



AMENDMENT NO.1

TO THE

Lot 202 Breakwater Drive, Two Rocks

AGREED STRUCTURE PLAN NO.53

RECORD OF AMENDMENTS MADE TO THE LOT 202 BREAKWATER DRIVE, TWO ROCKS

AGREED STRUCTURE PLAN NO.53

Amendment No.	Summary of the Amendment	Date approved by WAPC
1	To modify the subdivision guide plan in order to subdivide an area previously identified for public open space on the structure plan map	

**AMENDMENT NO.1 TO THE
LOT 202 BREAKWATER DRIVE, TWO ROCKS AGREED STRUCTURE PLAN NO. 53**

The City of Wanneroo, pursuant to Part 9 of District Planning Scheme No. 2, hereby amends the above Agreed Structure Plan by:

1. Amending the plan of subdivision forming part of the Structure Plan in accordance with Figure 1 attached hereto.
2. Amending Section 2 Summary of the Structure Plan in the Overview section of the structure plan to reflect the changes to the plan of subdivision and changes to District Planning Scheme No.2, namely:
 - Amending the sentence that reads *The Plan proposes subdivision of the land into 169 lots with lot sizes ranging from 1 ha to 1.67 ha, which comprises a density of about 1.5 hectares of gross site area per lot* to read: *The Plan proposes subdivision of the land into 175 lots with lot sizes ranging from 1 ha to 2.77 ha, which comprises a density of about 1.44 hectares of gross site area per lot.*
 - Amending the sentence that reads: *This Structure Plan document includes significant development requirements arising from the site's investigations and management plans and in response to and addressing the detailed provisions for the Rural Community Zone set out in Schedules 12 and 15 of the Scheme* to read: *This Structure Plan document includes significant development requirements arising from the site's investigations and management plans and in response to and addressing the detailed provisions for the Rural Community Zone set out in Schedule 12 of the Scheme*
3. Amending Part 1 to reflect text changes to District Planning Scheme No.2, namely:
 - Amending Clause 2.1 under Section 2.0 Provisions, Standards and Requirements to read: *The provisions, standards and requirements applicable to the subject land are in accordance with Clause 3.23 Rural Community Zone and Schedule 12 (area RC1).*
 - Amending Clause 2.2 under Section 2.0 to change *Schedule 15* to read *Schedule 12 of the Scheme.*
4. Amending Part 1 Clause 2.9 Management of Public Open Space as follows:
 - *The three areas of public open space within the Local Structure Plan being the:*
 1. *Western Cave site*
 2. *South East Ridgeline*
 3. *Entry and DFES site*

shall be developed and managed consistent with the 'Landscape Management Plan for Lot 202, Breakwater Drive, Two Rocks' dated August 2008.

This Structure Plan Amendment is prepared under the provisions of the City of Wanneroo
District Planning Scheme No. 2

IT IS CERTIFIED THAT THIS STRUCTURE PLAN AMENDMENT NO. 1 TO THE LOT 202
BREAKWATER DRIVE AGREED STRUCTURE PLAN NO.53

WAS APPROVED BY

RESOLUTION OF THE WESTERN AUSTRALIAN PLANNING COMMISSION ON

.....

Signed for and on behalf of the Western Australian Planning Commission

.....

an officer of the Commission duly authorised by the Commission pursuant to section 24 of the
Planning and Development Act 2005 for that purpose, in the presence of:

..... Witness

..... Date

..... Date of Expiry

PART 2 – EXPLANATORY REPORT

AMENDMENT NO.1 TO THE LOT 202 BREAKWATER DRIVE AGREED STRUCTURE PLAN NO. 53

Summary

The proposed amendment is to alter the plan of subdivision that forms part of the Agreed Structure Plan by removing one of the four areas of public open space currently identified on the plan of subdivision and subdividing that land and its immediate surrounds into additional rural residential lots. This will have the effect of increasing the lot yield within the Agreed Structure Plan 53 (ASP 53) from 169 to 175 lots.

There are two principal reasons why the amendment to ASP 53 should be supported.

- There is no policy requirement to provide any areas of open space within rural residential subdivisions. It has been a long-established principle that this type of subdivision does not need additional areas of open space because of the very large lot sizes that are characteristic of these developments. Effectively, open space requirements are contained within each lot.
- The original plan of subdivision for Lot 202 showed only three areas being set aside for open space.

