conflict

The Subject land is located within proximity to horticultural and market garden land uses, specifically olive groves north of the subject land, and horticultural pivots located west of the subject land. The Environmental Protection Authority has drafted a guide providing recommended separation distances between industrial and sensitive land uses. The recommended separation distance from Market Gardens, without any studies undertaken, ranges from 300m-500m, depending on the scale and intensity of the Market Garden. In consultation with the Shire of Gingin Council at a briefing session, it was recommended that a 300m buffer would be acceptable between sensitive land uses and the existing olive plantation to the north, while it was recommended that a separation distance nearing 500m would be acceptable from the Horticultural pivots located west of the site.

The Opportunities and Constraints Plan attached at **Appendix D**, provides an indication of the relevant separation distances from the adjoining industrious land uses. As evidenced on the plan, it is possible that almost every lot achieves a portion of land located outside of the 500m Buffer from the Horticultural pivots and 300m from the Olive Plantation, in accordance with the recommendations from the Shire Council. It is acknowledged that Lot 22 located on the Concept Subdivision Plan is the only lot which does not contain such a portion of land outside the 500m buffer. It is expected that as part of a subsequent subdivision application environmental studies will be undertaken to assess the relevant buffer distances to ensure this lot can achieve compliance with the relevant separational distances from industrious land uses.

4.4 Water

Historically within the Shire of Gingin the provision of water and allocation of ground water has been a contentious resource, limiting the expansion of water intensive agricultural and rural uses. While it is acknowledged the provision of water is identified as a planning consideration, it should not be the basis upon which planning decisions should be made. A successful Scheme Amendment is likely to result in the subdivision of land in accordance with the amended zoning. The Shire of Gingin Council also highlighted the need to consider the distribution and allocation of groundwater resources and licencing during the initial briefing session.

Given the likelihood that there will be additional landholdings over the land, it is expected that there will be a greater demand for the provision of potable drinking water. While specific details will be provided during subdivision stage, it can be concluded that each lot will be able to provide an adequate supply of potable water through the harvesting and storage of rainfall in rainwater tanks. Section 4.8.6.4 of the Shire of Gingin Local Planning Scheme No.9 (LPS 9) indicates that a water tank of not less than 90,000L should be installed where lots cannot be connected to a reticulated water supply. Should the Council consider it necessary, additional policy measures can be included in Schedule 10 of LPS 9, dictating specific requirements of General Rural coded areas. These specific policy measures could stipulate the need for adequate provision of potable water supply and specify the minimum size for rain water tanks. Alternatively, it is expected that a condition of a future subdivision approval would dictate this requirement.

The licencing and access to groundwater resources has also been considered in conjunction with this Scheme Amendment request. It is noted that numerous landholdings located within the neighbouring development south-east of the subject land operate uses over their lot without the

need for access to groundwater connections or licences. It is expected that future lots resulting from subdivision, following a successful outcome of a Scheme Amendment, will also be able to operate a range of land uses which do not require a connection to the underground aquifers or water licences. A number of land uses, which do not require access to groundwater resources include: the keeping of bees, Extensive Agriculture, Educational Establishment, Hydroponics, Chalet, Staff/Workers Accommodation, Community Purpose and various rural and/or cottage industries. It is expected that due to the extensive progression of technology and innovation in relation to various industries, the proposed lot sizes and the targeted landowner groups, future landholdings will have the opportunity to operate rural land uses without the need for a connection to local groundwater aquifers within the area. If groundwater is desired to be accessed the relevant approvals and licences will be required prior to access and usage.

4.5 Existing Vegetation

The subject land comprises of largely cleared rural land used for the grazing of animals and hay production. The site accommodates various scattered trees throughout, comprising of Redgum, Tuart trees, Banksia trees, Blackboy, Blackbutt, and Tagasaste species. Given the site has been used for grazing of animals and livestock the existing vegetation is generally scattered and degraded. The site accommodates various clusters of more dense vegetation, which will be retained as part of this Scheme Amendment request. The land owner is committed to preserving existing vegetation over the site, reflected through the Concept Subdivision Plan (**Appendix C**) which provides sufficient areas within each lot suitable for the development of a single dwelling without the need to remove any existing vegetation. Additionally, the road layout has been designed to avoid the removal of any significant vegetation.

