



Shire of Boyup Brook
Abel Street Boyup Brook
WA 6244

LOCAL PLANNING SCHEME NO.2

AMENDMENT No.21

Shire of



Boyup Brook

Lot 13129 Bridgetown Boyup Brook Road





Document	Procedure	Date
Amendment No 21	Report to Shire Boyup Brook Council requesting initiation.	June 2022

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RESOLUTION

PLANNING AND DEVELOPMENT ACT 2005
RESOLUTION TO ADOPT AMENDMENT TO LOCAL PLANNING SCHEME
SHIRE OF BOYUP BROOK
LOCAL PLANNING SCHEME NO. 2
AMENDMENT NO. 21

Resolved that the local government, pursuant to Section 72 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

1. Rezoning Lot 13129 Bridgetown Boyup Brook Road, from the 'Rural' zone and the 'Public purposes' reserve (purpose: water and parkland), to the 'Light Industry' zone.

The Amendment is a 'Standard' amendment under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):

- a) The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and
- b) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

Dated this 30 day of June 2022

Dale Putland
CHIEF EXECUTIVE OFFICER



SCHEME AMENDMENT REPORT

1. INTRODUCTION

This Scheme amendment proposes to modify the Shire's *Local Planning Scheme No.2* zoning and reservation, for Lot 13129 Bridgetown Boyup Brook Road, from the 'Rural' zone and the 'Public purposes' reservation, to the 'Light Industry' zone.

The subject Lot was previously used to yard and wholesale sheep. A portion of the Lot is currently used for the washing of trucks.

The subject land is ideal for industrial type land uses. A large portion of the land is flat, majority cleared, partly sealed, well buffered to sensitive land uses and has frontage to a major road.

The current 'Rural' zoning is not appropriate for this small, partly developed piece of land. The land is owned by the Shire of Boyup Brook. The Shire propose to rezone the land, to enable a purchaser/developer to undertake light industrial type activities.

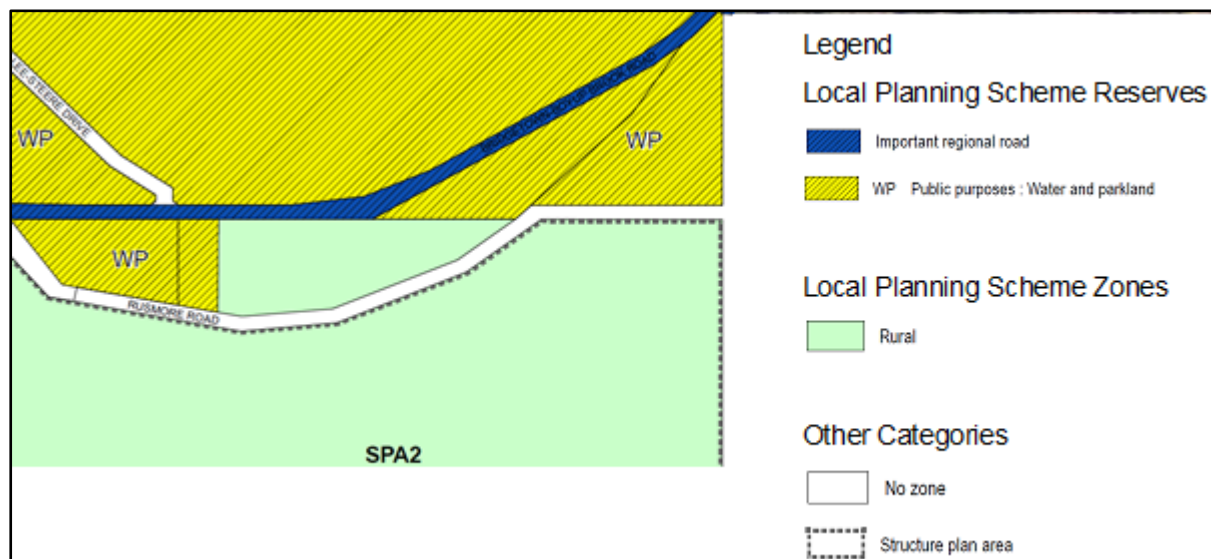
2. SUBJECT LOT

The following illustrates the subject Lot of the amendment proposal.



