

Schedule of Submissions
Proposed Structure Plan – Lot 2656 Butterly Road, YALLINGUP
SUBMISSIONS CLOSE: 13 March 2019
OFFICER: Janine Eriksson

No	NAME & ADDRESS	NATURE OF SUBMISSION	STAFF COMMENT	RECOMMENDATION
Agency Submissions				
1.	Department of Planning Lands and Heritage Locked Bag 2506 PERTH WA 6001	No Objection. No known Aboriginal sites or heritage places.	Noted	That the submission be noted
2.	Department of Biodiversity, Conservation and Attractions South West Region PO Box 1693 BUNBURY WA 6230	<p>Lot 2656 is in the vicinity of critically endangered Western Ringtail possum habitat and should be protected.</p> <p>DBCA supports building exclusions and revegetation areas and provides the following comments.</p> <ul style="list-style-type: none"> (i) The proposed dam expansion is within a Commonage Policy Area Structure Plan (CPACSP) and retained habitat corridor area and its construction will remove potentially good quality wetland vegetation and WRP habitat. (ii) Recommend revegetation to improve the northern portion of the wildlife corridor to link between the watercourse and the larger retained bushland area and plantings around the edges of the existing dam to provide a fully vegetated watercourse corridor. (iii) The battle-axe in the south eastern corner of proposed Balance Lot 1 would cut through the full width of the CPACSP habitat corridor vegetation, and potential WRP habitat. (iv) Recommend that on-site flora and fauna survey information be provided to assist DBCA assessment of potential impacts on 	<p>Noted.</p> <ul style="list-style-type: none"> (i) The draft Structure Plan recommends protection the vegetation corridor in a 'Development Exclusion Area' (DEA). Modifications to the Structure Plan are proposed to extend the DEA to include the northern portion to link with the central woodland DEA area. (ii) Recommended modification to the Structure Plan includes removing the "proposed dam expansion", and the existing dam will form part of the vegetation corridor. (iii) Modification to the Structure Plan includes removing the battle-axe access leg and including the vegetation in the proposed DEA. (iv) Noted 	<p>That the submission be noted and modifications to the draft Structure Plan in relation to submission 2 (i) – 2 (iii) are being recommended (refer to Attachment F - Schedule of Modifications).</p>

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		<p>flora and fauna values to assist assessment of the structure plan.</p> <p>(v) DBCA recommends a qualified fauna spotter is present onsite where vegetation clearing works area unavoidable to ensure any WRP utilising the site is adequately protected from the impacts of the clearing.</p> <p>(vi) Recommends the revegetation area species planting list consists of local endemic species including Western Australian Peppermint (<i>Agonis flexuosa</i>) trees, which are potential habitat for threatened WRP.</p>	<p>(v) Noted. Relevant to subsequent subdivision and development processes.</p> <p>(vi) Noted. Relevant to subsequent subdivision and development processes.</p>	
3	Department of Fire and Emergency Services (Rural Fire Division)	<p>DFES is satisfied that the bushfire management plan has adequately identified the bushfire risk and considered how compliance with the bushfire protection criteria can be achieved at subsequent planning stages.</p> <p>Minor modifications to the BMP are required prior to subsequent planning phases and can be under taken without subsequent referral to DFES. The modifications relate to:</p> <p>(i) The City ensuring compliance at subdivision stage that at least two access roads provide safe access and egress at two different destinations.</p> <p>(ii) Minor updates to the vegetation classification map.</p> <p>(iii) Update BHL assessment map to rate the vegetation adjacent to the western boundary as extreme BHL in Figure 3 – Bushfire hazard level map.</p>	<p>Noted.</p> <p>Noted.</p> <p>Recommended modifications (i) – (iii) to the BMP will be required prior to subdivision.</p>	That the submission be noted.