4.6 Land Capability

No detailed land capability studies have been completed in support of this SAR at this stage. Subject to Council recommendations, Geotechnical studies can be undertaken to determine the site land capability as part of any future application for specific land use and development on lots. Given the subject site adjoins already subdivided and developed 'General Rural 20' zoned land, it is considered that the subject land is capable of supporting development as proposed.

4.7 Bushfire Hazard

The objective of State Planning Policy 3.7, Planning in Bushfire Prone Areas, is to implement effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.

Figure 4, and the Opportunities and Constraints Plan Attached at **Appendix D** demonstrate only small portions of the lot designated as bushfire prone identified by the Department of Fire and Emergency's Bushfire Prone mapping. Any application which results in the intensification of the land within a bushfire prone area requires a Bushfire Assessment to be undertaken to identify the bushfire risk posed to future development opportunities on the site.

As evidenced in the Concept Subdivision Plan, each lot has the capability to accommodate a single dwelling outside of any area designated bushfire prone. Therefore, given each lot can accommodate

a dwelling outside of areas designated bushfire prone, and subject to advice previously received from the DPLH a Bushfire Management Plan has not been prepared in support of this Scheme Amendment Request. It is expected that a Bushfire Assessment will be required in support of a future subdivision application.

4.8 Servicing

4.8.1 Power

Three phase aerial power lines currently traverse the site, providing power connections to the existing house on the lot. Aerial power on the site will need to be redirected along the road reserve as part of the subdivision implementation process to provide a suitable power connection to each newly subdivided.

4.8.2 Water

Reticulated water services are not available within proximity to the site and cannot be feasibly extended to service the Lot. Therefore, water will need to be provided via the capture and storage of rainfall through rainwater tanks. It is expected that a future subdivision may require a tank suitable for firefighting purposes. Further, the Scheme provisions require that a water tank of not less than 90,000L should be installed where lots cannot be connected to a reticulated water supply.

4.8.3 Sewer

A sewer connection is not available within proximity of the subject site. Therefore, effluent will need to be disposed of onsite. Given each lot exceeds 4ha in size, this scheme amendment and future subdivision application are considered to be exempt from the requirements of the Government Sewerage Policy 2019, and each lot is considered capable of accommodating effluent on site.

5 CONCLUSION

In conclusion, this SAR seeks support to enable a re-coding of Lot 5905 (No. 1546) Cowalla Road, Wanerie to 'General Rural – Coded (GR10)'. This SAR is considered to be consistent with the intent and purpose of State Planning policy 2.5 - Planning in Rural Areas, 3.7 Planning in Bushfire Prone Areas, Shire of Gingin Local Planning Scheme and the Shire of, Gingin Local Planning Strategy which identifies the site as 'Rural Smallholdings'. The General Rural Coded proposal will be consistent with the adjoining General Rural coded land south-east of the subject land, comprising of lots ranging from 9.8ha-28.7ha, appropriately rounding off the Rangeview estate in a logical manner. This 'rounding-off' will also complete existing fire access issues currently present within the Rangeview Drive Estate.

Future subdivision of the land will allow for an extension to Rangeview Drive, and an extension to the Rangeview Estate, whilst maintaining the rural character and amenity of the area. The extension to Rangeview Drive will also finalise fire access arrangements which to date remain incomplete as part of the current Rangeview estate, rectifying existing bushfire hazards for the locality.

The environmental opportunities identified onsite can appropriately be managed due to the 10ha and larger lot sizes proposed through this SAR. Each lot will have the capability to construct a dwelling without the removal of vegetation and in a suitable location in terms of site management and separation from surrounding horticultural activities.

