

Our Ref: 201450812\_20294L



9 September 2015

Western Australian Planning Commission  
PO Box 1108  
Albany WA 6331

Dear Sir / Madam

**RE: PROPOSED SUBDIVISION – Lot 50 (Future Lot 203) WELLSTEAD ROAD, BREMER BAY**

I refer to the above and enclose:

1. Completed Form 1A subdivision application and Certificate of Title
2. Cheque for \$3044.94 being the required application fee; and
3. Eight (8) copies of the Plan of Subdivision

Further details and rationale in support of this proposal are provided below.

### **1.0 Background**

Since developed, Wellstead road reserve has divided Lot 50 (Future Lot 203) Wellstead Road, Bremer Bay (the “*subject site*”) into two separate land parcels. The significant physical separation of this land is the subject of this subdivision application.

In February of 2015 a Scheme Amendment (No. 9) was presented to the Shire of Jerramungup for the rezoning of Pt Lot 50 Wellstead Road and Lot 2100 Point Henry Road, Bremer Bay. This Amendment sought rezoning of these lots from Rural to Rural-Residential and also incorporated provisions within Schedule 11 – Rural-Residential Zone, to adequately control subdivision, development and use in the new zone. The following appendices formed part of this report; certificate of title, site and locality plans, bushfire management plan, land capability review and subdivision guide plan.

The Scheme Amendment was presented at the April 2015 Council Meeting with the Planning Officer’s report recommending the Amendment be initiated subject to minor modifications and referral to the EPA for assessment.

Initial discussions with relevant authorities indicated that, whilst the Shire of Jerramungup was supportive of the Scheme Amendment, WAPC would be unlikely to support the proposal as the land had not been identified within the Local Planning Strategy (2012) as future Rural Residential.

Further discussions were held with Department of Planning’s (DoP) Senior Planning Officer, Alison Vangel. From these discussions, the Department of Planning advised they would not support a scheme amendment to rezone Pt Lot 50 and Lot 2100, however they would be likely to support an application for subdivision of Lot 50 (future Lot 203) into two separate lots based on the significant physical division of the lot by a road reserve - Wellstead Road.

Note: this land is subject to another subdivision application for the acquisition of land by the Water Corporation (WAPC reference No. 150949). Accordingly, this subdivision application may result in changes to the boundary of Lot 50, which may be referred to as Lot 203 in the future.

## 2.0 Subject Land

Lot 50 (future Lot 203) Wellstead Road, Bremer Bay (the 'subject site') is located in the Shire of Jerramungup approximately 3.3 km south of the Bremer Bay town site via Wellstead Road. The site has a total area of 431.32 hectares. The land has been physically divided into two separate land parcels by a road reservation (accommodating Wellstead Road), resulting in two separate land parcels - Pt Lot 50 west and Pt Lot 50 east.

The much larger, western portion of Lot 50 (Pt Lot 50 west) is located on the western side of Wellstead Road. Pt Lot 50 west is zoned 'Rural', covers an area of 428.63 Ha and is used for agricultural purposes. This land contains areas of remnant vegetation, dams, sheds and associated agricultural infrastructure.