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4	<p>Department of Water and Environmental Regulation (Planning Advice, South West Region)</p>	<p>(i) The subject lots are located within both the 'Cape to Cape North Surface Water Area' and 'Busselton-Capel Groundwater Area' proclaimed under the 'Rights in Water and Irrigation Act 1914' (RiWI).</p> <p>(ii) The taking or diversion of surface water in this proclaimed area (whether by direct pumping, construction of a dam, or excavation) can be subject to licensing. Any interference of the watercourse (such as the construction of a dam or crossing, or excavation of the watercourse) will require a permit to interfere with the bed or banks from DWER.</p> <p>(iii) Groundwater abstraction in this proclaimed area is also subject to licensing, other than supply from the shallow water table (superficial aquifer) for domestic and non-intensive stock watering purposes.</p> <p>(iv) Lot 2656 is located within the Gunyulgup sub area and this resource is currently fully allocated under the allocation limits published in the 'Whicher Areas Surface Water Allocation Plan, 2009'. This means that applications for new licenses to take surface water will generally be refused.</p> <p>(v) DWER confirms that a licence and/ permit has not been granted under RiWI, to authorise the construction of a dam or a licence to take water for balance Lot 1. DWER could not assess the proposed dam development due to the lack of supporting information required to make an informed decision.</p>	<p>(i) Noted.</p> <p>(ii) Noted.</p> <p>(iii) Noted.</p> <p>(iv) Noted. Modification to the Structure Plan includes removing the 'proposed dam expansion' based on the advice that no additional water licence will be made available. Modification to the Structure includes removing the notation of 'Rural Production' based on limited water supplies impacting future intensive agriculture use.</p> <p>(v) Noted.</p>	<p>That the submission be noted and modifications to the draft Structure Plan in relation to submission 4 (iv) are being recommended (refer to Attachment F - Schedule of Modifications).</p>
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		<p>(vi) DWER recommends that:</p> <ul style="list-style-type: none"> • A condition of approval be that all waste water on the lots will be subject to the 'Government Sewerage Policy'. • A condition of subdivision be the preparation and approval of a 'Stormwater Management Plan', prior to commencement of site works and implementation prior to clearance of approval condition. 	<p>(vi) Noted. Relevant to subsequent subdivision and development processes.</p>	
5	<p>Department of Primary Industries and Regional Development PO Box 1231 Bunbury WA</p>	<p>(i) THE DPIRD does not have any objection as this area has previously been identified as a rural residential use.</p> <p>(ii) Advise that there is 8 ha of land available for production on proposed balance Lot 1. With no water allocation it will be impossible to establish and operate a successful horticultural enterprise, and the only possible agricultural use will be for the grazing of cattle.</p>	<p>(i) Noted.</p> <p>(ii) Noted. Recommended modification to the Structure Plan includes removing the notation of 'Rural Production' based on limited water supplies impacting future intensive agriculture use.</p>	<p>That the submission be noted and modifications to the Structure Plan in relation to submission 4 (iv) are being recommended (refer to Attachment F - Schedule of Modifications).</p>

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Public Submissions				
6	CROSS, Richard Lot 17 (71) The Dell Retreat YALLINGUP WA 6282	<ul style="list-style-type: none"> (i) Proposed road adjacent to property and would like to retain existing accesspoints. (ii) Retain peppermint trees on Lot 16 and Lot 17 boundaries as windbreaks and possum habitat. (iii) There is no indication on the drawing as to the location of the proposed access for Lot 16. Request clarification of access and any potential subdivision of Lot 16 identified as rural production (no animals) for that site. 	Please note that the matters raised concern adjoining or neighbouring properties which are not in the subject structure plan area and proposal being considered.	That submission be noted but that matters raised are outside the subject structure plan area and proposal being considered.
7	PLOWMAN, Denae 32 Windlemere Drive DUNSBOROUGH WA	(i) Seeking clarification on areas to be revegetated and net benefit/loss.	<ul style="list-style-type: none"> (i) Noted. The Structure Plan will not include areas for clearing. Minimal clearing will be required for the construction of road reserves. The 'Revegetation Area' to the west and the Development Exclusion Area (DEA) indicated on the structure plan will require revegetation which will be addressed at the subdivision stage. Recommended modification to the Structure Plan includes expanding the DEA to expand the vegetation corridor. (ii) Noted 	That the submission be noted and modifications to the draft Structure Plan in relation to submission 7 (i) and (iii) are being recommended (refer to Attachment F - Schedule of Modifications).