It is therefore respectfully requested on the basis of the above justified rationale, that the Minister for Planning, Lands and Heritage approve the amendment to the Shire of Gingin Local Planning Scheme No.9 to recode Lot 5905 Cowalla Road, Wanerie from "General Rural" to "General Rural – Coded (GR 10)".

**RESOLUTION TO ADOPT AMENDMENT TO
LOCAL PLANNING SCHEME**

**Shire of Gingin Local Planning Scheme No. 9
Amendment No.25**

Resolved that the local government pursuant to section 75 of the Planning and Development Act 2005, amend the above Local Planning Scheme by:

4. Rezoning Lot 5905 (No. 1547) Cowalla Road, Wanerie from 'General Rural (uncoded)' to 'General Rural (coded 10)'.
5. Amending Schedule 10, and including an additional General Rural (coded) zone as follows:

No.	Description of Land	Conditions
3	Lot 5905 (No. 1546) Cowalla Road, Wanerie	<p><u>Environmental Management.</u></p> <ul style="list-style-type: none">• Prior to submission of an application for subdivision approval, the developer shall identify any vegetation worthy of protection and identify the means for protection. Vegetation can be protected through fencing and/or notifications on title. <p><u>Land use Settlement Pattern.</u></p> <ul style="list-style-type: none">• Lots that share an interface with the gazetted Road (Land ID 3148443) require a minimum average lot size of 15ha.• The subdivision lot layout is to retain remnant vegetation located on the site. <p><u>Land Within 500m of Adjoining Horticultural Land Uses.</u></p> <ul style="list-style-type: none">• Building envelopes are required to be identified as part of subdivision for lots within 500m of adjoining horticultural land uses to ensure future development is appropriately setback from these land uses.• Building envelopes should be located greater than 300m from the edge of adjoining horticulture uses unless the adjoining horticultural uses cease or else otherwise agreed with the Shire.

6. Amending the Scheme Map accordingly.

COUNCIL ADOPTION

This Standard Amendment was adopted by resolution of the Council of the Shire of Gingin at the Ordinary Meeting of the Council held on the _____ day of _____ 20__.

.....
SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE

By resolution of the Council of the Shire of Gingin at the Ordinary Meeting of the Council held on the _____ day of _____, 20__, proceed to advertise this Amendment.

.....
SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Amendment is recommended for _____ by resolution of the Shire of Gingin at the Ordinary Meeting of the Council held on the _____ day of _____, 20__ and the Common Seal of the Shire of Gingin was hereunto affixed by the authority of a resolution of the Council in the presence of:

(Seal)

.....
SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

WAPC RECOMMENDATION FOR APPROVAL

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

DATE.....

APPROVAL GRANTED

.....
MINISTER FOR PLANNING


DATE.....