1. Introduction

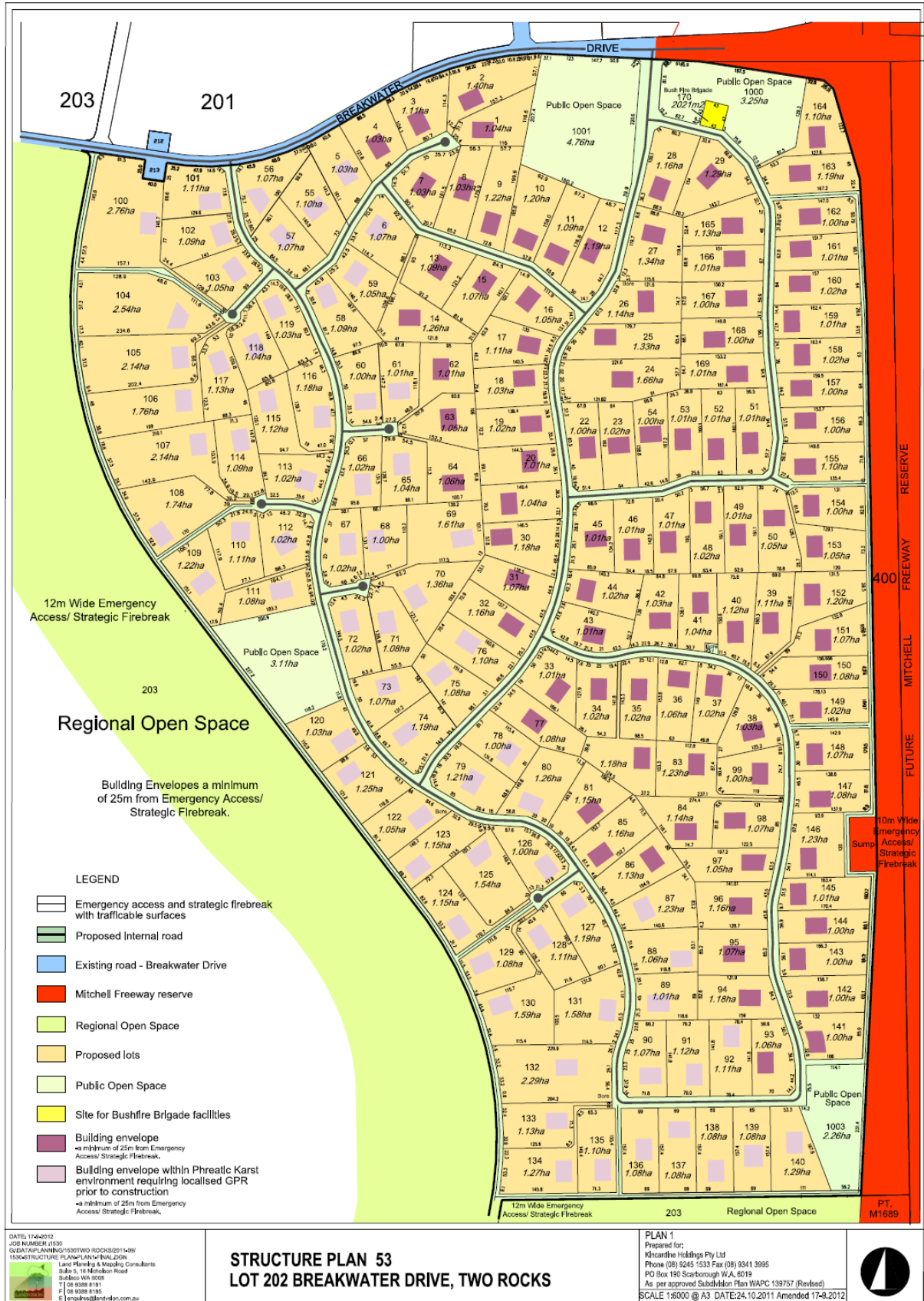
Mike Allen Planning acts on behalf of Kincardine Holdings Pty Ltd, the owner of the original Lot 202 Breakwater Drive, Two Rocks.

This report has been prepared in support of a proposed amendment to the Lot 202 Breakwater Drive Local Structure Plan, referred to as the City of Wanneroo's ASP 53. The purpose of the amendment is to amend the subdivision guide plan to allow an area shown as public open space on the plan of subdivision contained within the structure plan to be subdivided into additional rural residential lots.