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		<ul style="list-style-type: none"> (ii) Revegetation can never replicate native vegetation and takes time for marri trees to replace the age of trees that will be removed. (iii) Should include a buffer to creek line where no development or vegetation clearing should occur. 	<ul style="list-style-type: none"> (iii) Noted. Recommended modification to the Structure Plan which extends the DEA will protect the creek link from development. A portion of the creek line was included under eth DEA advertised on the Structure Plan. 	
8	GREGSON, Rowland 32 The Dell Retreat YALLINGUP, WA	<ul style="list-style-type: none"> (i) No objection to proposal. (ii) Concern that expansion of a dam on Lot 2656 will impede water flow on adjacent properties and request that water flow is not diverted. (iii) Wish to protect the creek and associated wildlife. 	<ul style="list-style-type: none"> (i) Noted (ii) Noted. Recommended modification to the Structure Plan includes removing the 'proposed dam expansion' based on the advice that no additional water licence will be made available. (iii) The creek is proposed to be included in the 'Development Exclusion Area' which will require revegetation. Recommended modification to the Structure Plan includes expanding the DEA to include the dam and creek in the DEA. 	That the submission be noted and modifications to the Structure Plan in relation to submission 8(ii) and (iii) are being recommended (refer to Attachment F - Schedule of Modifications).
9	KERR, Peter 10 Dupont Avenue CITY BEACH, WA 6015 (Land owner of 37 The Dell Retreat)	<ul style="list-style-type: none"> (i) No overall objection to development (ii) Concerns/ regarding privacy for adjoining northern lots. (iii) Requests building envelopes (iv) Revegetation inside the northern boundaries for privacy screen. (v) Request to upgrade fence line as part of development. 	<ul style="list-style-type: none"> (i) Noted (ii) Noted. The subject land is located in the Landscape Value Area (LVA) and the Scheme includes special controls requiring retention of vegetation, and consideration of siting, design and materials to be in keeping with the landscape character of the locality and therefore building envelopes are not considered necessary. (iii) Noted as (ii) above. (iv) Noted as (ii) above. (v) Noted. Fencing is not controlled by subdivision. Generally fencing is permitted to be constructed in cleared area. 	That the submission be noted and modifications to the draft Structure Plan in relation to submission 9 (vii) and (ix) are being recommended (refer to Attachment F - Schedule of Modifications).

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		<p>(vi) Query future development restrictions for the existing dam on proposed Lot 13.</p> <p>(vii) Object to propose Lot 1 dam enlargement to water flow being impeded.</p> <p>(viii) Will the City of Busselton offer driveway rubbish collection services to residences on The Dell Retreat?</p> <p>(ix) Query section 3.2.1 of Part 2 of the Structure Plan which references construction of a new cul-de-sac off Zamia Grove. This does not appear on the Structure Plan map.</p>	<p>(vi) Noted. The Structure Plan does not include any plans to expand the dam on lot 13. The current landowner advises that the dams are not proposed to be removed.</p> <p>(vii) Noted. Recommended modification to the Structure Plan includes removing the 'proposed dam expansion' based on the advice that no additional water allocation licence is available.</p> <p>(viii) Noted. The City of Busselton do not offer rubbish collection to rural residential properties in this location.</p> <p>(ix) Noted. The Structure Plan report included information from a previously considered proposal that didn't include the subject road link. It is recommended to be modified to be replaced with words similar to the following sentence "<i>the only earthworks on the site will be those required for the construction of Dryandra Ave, including the link to Zamia Grove, which are expected to be minimal.</i>"</p>	
10	ADIAR, Robyn 59 Zamia Grove YALLINGUP WA	<p>(i) No objection to the proposal as understand background. However note my preference to maintain these areas for agricultural purposes. View that too much prime agricultural land is undervalued and being sub-divided into small uneconomic (for agricultural production) lots.</p> <p>(ii) I understand that if the DSP is approved that there can be no further subdivisions of land covered by the DSP for another 50years. Please confirm that 'Development Exclusion Area' will also remain in effect for 50 years.</p> <p>(iii) I am sure that like our neighbours on Zamia Grove we purchased our property because of its</p>	<p>(i) Noted.</p> <p>(ii) Noted. The Structure Plan will be valid for 10 years from endorsement (as per the Regulations 2015), by which time subdivision and development would be expected to be carried out.</p> <p>(iii) Noted. The subject land is zoned for rural residential development and future development</p>	That the submission be noted.