3. CURRENT ZONE, RESERVATIONS AND USES

The following illustrates the current scheme zone and reservation.



Current land use and proposed land use include:

Lot / Reserve No.	Area	Zone / Reservation	Current Land Use	Proposed Land Use
Lot 13129 R33552	Total Lot Area; 3.9ha. Area proposed for rezoning; 3.9ha.	Portion 'Rural' Portion 'Public Purpose' (Water & Parkland)	<ul style="list-style-type: none"> Outbuilding Truck wash facility Access roads Remnant vegetation (parkland cleared) 	<ul style="list-style-type: none"> Light industrial activities.

Lot 13129 was predominantly used for the holding and selling of sheep (saleyards). The subject site is now:

1. Used for washing trucks - designated area with effluent management system;
2. Partly vacant – hardstand area and small building (old canteen) leftover from saleyards; and
3. Partly vegetated.

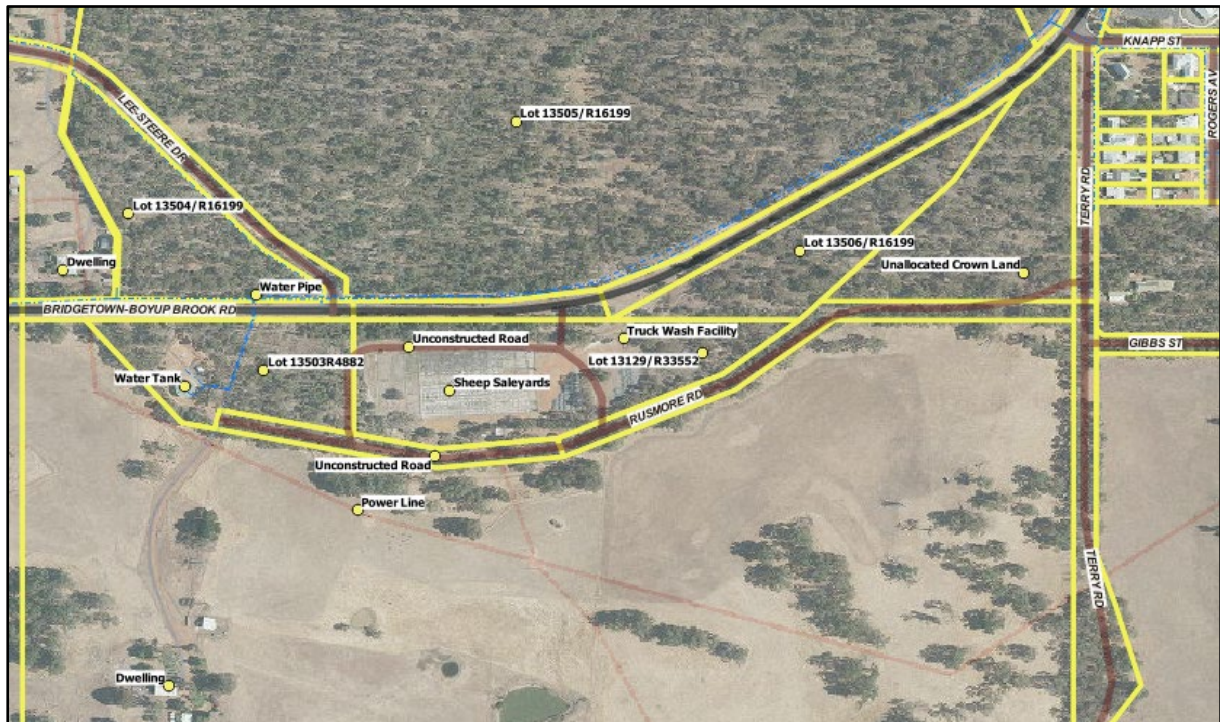
Land to the south and east of the subject Lot is zoned 'Rural' and land to the north and west is reserved for 'Public Purpose' (Water & Parkland).