2. Background

ASP 53 controls the development of the Breakwater Estate on Breakwater Drive in Two Rocks. The Breakwater Estate plan of subdivision (see Figure 2) currently comprises 169 rural residential lots, with a minimum lot size of 1 hectare. The land is zoned 'Rural Community' under the City of Wanneroo's District Planning Scheme No 2 (DPS 2).

Figure 2 Approved subdivision guide plan



The Breakwater Estate has been developed on land which was formerly used for grazing purposes prior to the current owner, Kincardine Holdings acquiring the land. It comprises generally open countryside with many mature tuart trees throughout the development. Many thousands of additional trees and shrubs have been planted both prior to and during the development of the estate.

The original Lot 202 has been progressively subdivided over the last six years to the point where some 45 lots remain to be developed under the current plan of subdivision. The current stage of development, which is under construction, will reduce the lots still to be developed to 39.

Development of the area has been undertaken in accordance with the provisions of the City's District Planning Scheme No 2 and the controls imposed by ASP 53.

The plan of subdivision within the structure plan shows four areas to be set aside for public open space. Two of these have already been set aside and are now under the control of the City of Wanneroo. A third area which contains the Emu Cave site of aboriginal heritage significance is currently going through the process of being developed as a conservation reserve, with a view to being taken over by the City of Wanneroo in approximately two years time.

3. The proposal

The proposed change to ASP 53 is to amend the plan of subdivision north and west of the currently developed area. This part of the estate includes a 4.76 hectare area shown as public open space, and also affects the following lot numbers as shown on the plan of subdivision: 1-11, 13-15, 55-57. The road layout also is proposed to be reconfigured. The location of the area of the structure plan to be amended is shown on the attached aerial photograph (figure 3). A modified structure plan map is shown at figure 4, and the proposed plan of subdivision superimposed on contour information together with the extent of the existing public open space is shown on figure 5 attached.

The net result of the proposed changes would see the yield in the affected area rise from 18 to 24 lots. Therefore, the lot yield for the entire subdivision will rise from 169 to 175 lots.

4. Planning Considerations



The following planning instruments are considered to be relevant to this proposal:

City of Wanneroo District Planning Scheme No 2
Agreed Structure Plan 53
State Planning Policy 2.5 – Land Use Planning in Rural Areas

Figure 3 Aerial view of location of proposed structure plan amendment



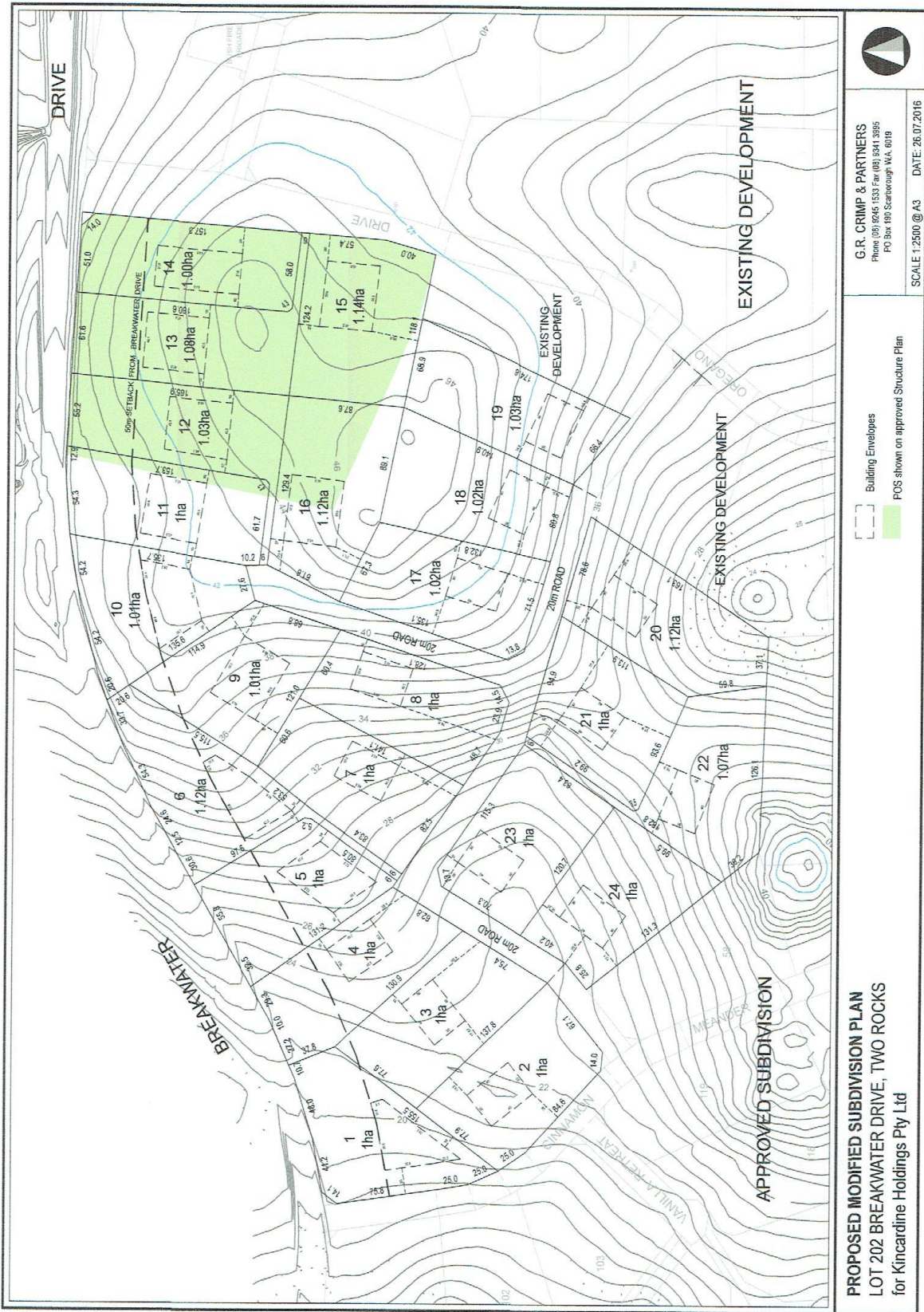
PROPOSED MODIFIED STRUCTURE PLAN
LOT 202 BREAKWATER DRIVE, TWO ROCKS
for Kincardine Holdings Pty Ltd