APPENDIX A

WAPC APPROVAL 99606 – SUBDIVISION GUIDE PLAN

SUBDIVISION GUIDE PLAN Swan Loc.4375 Rural Conservation Area No.1

ADOPTED BY GINGIN SHIRE COUNCIL ON
14th December 1995


Shire Clerk



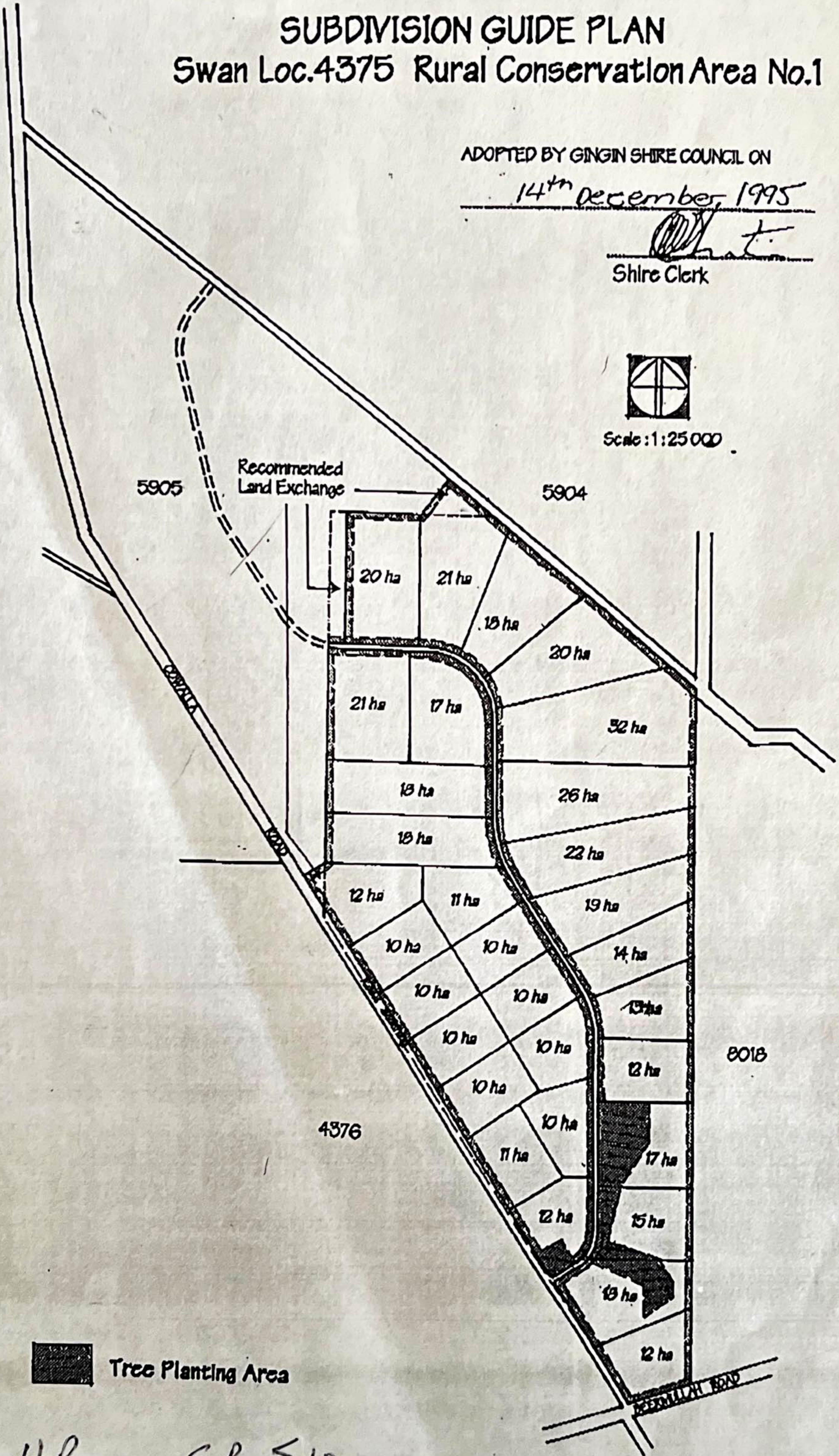
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7577

5905

Recommended
Land Exchange

5904



 Tree Planting Area

HP - GR < 10

APPENDIX B
CERTIFICATE OF TITLE

WESTERN



AUSTRALIA

TITLE NUMBER

Volume Folio

334 160A

RECORD OF CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

BGRoberts
REGISTRAR OF TITLES



LAND DESCRIPTION:

LOT 5905 ON DEPOSITED PLAN 164777

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

ANTHONY LEIGHTON RUSE OF 154 ADELMA ROAD, DALKEITH

(T A928758) REGISTERED 25/2/1975

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

1. A928760 MORTGAGE TO NATIONAL BANK OF AUSTRALASIA LTD REGISTERED 25/2/1975.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