The 'Rural' zoned land is currently used for farming purposes (livestock grazing and cropping) and is designated in the scheme for future rural residential development (Structure Plan Area 2).

The 'Public Purpose' land is used for passive recreation (walking) and active recreation (mountain-bike and horse riding). The land was previously used for water catchment. The is a water tank to the west, which is used for water storage.



Residential dwellings are located at varying distances, the closest being approximately 255m away to the north/west. The following maps illustrate land uses within the vicinity of the subject Lot.



4. COMMUNITY CONSULTATION

In accordance with requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the amendment is required to be advertised for 42 days. A report and any submissions are then presented to Council and the Minister for final consideration of the Amendment.

5. **ENVIRONMENT**

Topography

Central to the site is a flat area ideally suited to development. There's a rising embankment on the west, south and east boundaries and declining embankment on the northern boundary towards the Bridgetown Boyup Brook Road.

The rising embankments form suitable natural noise and amenity buffers to adjacent existing and future designated land uses.



Geology and Hydrology

The soil in the subject area is described as *DMg Dalmore – g; meaning the soil parent material consists of gravels, loamy duplex soils and sandy duplex soils.*

The DMg soil type is suitable for development and onsite effluent disposal.

The Hydraulic gradient for the site is relatively flat with surface water discharging to the north - adjacent to the Bridgetown Boyup Brook Road. There are no distinct surface drainage lines or evidence of groundwater at depths of 2 metres.

Stormwater disposal is expected to be facilitated through:

- a) Infiltration and evaporation;
- b) Attenuated surface runoff into adjacent landscaped areas and an open drain adjacent to Bridgetown/Boyup Brook Road; and
- c) Detention basins, developed at the time of subdivision and industrial development.

Remnant Vegetation

Remnant vegetated areas range from good to excellent condition.

The remnant vegetation at the eastern end of Lot 13129 is dominated by Eucalyptus wandoo (Wandoo) and E. marginata (Jarrah) trees over little to no understory.



Towards the western end of Lot 13129, the vegetation transitions to *E. marginata* and *Corymbia calophylla* over tall sparse *Banksia* shrubs and low to medium shrubs and sedges. Dominant understorey species include *Banksia grandis*, *Hakea lissocarpa*, *Billardiera heterophylla*, *Leucopogon capitellatus*, *Acacia pulchella*, *Xanthorrhoea preissii*.

Common weeds can be found throughout and include; Veldtgrass (*Ehrharta calycina*), Freesia (*Freesia* hybrids), and Wild Oats (*Avena fatua*). There are some planted eucalypts on the southern and western periphery of the saleyards that are not endemic to the area and should be removed to reduce their potential as weeds in the surrounding native vegetation. The weeds Marshmallow (*Malva parviflora*), Nightshade (*Solanum nigrum*) and Wild Radish (*Raphanus raphanistrum*) are growing adjacent and within the saleyard lots.