LEGEND:
Area subject to modification 
Existing Proposed POS..... 

G.R. CRIMP & PARTNERS
Phone (08) 9245 1533 Fax (08) 9341 3995
PO Box 190 Scarborough W.A. 6019
SCALE 1:6000 @ A3 DATE: 26.07.2016



Figure 5 Proposed plan of subdivision superimposed on current POS area.



G.R. CRIMP & PARTNERS
 Phone (08) 9246 1333 Fax (08) 9241 3995
 PO Box 100 Scarborough W.A. 6019
 SCALE 1:2500 @ A3 DATE: 26.07.2016

Building Envelopes
 POS shown on approved Structure Plan

PROPOSED MODIFIED SUBDIVISION PLAN
 LOT 202 BREAKWATER DRIVE, TWO ROCKS
 for Kincardine Holdings Pty Ltd

District Planning Scheme No.2

Clause 3.23 under DPS 2 describes the Rural Community Zone. It states the purpose of the zone is to: *provide for the orderly and integrated subdivision and development of larger areas of land proposed for rural residential use, in a manner which maintains the environmental, vegetation and landscape characteristics of the locality.*

Clause 3.23.2 states no subdivision shall be carried out unless a structure plan has been prepared and adopted. ASP 53 is the required structure plan. This Clause also refers to the requirements of Schedule 12 of DPS 2 and the provisions of the structure plan. Any subdivision must conform to those requirements.

Schedule 12 of DPS 2 covers all the rural community zones in the City of Wanneroo. Lots 201 and 202 Breakwater Drive are referred to as RC1. For the sake of clarity, Lot 201 Breakwater Drive has been fully developed by others and is known as the Sea Trees Estate.

Schedule 12 states that its provisions cater for conventional subdivision. It requires the preparation of various management plans, and the identification of any areas to be ceded as public open space.

Relevantly for the purposes of this proposed amendment, Clause 1.1.2 (f) in Schedule 12 says: *Determination of the maximum development potential of the land as a result of the assessments carried out above, and having regard to the minimum permitted lot sizes and maximum lot yields referred to in special provisions for conventional subdivision.*

Schedule 12 continues under Clause 1.2.1 to say: *The lot yield of Rural Community Zone No 1 shall be determined through a detailed site analysis to be undertaken to the satisfaction of the Council and the Commission as part of the preparation of a Structure Plan for the land. The size of the lots to be created in this zone shall also be determined through this detailed site analysis, but should not involve lot sizes less than 1 hectare.*

Agreed Structure Plan 53

Part 1 of ASP 53 as it stands says the land will be divided into 169 lots with lot sizes ranging from 1 ha to 1.67 ha. In fact the largest lot is 2.77 ha.