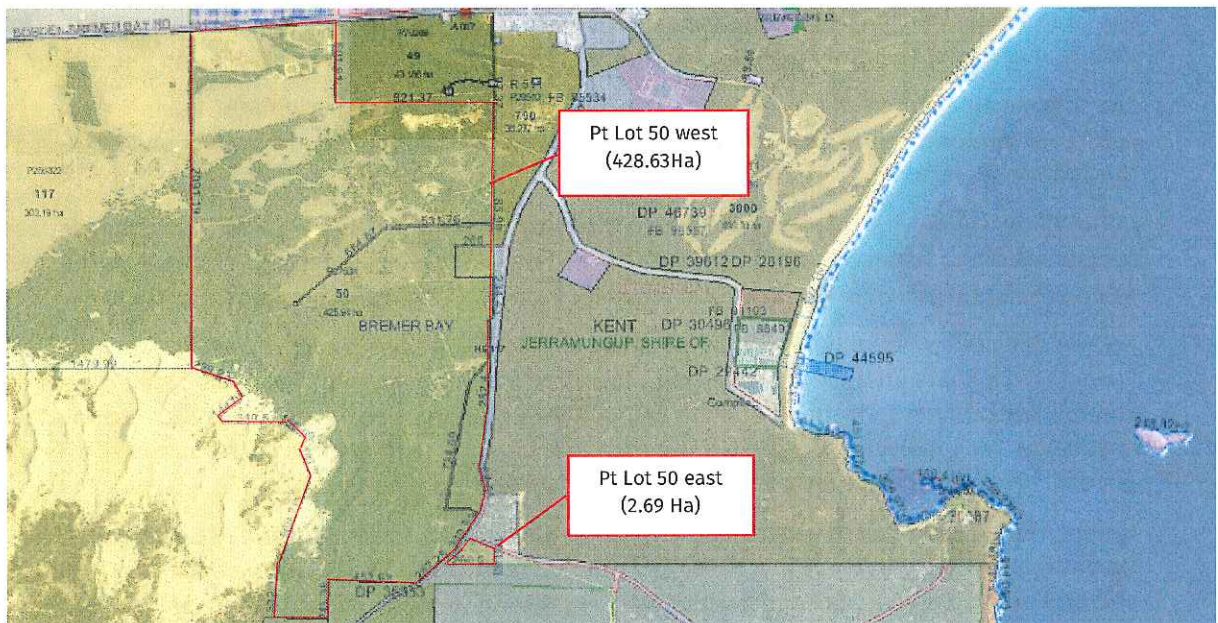
The smaller of the two lots is the eastern portion of Lot 50 (Pt Lot 50 east) is located on the eastern side of Wellstead Road, directly opposite Bremer Bay Beach Resort and Tourist Park. Pt Lot 50 east is zoned rural, is 2.69Ha and is vacant, unproductive rural land. This portion of land is cleared of remnant vegetation with the exception of some sparse trees. The low vegetation cover facilitates bush fire protection for the opposite tourist park, as well as increasing fire protection for the overall locality.

Table 1 below provides a summary of the legal description of the subject land. A copy of the Certificate of Title is included with this application

Lot	Plan	Volume	Folio	Area	Landowner(s)
50	37534	2560	191	431.32	William Max Wellstead

**Table 1:** Legal description of Lot 50 Wellstead Road, Bremer Bay

Figure 1.0 below shows an aerial photograph of the site which is separated into two land parcels by a road reserve (Wellstead Road) and provides a context of its location.



**Figure 1.0** – Picture of the site illustrating two land parcels separated by a road reserve (Wellstead Road)

### ALBANY

116 Serpentine Road, Albany WA 6332  
 PO Box 5207, Albany WA 6332

T: 08 9841 7333  
 F: 08 9841 3643

E: [albany@harleydykstra.com.au](mailto:albany@harleydykstra.com.au)  
[www.harleydykstra.com.au](http://www.harleydykstra.com.au)

Albany Bunbury Busselton Kelmscott Perth

ACN 009 101 786 ABN 77 503 764 248



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Figure 1.1 below shows a closer view of the subject land and road reservation (approximately 25m wide) physically dividing the site into two separate and individual portions.



**Figure 1.1:** Physical division of Lot 50 (future Lot 203) due to road reserve (Wellstead Rd) separating the Lot into two separate portions.

### 3.0 The Proposal

The attached Plan of Subdivision proposes formal subdivision of the two land parcels on either side of the existing road reserve (Wellstead Road). The subdivision of Lot 50 (future Lot 203) Wellstead Road will create two green title lots which are 198.07 Ha and 2.69 Ha in area respectively.

This subdivision will result in lot sizes that are consistent with those in the surrounding area, and proposed under the planned settlement strategy.

This application recognises that the land parcels on either side of the existing road reserve function independently, and increasingly so due to significant physical separation of the land parcels by Wellstead Road.