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		<p>location, tranquillity and ambience, on the basis that there were no plans in place to sub-divide and develop the adjoining agricultural land (now the DSP)</p> <p>(iv) Consider that more people movements in such rural locations increases the risk of fire. Short term ‘holidayers’ don’t have the same awareness of the causes and consequences of fire permanent residents and farmers have.</p>	<p>is to be guided by preparation of a Structure Plan as currently considered.</p> <p>(iv) Noted. The Bushfire Management Plan satisfies DFES and the Bushfire requirements. Construction of two external access roads into the proposed subdivision are considered to significantly improve local road network integration and access for bushfire and emergency safety, management and response.</p>	
11	HASLAM,Ben 35 Zamia Grove YALLINGUP, 6282	<p>(i) Concern regarding the Dryandra Avenue link (Zamia Grove extension) abuts the western boundary of our property include safety, noise, increase of traffic and environmental impacts and risks of proposed link. Please address safety, speed and noise issues.</p> <p>(ii) Consider that especially considering that he adjoining Lot 115 provides adequate alternative road links to the Lot 2656 development from Wildwood Road with secondary exit routes from The Dell Retreat.</p> <p>(iii) There are a number of large mature trees at the proposed intersection. Object to the removal of any additional native flora, particularly the mature trees adjacent to proposed intersection in order to manage this visibility. Please advise how trees will be protected.</p>	<p>(i) Noted. The road reserve to connect to the Dryandra Avenue is an existing road reserve that will be constructed as part of the subdivision to allow access into the structure plan area. Vehicles will not be trespass over private your land when using constructed Dryandra Avenue.</p> <p>(ii) Noted. It is considered that the southern access is necessary to ensure two access points to the future subdivision. Overall, the constructed access points are considered to provide demonstrated community benefit through improved road networks and opportunity for improved emergency bushfire access and management.</p> <p>(iii) Noted. Some clearing of trees will be required to construct the gazetted and proposed road pavements. WAPC has a standard condition for the “identification and protection of vegetation that will not be impacted by subdivisional works”. This condition would normally allow the City’s environment officers the</p>	That the submission be noted.

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		<p>(iv) Concerned that dieback will be introduced area through construction of the road.</p> <p>(v) Requests confirmation regarding whether the fire service access route North of Zamia Grove will need to be maintained.</p>	<p>opportunity to go onto site with the project manager/contractor to see if there are any opportunities to save/protect any vegetation worthy of retention ahead of subdivision and development works.</p> <p>(iv) Noted. Should dieback be considered an issue, the WAPC may condition the subdivision and the contractor would then be required to submit a management plan for review, approval and implementation.</p> <p>(v) All existing fire service routes will continue to be managed.</p>	
12	MAGILL, Renae 55 The Dell Retreat YALLINGUP WA	<p>(i) Concern that the level of density in the precinct which detracts from the rural landscape and amenity of the rural residential area (results in significant density increase when combined with the existing lots Butterly, The Dell Court, Zamia and the proposed 115 structure plan area.)</p> <p>(ii) The proposed minimum and average rural residential lot sizes are less than the Commonage Area Consolidated Structure Plan (CSP) (and Local Planning Scheme)</p>	<p>(i) Noted. The proposed lot density is consistent with the CPACSP providing an average density of 3ha. The minimum 1 ha individual lot sizes are supported by CPACSP where the proposed subdivision design is considered to provide additional demonstrable community/environment benefit. The subject Structure Plan is considered to provide this as it improves the connectivity of the local road network and delivery of safer bushfire evacuation and emergency services access ways; and it supports retention and enhancement of natural and rural landscapes on the balance Lot 1. See response x below.</p> <p>(ii) Noted. As (i)</p>	That the submission be noted and modifications to the draft Structure Plan in relation to submission 12(vi) and (vii) are being recommended (refer to Attachment F - Schedule of Modifications).