The proposed amendment will not alter the minimum lot size but will increase the total yield to 175. This results in a marginal increase in the density of development from one lot per 1.5 ha to one lot per 1.44 ha.

The whole of the structure plan area is within a Karst environment. Approximately the western third of the structure plan area is within what is known as the Phreatic Karst

area, where there may still be some gradual erosion of limestone by the movement of groundwater. For this reason that part of the subdivision has been subject to extensive testing using ground probing radar to determine the location of building envelopes which are suitable for development.

The proposed modification to the plan of subdivision in the structure plan includes four lots within the Phreatic Karst area (lots 55-57 and 59) but the building envelopes have not been extended beyond those shown on the existing plan of subdivision.

The eastern two thirds of the structure plan area, including the majority of the land within the proposed amendment area, is within what is known as the Vadose Karst area. Vadose Karst is where any limestone in the form of rocks or pinnacles has been eroded away by groundwater and any ground settlement that may occur as a result will already have occurred.

ASP 53 refers to various management plans prepared to support the preparation of the structure plan, and the requirements from those management plans as to how the land could be developed. No change to any of those management plans or their recommendations is proposed by this amendment.

Clause 2.9 of ASP 53 refers to the establishment of four areas of public open space. This amendment proposes to remove one of those areas.

State Planning Policy 2.5 – Land Use Planning in Rural Areas

This policy covers (inter alia) the establishment of rural living precincts. As the creation of the Rural Community Zone under DPS 2 and ASP 53 has been endorsed by the Western Australian Planning Commission, the validity of the current subdivision is not in question.

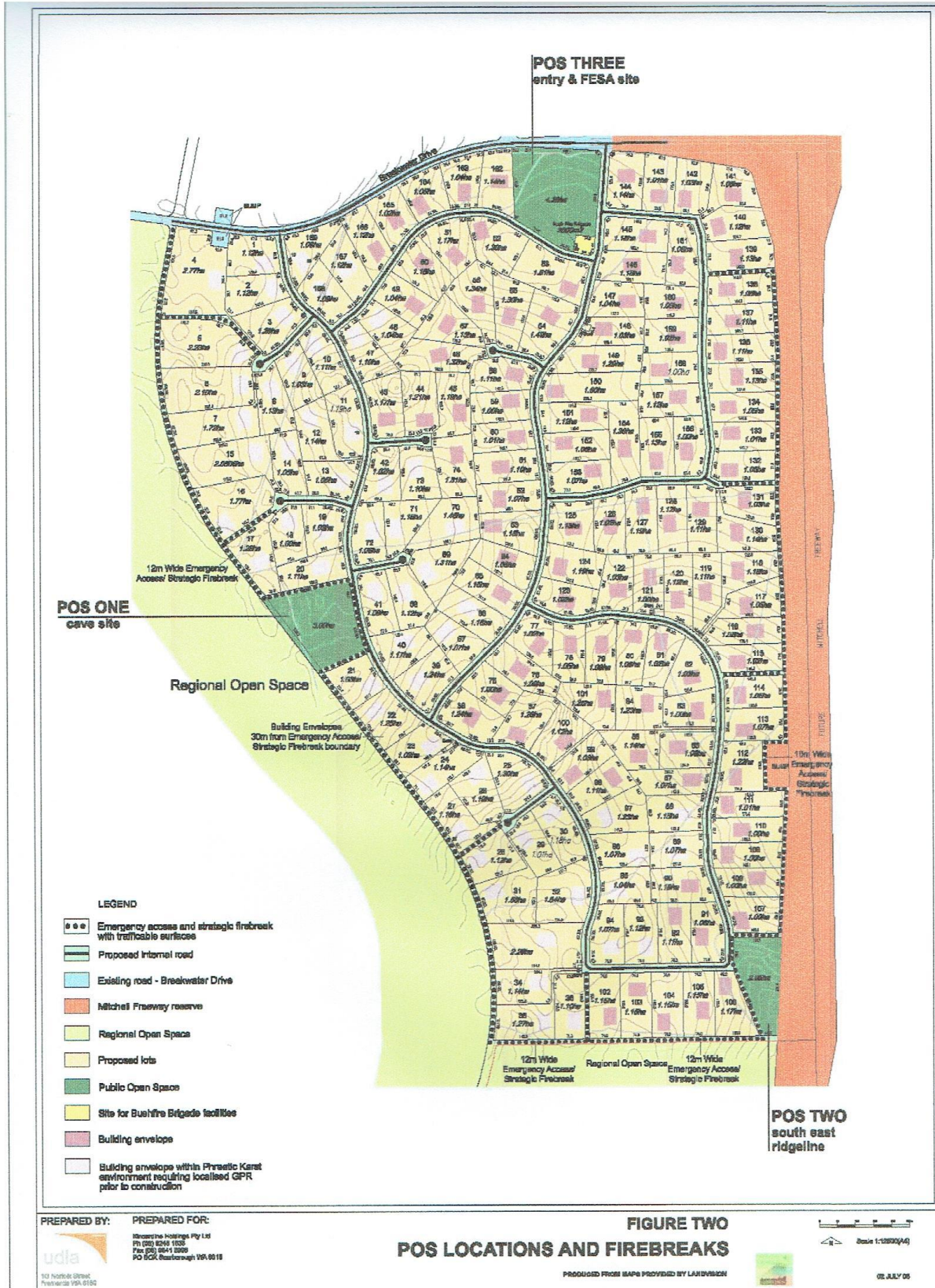
If the amendment to ASP 53 is approved and a subsequent application to subdivide is lodged with the WAPC, it will need to be satisfied that the criteria for establishing rural living precincts are not being compromised. The proposed amendment will satisfy the criteria.