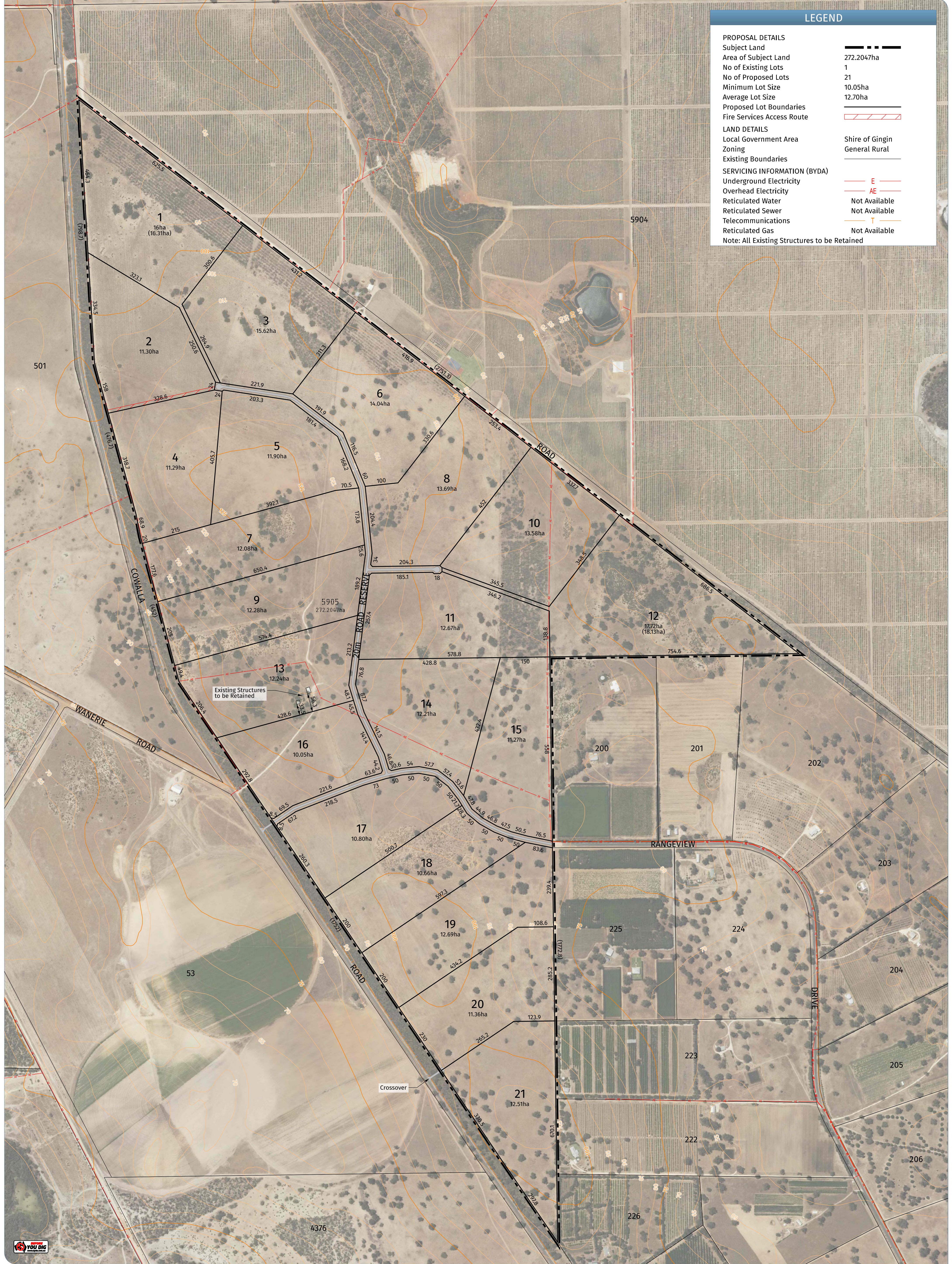
SKETCH OF LAND: 334-160A (5905/DP164777)
PREVIOUS TITLE: 334-160A
PROPERTY STREET ADDRESS: 1546 COWALLA RD, WANERIE.
LOCAL GOVERNMENT AUTHORITY: SHIRE OF GINGIN