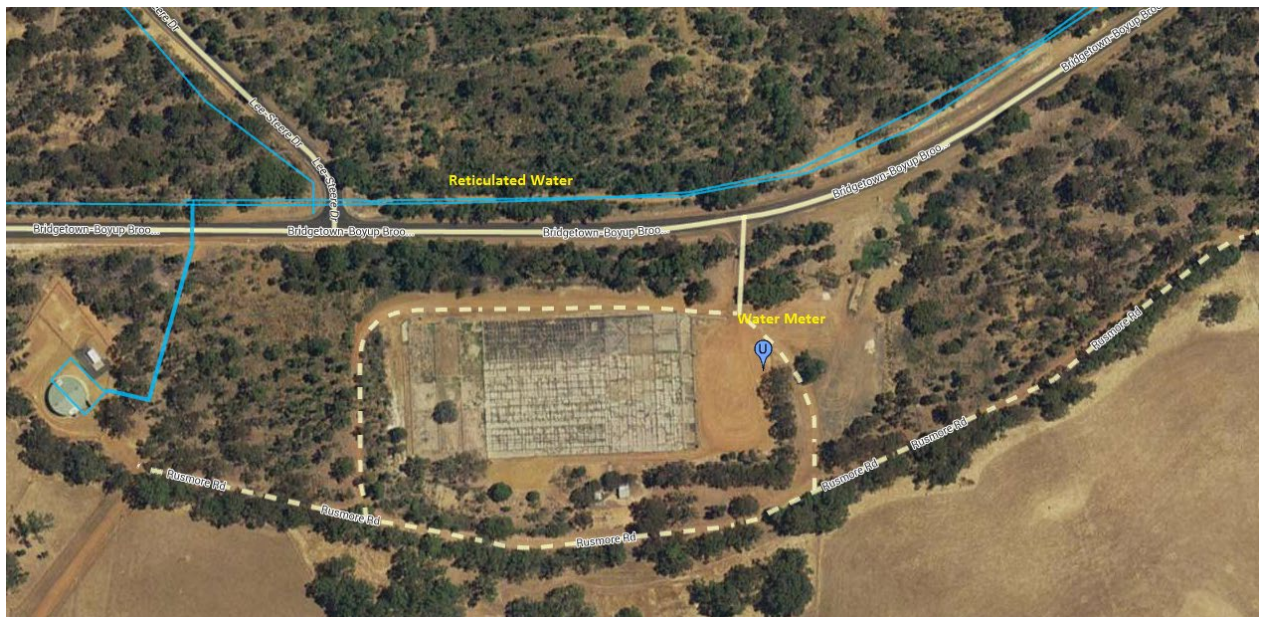
6. **INFRASTRUCTURE**

Access

The subject lot has direct frontage to the Bridgetown Boyup Brook Road. Access to the proposed industrial usage can be achieved by an existing crossover, which has excellent line of site.

Services

Reticulated water is available to the subject site.



Power and telecommunication infrastructure run past the subject site. New transformer and green domes will need to be constructed to accommodate industrial land uses at the subject property.

The gravel, loamy duplex, and sandy duplex soils account for an 'A1' rating, meaning the land is suitable for septic tanks.



Disposal of effluent is proposed to be by way of onsite effluent disposal systems as scheme sewer is not available. Development may-be required to utilise high performance nutrient retaining systems.

7. **PLANNING CONTEXT**

The following section outlines how the proposed 'Light Industry' zoning suitably addresses the planning framework.

In summary, the scheme amendment request is considered consistent with the planning framework.

The subject land is partly zoned 'Rural' and partly reserved 'Public Purpose' for 'Water & Parkland'.

Public Purpose Reserve

The Shire of *Boyup Brook Local Planning Scheme No.2* states the following at section 14. Local Reserves:

- (1) *Local reserves are shown on the Scheme Map according to the legend on the Scheme Map.*
- (2) *The objectives of each local reserve are as follows:*

Public Purposes - To provide for a range of essential physical and community infrastructure.

The Public Purposes area, the subject of the amendment proposal is not used for the purpose deemed on the scheme map. The land was previously used to capture water for domestic uses. Reticulated water is now supplied via Bridgetown (neighbouring town).

Rural Land

The scheme states at section 25 RURAL ZONE:

Council shall encourage the continued use of land within the Rural Zone for the entire spectrum of broadacre and intensive rural activities except in close proximity to the town where such activities, by their very nature, may detract from the residential and environmental quality within the town.

Lot 13129 is not used and is not suitable for agriculture production and no longer contributes to agriculture by way of saleyards.

Industry

The zoning table in the Shire's scheme does not support industrial uses in the 'Rural' zone or the 'Public Purpose' reservation. The amendment is seeking to enable a light industrial use to occur.

The Shire's scheme defines Light Industry to mean:

...premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed.