5. Justification for the proposed amendment

There are two principal reasons why the amendment to ASP 53 should be supported.

- (i) There is no policy requirement to provide any areas of open space within rural residential subdivisions. It has been a long-established principle that this type of subdivision does not need additional areas of open space because of the very large lot sizes that are characteristic of these developments. Effectively, open space requirements are contained within each lot.
- (ii) The original plan of subdivision for Lot 202 showed only three areas being set aside for open space (figure 6 attached).

Figure 6 Original plan of subdivision with three areas of POS identified



Some history regarding the open space sites within Breakwater Estate may be helpful.

When the original subdivision design was proposed, three POS areas were identified. The largest, at over 4.76 ha, was located on the western side of one of the entrances into the subdivision off Breakwater Drive. This was an area that had been identified by the Department of Fire and Emergency Services (then FESA) as a suitable location for a bushfire fighting facility. It was large enough and clear enough to accommodate a helicopter landing area if needed.

A second area of open space in the far south-eastern corner of the subdivision was identified based on its floristic characteristics. It is over 2 hectares in area. It is also an area where limestone pinnacles are at the surface making it very difficult to develop.

The third area on the western boundary of the estate is an aboriginal heritage site, containing Emu Cave. It is over 3 hectares in area. This is a site used by the local aboriginal group for educational and ceremonial purposes, and is being set aside as a conservation reserve rather than a reserve for recreation.

Therefore, in the original plan of subdivision areas of open space totalling almost 10 hectares were identified.

A subsequent change to the plan of subdivision (before the ASP was endorsed) added a further 3.27 hectares of open space. This last change came about for two reasons.

First, the area originally to be used by DFES was found to include an area above the level at which a reliable water supply could be provided. Therefore a site at a lower elevation was needed. In addition, the access to the DFES facility would have been up a relatively steep approach which would not have been ideal.

Second, the new area of open space which was now to include the DFES facility was still close to the intersection with Breakwater Drive – important for access reasons – but was at a suitable lower elevation eliminating water pressure issues. In addition an area of remnant vegetation which had previously been incorporated within private lots would now be within an area of POS, meaning a greater likelihood of it being maintained undamaged.

However, the addition of the new area of POS did not result in the removal of the 4.76 hectare site, so the plan of subdivision as it currently stands now contains over 13 hectares of land set aside for public open space or 5.6% of the original lot area.

Therefore, it is the submission of this proposed amendment that there is no need to retain the area as public open space, and there is certainly no requirement to retain it for such a purpose.

The further subdivision of the area can be justified because there are no impediments to that subdivision other than the requirement for an amendment to the structure plan.

The area of land is on a high part of the estate. Additional vegetation has been planted along the Breakwater Drive frontage as required by the structure plan, and scattered vegetation, including large mature tuart trees is present across the site. Vegetation of some four years old has been planted along the frontage to Oregon Drive, which gives a somewhat false impression of the vegetation cover. This was planted as part of the rehabilitation of the contractor's compound site that was used during the construction of the first two stages.