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## 4.0 Planning Considerations

The following planning documents are applicable to this subdivision application; Shire of Jerramungup Local Planning Strategy No.2; Shire of Jerramungup Local Planning Scheme No. 2; DCP 3.4 – Subdivision of rural land;

### 4.1 Shire of Jerramungup Local Planning Strategy No.2

The subject land is zoned “Rural” under the Shire of Jerramungup Local Planning Scheme No. 2 (LPS 2). The objectives of the Rural zone include:

1. To ensure the continuation of broad-hectare farming as the principal land use in the district and encouraging where appropriate the retention and expansion of agricultural activities where the land is capable of such development.
2. To consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment.
3. To allow for facilities for tourists and travellers, and for recreation uses.
4. To help protect rural land from land degradation and further loss of biodiversity by:
  - minimising clearing of remnant vegetation
  - encouraging retention and protection of remnant vegetation
  - encouraging development and protection of vegetation corridors
  - encouraging development of sustainable surface and sub-surface drainage works
  - encouraging rehabilitation of salt-affected land
  - encouraging soil conservation through land management measures
  - encouraging identification and protection of wetlands
5. To promote the sustainable management of natural resources, and the prevention of land degradation.

This subdivision application supports the objectives of the Rural zone, as illustrated below:

1. The subdivision will not negatively impact on continuation of broad-hectare farming as the principal land use in the district.
2. The subdivision doesn't propose or seek any non-rural activities to be approved on the subdivided land. The land is currently zoned Rural, and this subdivision proposes the newly created lots be zoned Rural.
3. The subdivision will assist in reducing land degradation and further loss of biodiversity as it will permit conservation and land management of each land parcel by separate owners. As a result of single ownership, and the significant physical divide resulting from the road reserve, focus on land management of the smaller lot (Pt Lot 50 east) has not be a priority or focus of the owner in recent times. This focus has been on the much larger lot (Pt Lot 50 west)

### 4.2 Shire of Jerramungup Local Planning Scheme No.2

Shire of Jerramungup Local Planning Scheme No. 2 general development requirements in the Rural zone notes the following:

(a) In considering an application for planning approval the local government will have due regard for the following, in addition to the provisions of the Scheme:

(i) any sensitive or incompatible uses that may require buffer separation from the proposed use, including the potential for spray drift and the need to contain any spray drift within the land the subject of the application;

(ii) any wetland or remnant vegetation or other sensitive feature, and how the application has addressed the protection of the feature;

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(iii) evidence of a sustainable water supply that does not rely on catchment outside the lot, or damming of a stream that will impact on the water availability for another lot or lots;

(iv) soil conditions, slope, soil type, rock, potential for water logging, foundation stability, and how the application has addressed these site characteristics; and

(v) proposals for treatment and disposal of waste products.

(b) The local government may require a Nutrient Management Plan for developments which involve high levels of nutrients and have potential to export nutrients into waterways.

The proposed subdivision meets the (above) development requirements of Scheme as demonstrated below:

- (i) No changes are proposed to the land use for this site. The site is currently zoned "Rural", and the proposed subdivision will result in two separate lots that will also be zoned "Rural". There are no sensitive or incompatible land uses that will result or require a buffer;
- (ii) The site contains areas of remnant vegetation. This proposal does not seek any physical changes to the land or vegetation. Any clearing of vegetation will be subject of separate applications
- (iii) The site is not connected to scheme water or reticulated sewer. Water requirements for the site will be met through rainwater harvesting and stored from buildings located on the sites;
- (iv) The site is predominantly flat with sandy soils, and contains no significant topographical features that require addressing in this application;
- (v) Both proposed lots are greater than the 2000m<sup>2</sup> minimum area required for onsite effluent disposal. It is intended that any future dwellings constructed on the sites would require connection to an onsite effluent disposal system.

This subdivision proposes the creation of two separate lots from the existing Lot 50 (future Lot 203). The small scale nature of this subdivision will not result in high levels of nutrients entering waterways, or submission of a nutrient management plan.

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#### 4.3 DCP 3.4 – Subdivision of Rural Land

DCP3.4: Subdivision of Rural Land sets out the principles used by WAPC in determining applications for subdivision in rural areas. This policy outlines the applicable standards for rural subdivision, and notes that WAPC will consider rural subdivision “of other unusual or unanticipated purpose which, in the opinion of the WAPC, do not conflict with this and other relevant policies and are necessary in the public interest.”