The site is physically suited to accommodating light industrial activities for the following reasons:

- The site is currently utilised for industrial type activities (truck wash-down facility).
- The site is flat, meaning extensive earthworks is not necessary to prepare the site for development.
- The site is clear of environmental impediments; - the site is not susceptible to flooding and the site is majority clear of vegetation.
- There is no registered land contamination on the site.
- The site is buffered to surrounding sensitive uses by a suitable distance, by topography and by vegetation.
 - There is well-established remnant vegetation on the fringe parts of the site. The vegetation does not appear to have any significant environmental value but does provide a significant landscape buffer.
- The site has connection capabilities to utilities/infrastructure including sealed roads, power, telecommunications and water.
 - The Bridgetown-Boyup Brook Road, which runs east-west along part of the northern part of the site, is a Main Roads WA controlled Primary Distributor Road. Main Roads WA will be requested to provide their comments on the proposal from a traffic access perspective. A road reserve (Rusmore Road, a gravel road) runs along the southern boundary of the site.
 - There is a Western Power Overhead 12.7 kV Distribution Line, which runs to the southern boundary of the site.
 - There are two Water Corporation water pipes running along the northern boundary of the Bridgetown-Boyup Brook Road road reserve.
 - There is no mains sewer provision in the vicinity of the site and on-site effluent disposal will be required.

State Planning

State planning documents that relate to the subject land include:

- *State Planning Strategy 2050*
- *State Planning Policy No.1 - State Planning Framework Policy;*
- *WA State Sustainable Strategy;*
- *State Planning Policy No. 4.1 – State Industrial Buffer;*
- *Development Control Policy 4.1 - Industrial Subdivision; and*
- *State Planning Policy 3.7 - Planning in Bushfire Prone Areas 2015, the Guidelines for Planning in Bushfire Prone Areas 2015, the Australian Standards 3959 – Construction of Buildings in Bushfire Prone Areas and the Office of Bushfire Risk Management - Bush Fire Prone Area Mapping.*

State Planning Strategy 2050 and State Planning Policy No.1 - State Planning Framework Policy

The *State Planning Strategy 2050* (SPS) provides an overall strategic planning framework for the State.

The SPS is supported by the State Planning Policy No.1 - State Planning Framework Policy which ensures all state and regional planning documents meet SPS principles. There are five key principles that are advocated by the SPS:



1. Environment: To protect and enhance the key natural and cultural assets of the State and deliver to all West Australians a high quality of life which is based on environmentally sustainable principles.
2. Community: To respond to social changes and facilitate the creation of vibrant, safe and self-reliant communities.
3. Economy: To actively assist in the creation of regional wealth, support the development of new industries and encourage economic activity in accordance with sustainable development principles.
4. Infrastructure: To facilitate strategic development by making provision for efficient and equitable transport and public utilities.
5. Regional Development: To assist the development of regional Western Australia by taking account of the special assets and accommodating the individual requirements of each region.

The proposed Amendment seeks to meet these principles, specifically to assist in the creation of regional wealth.

WA State Sustainability Strategy

The State Sustainability Strategy (SSS) is a sustainability framework, comprising sustainability principles. The SSS requires that economic, social and environmental factors be integrated by simultaneous application of the SSS principles with mutually supportive benefits and minimal trade-offs.

State Planning Policy No. 4.1 – State Industrial Buffer

The purpose of the State Planning Policy 4.1 is to provide for the security of industrial zones and for the safety and amenity of surrounding land uses. The policy establishes principles to define and secure buffer areas and to determine who should pay for them. The extent of the buffer area depends on particular circumstances such as scale of operations. The buffer policy states:

In the case of industries of a light/service nature...the impacts can usually be retained on-site.

For light industrial type activities, setbacks to property boundaries are the norm and are effective in forming buffers, particularly when combined with landscaping.

The policy lists categories of industry which may be required to provide off-site buffers and light industry is not listed. The types of industries expected in the light industrial area are not expected to generate emissions including noise, dust, odour, fumes, lighting overspill or high risk levels of a capacity that will impact on the neighbouring land uses of rural, public purpose, residential and special rural.