A number of management plans were prepared to support ASP 53 which are relevant to the proposed amendment.

The Landscape Management Plan for the Breakwater Estate, prepared in August 2008, was based on the original three sites of public open space. It said of the subject 4.76 hectare site that it is recognised as having the most recreational value but was also depleted of much of its vegetation due to former grazing. The Management Plan said none of the three sites was being used for recreational purposes. It warned: *The major threat posed by each of the sites is the potential for weeds infestation, pedestrian compaction and disturbance, public safety and the provision of an environment that demonstrates the local landscape condition.*

While acknowledging the statement about the site having recreational value, as indicated above, rural residential estates are not required to provide for recreational open space.

This management plan was prepared on the basis that the subject site would be used for the DFES facility. As this is no longer the case, the usefulness of this area of open space needs to be critically re-examined. The plan also indicated that this area of open space would include smaller areas for passive and active open recreation. There are a number of reasons why active open space should no longer be supported in this location:

- It is very unusual for rural residential estates to contain areas of active open space which suggests grassed areas with playground equipment and the like as the estate even at full development will not have a large population. The use of this area for active recreation would be minimal.
- In addition, the location of the open space is not central to the estate so it would require a conscious effort on the part of residents to go and make use of any facilities.
- The area is remote and the opportunities for vandalism of any equipment would be very high.

- Active recreation areas suggest that irrigation would be needed which is an expensive maintenance and management item. It is also uncertain as to whether there is any available groundwater allocation for open space irrigation in this area.

The management plan said the site required revegetation to restore the upper and lower storey planting, confirming it was in a degraded state.

The Vegetation and Fauna Management Plan requires the protection of locally significant vegetation. However, as has been noted previously the subject site has been severely degraded in terms of its vegetation cover due to the previous grazing regime.

The 15 metre strip of additional planting along the Breakwater Drive frontage will not be disturbed, along with any existing vegetation, because any building envelopes are required to be setback 35 metres from Breakwater Drive.

The Vegetation and Rare Flora report indicated that the vegetation on the subject site was Degraded or Completely Degraded.

The Karst Landform Management Plan identifies the subject site as being within the Vadose Karst area, which means there is no longer any risk of any ground collapse as a result of the erosion of limestone by groundwater. The proposed revision to the plan of subdivision includes four lots within the Phreatic Karst area, where there is some residual risk of ground movement. However, the building envelopes within those four lots have not been enlarged and those envelopes have been selected through the use of ground probing radar to be suitable for development.

The Fire Management Plan prepared in 2013 which covered the balance of the estate undeveloped at that time includes the subject site. The area was rated as 'Moderate' in terms of Bush Fire Hazard.

The development of the estate has been conscious of the need for bushfire protection. The whole estate is surrounded by a strategic firebreak with a number of points that provide access for people within the subdivision to the strategic firebreak.

The subject site is immediately adjacent to Oregano Drive and Breakwater Drive, which provides ready access onto the road system in the area.

The proposed amendments to the plan of subdivision include lots which will use the second access into the estate off Breakwater Drive.

Council's requirements for the preparation of a structure plan amendment include a Bushfire Hazard Level Assessment where the land is within a Bushfire Prone Area. The Bushfire Hazard Level Assessment has been produced as a separate report and is attached.

This report shows that the proposed amendment and the subdivision layout contemplated is acceptable from a bushfire protection perspective. All proposed lots except one have been given a BAL Rating of 12.5, with the one exception having a BAL Rating of 19.

6. Conclusion

The proposed amendment to ASP 53 to remove one of the areas of public open space and subdivide it for rural residential purposes will not adversely impact on adjoining landowners and will not result in diminished opportunities for recreation for the local residents.

Public open space within rural residential estates is generally not required. If the proposed amendment is approved there will still be three areas of public open space within the Breakwater Estate, with one of them being a conservation reserve.

One of those three areas is immediately adjacent to the area proposed to be subdivided, so for those people who would still like to use the open space areas within the estate there is little change to the current level of convenience.

The proposed subdivision of the area will add a total of six additional lots to the estate. This will not have an adverse impact on the vegetation, fauna and flora in the area, and the proposal is not impacted by the requirements of the Karst Landform Management Plan.

For all these reasons it is requested that Council approves the amendment to the subdivision plan within ASP 53.