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		<p>policy. Please explain how "the adoption of a minimum 1ha lot is considered essential to maintaining and enhancing the landscape amenity of the site' and how the proposal addresses "significant landscape gains"</p> <p>(iii) View that lots 7 to 13 should be a maximum of 4 lots consistent with the preliminary subdivision concept plan prepared in 2014 when the block was advertised for sale.</p> <p>(iv) Concern regarding increased bush fire risk which is of greater concern than road exits.</p> <p>(v) The fencing along the northern boundary should be replaced by the developer.</p> <p>(vi) Concern regarding the impact of the proposed dam expansion in relation to the future run-off into the natural creek. Dams are teaming with wildlife, in particular birds, and the proposed density is a concern in this regard.</p>	<p>(iii) Noted. As (i) further, the subject land is located in the Landscape Value Area (LVA) and the Scheme includes special controls requiring retention of vegetation, and consideration of siting, design and materials to be in keeping with the landscape character of the locality and therefore building envelopes are not considered necessary.</p> <p>(iv) Noted. The Bushfire Management Plan satisfies DFES requirements. Construction of two external access roads into the proposed subdivision are considered to improve local road networks and access for bushfire management and emergency response purposes.</p> <p>(v) Noted. Fencing is not controlled by subdivision. Generally, fencing is permitted to be constructed in cleared areas only.</p> <p>(vi) Noted. Recommended modification to the Structure Plan includes removing the 'proposed dam expansion' based on the advice that no additional water licence will be made available. Also the creek is proposed to be included in the 'Development Exclusion Area' which will require revegetation. Recommended modification to the Structure Plan also includes expanding the DEA to include the dam and creek in the DEA.</p>	
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		(vii) Please consider our submission seriously and enforce the objectives and policies of the Commonage Structure Plan / Local Planning Scheme.	(vii) The CPACSP, Scheme, and other relevant strategic planning policies all support limited flexibility of development and subdivision design provided that community benefit is demonstrated. The Structure Plan is considered to address the recommendations of the CPACSP through improved environmental and landscape outcomes and overall demonstrable community benefit by providing improved local road network connections.	
13	ISBISTER, Anne 19 Zamia Grove YALLINGUP WA	(i) Object to the reduction of lot sizes to 1ha and request that they remain a minimum of 2ha as per planning policy. (ii) Purchased a property in an area with a planning requirement of 2ha and consider that this minimum should be enforced. Concern that the proposal will impact rural vista, rural landscape value and wildlife. Grounds that it is acceptable because such a reduction was approved for Lot 115 is	(i) The proposed lot density is consistent with the demonstrable providing an average density of 3ha. The minimum 1 ha individual lot sizes may be considered under the process of the CPACSP where the proposed design is considered to provide demonstrable community/environmental benefit. This proposal is considered to provide such demonstrable community benefit by improving the connectivity of the local road network and delivering of safer bushfire evacuation and emergency services access; and by supporting retention and enhancement of natural and rural landscapes on balance Lot 1. (ii) Noted. As addressed in (i)	That the submission be noted.

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		<p>flimsy at best and is not in keeping with lot sizes in the adjacent Zamia Grove.</p> <p>(iii) Increasing the lot sizes will achieve the developers stated objectives to “facilitate the retention of the central ridgeline vegetation, the provision of a rural mosaic and improved landscape outcomes”. These outcomes would in fact be further enhanced by increasing the lot size.</p> <p>(iv) Request building envelopes be minimum distance of 80m of our rear boundary.</p> <p>(v) Request that the existing dam (shown on Lot 9 on plan) remain</p> <p>(vi) In respect to the construction of Dryandra Venue we ask that Council consider planting of street trees, use of oxidised asphalt to reduce visual impact; road pavement to preserve existing trees as there is ample cleared land in which to construct the road. Concern that a number of substantial and old trees have been deleted from the map.</p>	<p>(iii) The subject land is located in the Landscape Value Area (LVA) and the Scheme includes special controls requiring retention of vegetation, and consideration of siting, design and materials to be in keeping with the landscape character of the locality and therefore building envelopes are not considered necessary.</p> <p>(iv) As (iii) above</p> <p>(v) There are no proposals to remove any of the existing dams. Future development of each lot will depend on the intentions of the landowners at the time and subsequent development applications/approvals.</p> <p>(vi) Noted. Some clearing of trees will be required to construct the gazetted public road within the road reserve. WAPC has a standard conditions for the “identification and protection of vegetation that will not be impacted by subdivisional works”. This condition would normally allow the City’s environmental officers the opportunity to go onto site with the project manager/contractor to assess if there are any opportunities to save/protect any vegetation worthy of retention prior to subdivision and development works.</p>	
14	SINCLAIR-THOMPSON, Helena	Observed a noticeable drying out of the land due to increased residential development and especially	Noted.	Submission is noted.

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	90 Butterly Road YALLINGUP WA	with the increased number of dams in the Wildwood Valley between Commonage and Caves Roads.		
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