The state industrial buffer policy defines light industry as:

Light Industry—means an industry; – in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises, will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water or other waste products; and – the establishment of which will not, or the conduct of which does not, impose an undue load on any existing or proposed



service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like services.

Development Control Policy 4.1 - Industrial Subdivision

This policy statement provides guidance on the matters considered by the Commission when determining applications for industrial subdivision throughout the State. These include such matters as the design and shape of industrial lots, road layout, servicing and open space requirements.

The policy ensures that the design of an area is compatible with the surrounds by introducing measures such as landscaping and that good access is provided to and from the industrial area to cater for large and cumbersome vehicles.

The scheme amendment seeks to retain the subject Lot in its current size. Servicing to the Lot is available by water and power lines running adjacent. Traffic would enter and exit the site as per the current established crossover. There is sufficient area on-site to enable turning movements and parking.

State Planning Policy 3.7 - Planning in Bushfire Prone Areas 2015

In accordance with State Planning Policy 3.7, the strategic intent is to ensure that:

1. Development is located in areas where the bushfire hazard assessment is or will be of a moderate or low risk, and the risk can be managed; and
2. Development in areas where extreme hazard applies, demonstrates that the risk can be managed to the satisfaction of the Department of Fire and Emergency Services and the decision-maker.

As indicated by the *Office of Bushfire Risk Management - Bush Fire Prone Area Mapping*, the subject area is within a bushfire prone area.

The subject site is at medium to extreme risk of bushfire attack.

If necessary vegetation clearing on the fringes of the existing developed areas, within the confines of the existing Lot 13129, may-be undertaken to ensure that bushfire risk can be managed at a moderate or low risk (max BAL29).

At the development stage, it is recommended that a Bushfire Attack Level assessment is undertaken in accordance with the SPP 3.7 to determine the extent of low fuel area required around development and/or the level of construction required to mitigate against bushfire.

State Planning Policy 2.9 – Water Resources

The objectives of this policy are to:

1. Protect, conserve and enhance water resources that are identified as having significant economic, social, cultural and/or environmental values;
2. Assist in ensuring the availability of suitable water resources to maintain essential requirements for human and all other biological life with attention to maintaining or improving the quality and quantity of water resources; and
3. Promote and assist in the management and sustainable use of water resources.



Water resource management can be met at the development stage of the planning process. The land within the subject lot slopes towards the Bridgetown Boyup-Brook Rd. Future development would need to ensure that maximum retention and infiltration occurs on site through the use of individual soak wells, retention basins or other measures as deemed necessary. Post-development flow rates would be attenuated to pre-development flow rates through the provision of adequate temporary detention storage. Oil and grease traps could be provided to the satisfaction of the Local Government to ensure that nutrient export is appropriate.

Government Sewer Policy.

The policy guides future strategic planning, subdivision and development for the provision of sewage disposal in Western Australia.

The policy promotes reticulated sewerage as the best disposal method for sewage. It requires all new subdivision and development to be connected to reticulated sewerage where available or considered necessary on health, environment or planning grounds.

Where reticulated sewerage cannot be provided, the policy provides detailed site requirements for on-site sewage treatment and disposal.

The subject lot is 3.9ha and is located over 1.5km to the Blackwood River. Given the size and location of the property, the development of an effluent disposal system is not expected to impact on any environmentally sensitive areas or members of the public. An effluent disposal system has already been developed at the site. A new system would require an approval in accordance with the Government Sewer Policy.

8. CONCLUSION

The proposal is to transfer the Shire's Local Planning Scheme reservation and zoning, for Lot 13129, to make applicable (light industry) with current and proposed land use.

The proposed Amendment is justified on the following grounds:

1. The subject site is not used or intended to be used for the current dedicated reservation or zone;
2. The proposed 'Light Industry' zone will be appropriately serviced and developed considerate of bushfire and environmental parameters;
3. Development of the site will assist in the creation of regional wealth.