APPENDIX C

CONCEPT PLAN OF SUBDIVISION

LEGEND

PROPOSAL DETAILS	
Subject Land	272.2047ha
Area of Subject Land	1
No of Existing Lots	21
Minimum Lot Size	10.05ha
Average Lot Size	12.70ha
Proposed Lot Boundaries	
Fire Services Access Route	
LAND DETAILS	
Local Government Area	Shire of Gingin
Zoning	General Rural
SERVICING INFORMATION (BYDA)	
Underground Electricity	
Overhead Electricity	
Reticulated Water	Not Available
Reticulated Sewer	Not Available
Telecommunications	
Reticulated Gas	Not Available
Note: All Existing Structures to be Retained	



CONCEPT SUBDIVISION

Lot 5905 (No. 1546) Cowalla Road,
WANERIE

Plan No. | 23561-03
 Date | 24/01/24
 Drawn | NP
 Checked | DV
 Revision | D

PERTH & FORRESTDALE:
 Lvl 1, 252 Fitzgerald St
 PERTH WA 6000
 15/2 Hensbrook Loop,
 FORRESTDALE WA 6112
 T: 08 9495 1947
 E: metro@harleydykstra.com.au

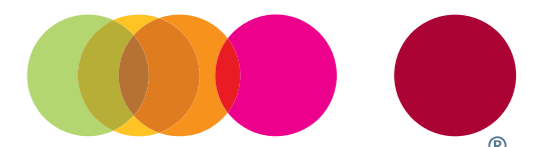
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Scale | 1:5000 @ A1
 1:10000 @ A3

0 50m 100m 150m

NOTE: This plan has been prepared for planning purposes. Areas, Contours and Dimensions shown are subject to survey