Clause 6.1 of this policy provides WAPC with the authority to consider subdivision of a rural property where there is “an existing physical division of a lot by a significant natural or constructed feature”, such as a highway or river.

The road reserve subject of this application is a regional distributor road in the Main Roads road hierarchy. This means “Roads that are not Primary Distributors but which link significant destinations and are designed for efficient movement of people and goods within and beyond regional areas. They are managed by local government.” (Main Roads)

The road reserve accommodates Wellstead Road - a single lane, bi-directional sealed road with controlled access. The road reserve subject to this application has an overall width of 25 m (approximately). The posted speed limit(s) along the portion of Wellstead Rd, the subject of this application, range from 60 to 80 km/h, and 60 km/h along Point Henry Road.

Current data available from Main Roads WA (MRWA) on Wellstead Road uses traffic statistics from a 2004/2005 traffic survey. This survey noted a traffic volume of 460 vehicles per day (seasonally adjusted), with 7.4% of these being heavy vehicles.

Division of the land by the existing road reserve has negatively impacted on farming practices and land management undertaken by the Landowner. Limited access, posted speed zones and an inability to allow livestock to safely cross the road reserve have resulted in the smaller portion of land operating independently to the larger land parcel and being neglected over time.

This significant physical division of the land is the subject of this subdivision application.

### 5.0 Servicing

#### 5.1 Access

Access arrangements to both lots will remain unaltered. The divided nature of the subject land has meant that separate access arrangements for each parcel of land were necessary.

#### 5.2 Effluent Disposal

The size of the proposed lots and distance from the Water Corporations Bremer Bay Sewerage Scheme requires that future development be serviced by on-site effluent disposal. Each of the lots is above the minimum required for on-site effluent disposal (being 2000m<sup>2</sup>) by the Draft Country Sewerage Policy and soil conditions and separation to groundwater are suitable for on-site effluent disposal.

This application for subdivision does not significantly increase the risk of nutrients entering the ground or existing waterways. Any additional drainage and effluent disposal would only need to occur upon development of a dwelling or outbuilding on either of the proposed lots. Management of drainage / effluent will be comprehensively dealt with as part of a Building Licence process.

#### 5.3 Water Supply

The existing water supply for both lots would remain unaltered. New potable supply for either of the lots would only be required upon development of a dwelling on that lot.

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#### 5.4 Power

The site is currently serviced by an overhead low voltage power supply. New connections servicing the individual lots will be required at the time of subdivision.

#### 5.5 Telecommunications

The subject site is currently connected to telecommunications and will retain this connection as a result of future subdivision and development.

### 6.0 Conclusion

This application for subdivision seeks to formalise the separation of two existing land parcels that are currently separated by a significant physical division in the form of a road reservation (Wellstead Rd), which renders the existing rural lot impractical to be utilised as a single farming unit. The Shire of Jerramungup has no plans to assist in establishing a livestock crossing under the road to help solve the current farm management problem, and accordingly the running of livestock across a public road in order to reach the separated section of the farm is becoming more and more impractical as time goes on. It is this type of significant physical division that is precisely provided for under the exceptional circumstances for rural subdivision under WAPC DCP 3.4.

The land is capable of continuing to be used for rural and stocking purposes, and is also capable of accommodating one additional dwelling entitlement on the elevated sandy portion of the site with appropriate on-site effluent disposal measures. All other necessary services can be provided to both lots proposed under this subdivision application.

On the basis of the above, the various attachments and discussions held with the land owner, Department of Planning and Shire of Jerramungup over the course of 2015, approval for this application is respectfully requested.

Should you require any further information, please do not hesitate to contact the undersigned at this office.

Sincerely,



David Congdon  
Senior Town Planner / Land Development Consultant  
**Harley Dykstra Pty Ltd**  
E-mail: [Davidc@harleyDykstra.com.au](mailto:Davidc@harleyDykstra.com.au)

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