AMENDING TEXT

PLANNING AND DEVELOPMENT ACT 2005

LOCAL AUTHORITY:	SHIRE BOYUP BROOK
DESCRIPTION OF DISTRICT PLANNING SCHEME:	LOCAL PLANNING SCHEME 2
TYPE OF SCHEME:	LOCAL PLANNING SCHEME
SERIAL No. OF AMENDMENT:	AMENDMENT No. 21

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 Lot 13129 Bridgetown Boyup Brook Road, from the 'Rural' zone and the 'Public purposes' reserve (purpose: water and parkland), to the 'Light Industry' zone.

The Amendment is a 'Standard' amendment under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):

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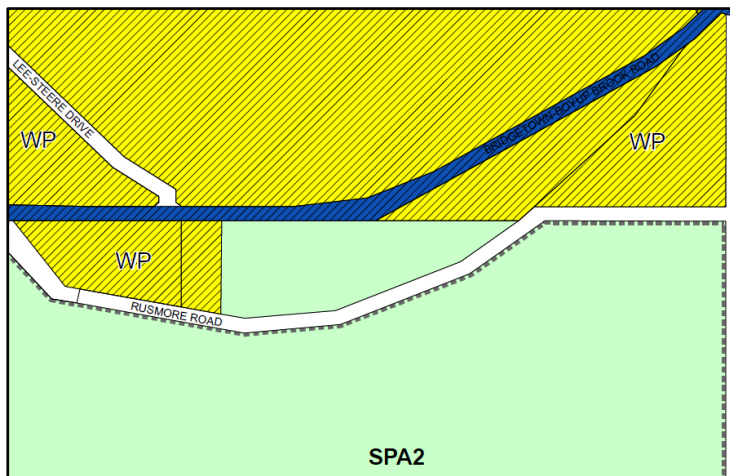


AMENDING MAP

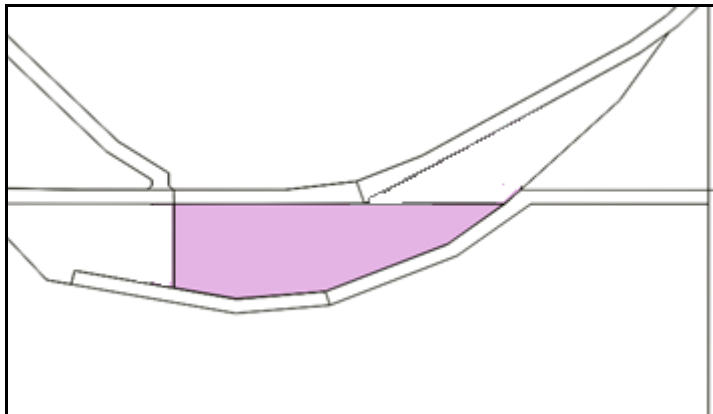
PLANNING AND DEVELOPMENT ACT 2005
AMENDING MAP
SHIRE OF BOYUP BROOK
LOCAL PLANNING SCHEME NO. 2
AMENDMENT NO. 21

Amending scheme map(s) as follows:

Existing Zoning



Proposed Zoning



Legend

Local Planning Scheme Reserves

- Important regional road
- WP Public purposes : Water and parkland

Local Planning Scheme Zones

- Rural

Other Categories

- No zone
- Structure plan area

Legend

Local Planning Scheme Zones

- Light Industry



North



ADOPTION

PLANNING AND DEVELOPMENT ACT 2005
ADOPTION
SHIRE OF BOYUP BROOK
LOCAL PLANNING SCHEME NO. 2
AMENDMENT NO.21

Adopted by resolution of the Council of the Shire of Boyup Brook at the Ordinary meeting of the Council held on the 30 day of June 2022.

Shire President

Chief Executive Officer

FINAL APPROVAL

Adopted for final approval by resolution of the Shire of Boyup Brook at the Ordinary Meeting of Council held on the day of and the seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:

Shire President

Chief Executive Officer

Recommended/Submitted for final approval:

Delegated under Section 16 of the Planning and Development Act 2005

Date

Final Approval granted:

Minister of Planning

Date