Harley Dykstra

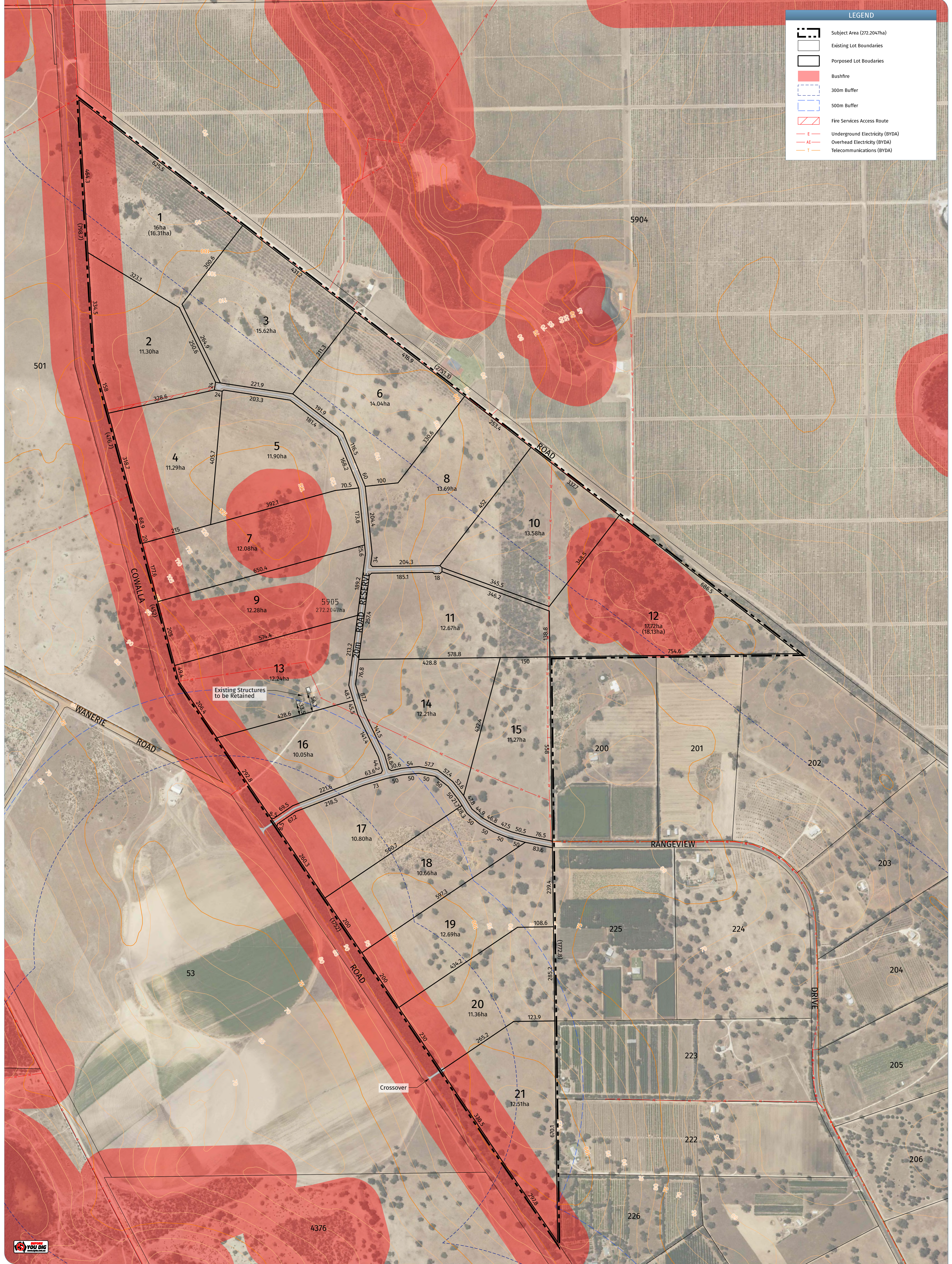
PLANNING & SURVEY SOLUTIONS

APPENDIX D

OPPORTUNITIES AND CONSTRAINTS PLAN

LEGEND

-  Subject Area (272.2047ha)
-  Existing Lot Boundaries
-  Proposed Lot Boundaries
-  Bushfire
-  300m Buffer
-  500m Buffer
-  Fire Services Access Route
-  Underground Electricity (BYDA)
-  Overhead Electricity (BYDA)
-  Telecommunications (BYDA)






OPPORTUNITY & CONSTRAINTS PLAN

Lot 5905 (No. 1546) Cowalla Road,
WANERIE

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	T: 08 9495 1947	and in accordance with the terms of
	E: metro@harleydykstra.com.au	engagement for the commissioner.
	ALBANY BUNBURY BUSSELTON FORRESTDALE PERTH	Unauthorised use of this document in
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Scale | 1:5000 @ A1
1:10000 @ A3

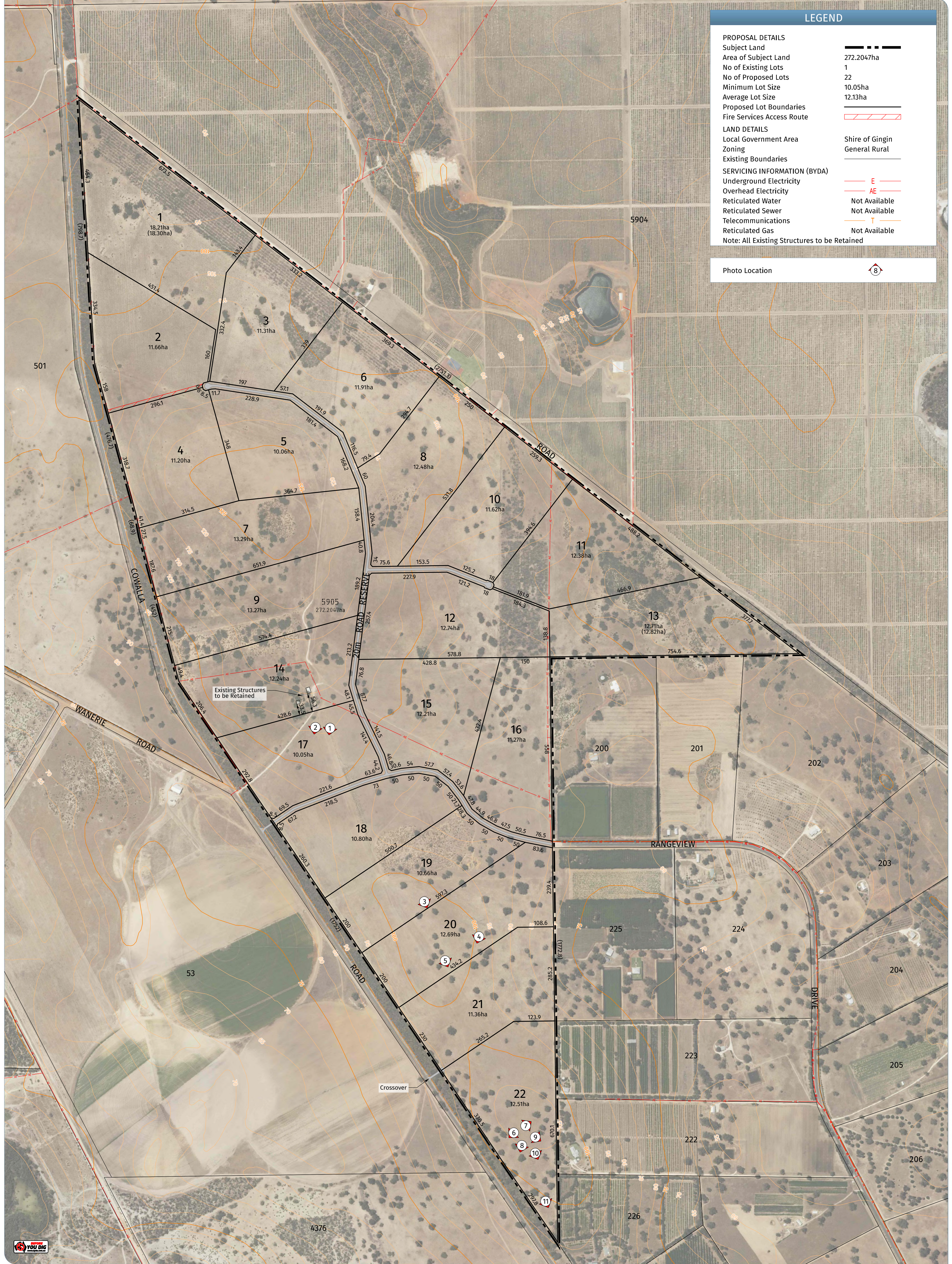
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Harley Dykstra
PLANNING & SURVEY SOLUTIONS

APPENDIX E

SITE IMAGES AND CONTEXT



LEGEND	
PROPOSAL DETAILS	
Subject Land	— — — — —
Area of Subject Land	272.2047ha
No of Existing Lots	1
No of Proposed Lots	22
Minimum Lot Size	10.05ha
Average Lot Size	12.13ha
Proposed Lot Boundaries	— — — — —
Fire Services Access Route	▨ ▨ ▨ ▨ ▨
LAND DETAILS	
Local Government Area	Shire of Gingin
Zoning	General Rural
EXISTING INFRASTRUCTURE	
SERVICING INFORMATION (BYDA)	
Underground Electricity	— E —
Overhead Electricity	— AE —
Reticulated Water	Not Available
Reticulated Sewer	Not Available
Telecommunications	— T —
Reticulated Gas	Not Available
Note: All Existing Structures to be Retained	
Photo Location	8

CONCEPT SUBDIVISION

Lot 5905 (No. 1546) Cowalla Road, WANERIE

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	1:10000 @ A3		

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Image 1



Image 2



Image 3



Image 4



Image 5



Image 6



Image 7



Image 8



Image 9



Image
10



Image
11

