



REPORT TO	Statutory Planning Committee		
Meeting date	22 January 2019	File number	156906
Subject	Subdivision to create 1,940 lots and 17 reserves - Various lots Barragoon Road, Caraban, Moore River South		
Purpose	Requires WAPC decision		
Title of Approving Officer	A/Assistant Director General, Land Use Planning		
Agenda Part for Reports SPC - Non-Confidential (To be published to the website)			
SITE-SPECIFIC DETAILS			
Region/s	Wheatbelt		
Local government/s	Shire of Gingin		
Landowner: Consultant:	Moore River Company Pty Ltd - Marcus Plunkett & Graeme Sampson Creative Design + Planning - Denise Morgan & Chee Mok		
Location map	Attachment 1 - Locality plan		
Bushfire Prone Area	YES		
Statutory Planning Committee			
Local Scheme Zoning	Future Development and General Rural		
Council's recommendations	Approve subject to conditions		
Receipt date	29 June 2018	Process days	207 (with agreed deferral)
Property Address	Lots 2424, 2593, 2802, 2914, 3099 and 3156 Barragoon Road, Caraban		
SUMMARY			
<p>The application proposes the subdivision of Lots 2424, 2593, 2802, 2914, 3099 and 3156 Barragoon Road, Caraban in the Shire of Gingin (the site) (Attachment 1 - Locality plan) to create 1,940 lots and 17 reserves for various purposes. The proposal is intended to facilitate the development of an urban settlement.</p> <p>The site was zoned Future Development in March 1995. Since that time there has been one subdivision approval over the land for the creation of 1,942 lots and 14 reserves, approved in September 2014. No works have been carried out on site by the applicant/landowner.</p> <p>Since the previous subdivision approval, State policy in regard to coastal planning and bushfire management has changed, and there has been Commonwealth environmental listing of Banksia Woodlands. The subdivision as lodged has been amended by agreement with the applicant to address State policy regarding the coastal foreshore reserve, bushfire risk mitigation, protection of threatened ecological communities, rural subdivision and minor lot configuration issues. The modified subdivision plan is the focus of this report (Attachment 2 - Modified subdivision plan).</p> <p>This proposal was considered at the 20 November 2018 Statutory Planning Committee (SPC) meeting. SPC requested that the proposal be deferred pending further advice on the proposals compliance with the current planning framework. There has been no change in urban settlement planning for the site since the previous subdivision approval. The site is identified as a settlement for urban development in the Wheatbelt Regional Planning and Infrastructure Framework, the</p>			

recently adopted Guilderton to Kalbarri Sub-Regional Planning Strategy, Local Planning Strategy and Local Planning Scheme. As such, it is recommended that the modified subdivision plan be approved subject to conditions.

DETAILS OF PROPOSAL

The application seeks to create a new settlement of 1,940 lots and 17 reserves with residential, commercial, industrial, educational and recreational components, including community facilities, on the south side of the Moore River. The number and purpose of the proposed lots is as follows:

- 1,824 residential lots designated with R20 (1,487 lots) and R40 (337) density codes;
- 92 mixed business lots;
- 7 town centre lots;
- 4 tourism lots;
- 9 residual and balance lots to remain rural and future development;
- 2 civic and community lots for a local government depot and emergency services (1.16 ha);
- 1 infrastructure lot for wastewater (1.03 ha);
- 1 primary school lot (4.7 ha);
- 13 public open space reserves (52.8 ha);
- 2 foreshore reserves (48.0 ha);
- 2 community and civic reserves (1.2 ha); and
- road reserves.

The site is approximately 1,400 ha in area with a portion zoned Future Development and the remainder zoned General Rural under the Shire of Gingin Local Planning Scheme No. 9 (LPS 9). The urban development is to be located within the Future Development zone covering approximately 478 ha, including foreshore reserves. The subdivision proposes development in six stages, in response to commercial considerations.

The subdivision area is to have primary access from Indian Ocean Drive through Barragoon Road, which is currently unconstructed. Proposed utility services include reticulated water and sewer. All lots are to be supplied with a reticulated water supply via a private licensed water supply scheme, which is to be operated by Moore River Water Services Pty Ltd with involvement from Aquasol Pty Ltd. Private water supply schemes are licenced by the Economic Regulation Authority (ERA) and Moore River Water Services Pty Ltd recently gained a licence to operate water supply and wastewater services at the site. The subdivision plan identifies sites for water and sewer infrastructure with land identified for a private wastewater treatment plant at the southern side of the subdivision area.

Concerns regarding coastal foreshore reserve width, road hierarchy, access onto Indian Ocean Drive and the size of the primary school site were raised through the referral process. The applicant has submitted a modified subdivision plan dated 30 October 2018 (**Attachment 2**) and supporting information to respond to referral advice and State policy requirements.

Modifications to the plan have included lot reconfiguration to allow for widening of the foreshore reserve; a primary school site sufficient to accommodate future needs; the addition of a site containing significant tree habitat as a conservation reserve; the addition of public open space reserves (3); the addition of infrastructure lots for sewerage and groundwater services (4) and the alteration of road reserves to accommodate suitable road widths and truncations. This has resulted in the addition of 13 residential lots, 1 town centre lot and 1 tourism lot, the amalgamation of two rural lots and the removal of 4 mixed business lots.

The proposal is supported by a Bushfire Management Plan, the adopted Moore River South Outline Development Plan, a bulk earthworks plan, a wastewater and water supply overview and a Foreshore Management Plan.

BACKGROUND

The site is surrounded by rural zoned land, vegetated unallocated crown land and is separated from the Guilderton townsite by the Moore River. It is an undulating site due to the predominant coastal dunal system. Historically the land has been used for grazing, resulting in much of the land being cleared. However, there are substantial portions of remnant vegetation remaining within the site, particularly adjacent to the coast and the Moore River (**Attachment 3** - Vegetation plan).

The Future Development portion of the site was rezoned from Rural to Urban Development in March 1995 via Amendment 22 to the Shire of Gingin's Town Planning Scheme No. 8. In September 2012 LPS 9 was gazetted which carried forward the same zoning arrangement. The Moore River South Outline Development Plan was endorsed by the Western Australian Planning Commission (WAPC) on 30 October 2013 (**Attachment 4** - Approved Outline Development Plan). The Outline Development Plan guides subdivision and development, service requirements, access, and development of foreshore reserves. A foreshore management plan for the proposed foreshore reserves was approved, subject to modifications, by the Shire of Gingin in August 2014.

A subdivision application for the creation of 1,942 lots and 14 reserves was granted approval on 22 September 2014 (WAPC Ref: 150242). Subdivisional works were not commenced and the approval expired on 22 September 2018. An overview of the site history is provided in **Attachment 5** - Site history.

KEY ISSUES

Consistency with WAPC Policies & Planning Framework	<i>State Planning Policy 3.7: Planning in Bushfire Prone Areas</i>	Fully consistent
	<i>State Planning Policy 3.1: Residential Design Codes</i>	Fully consistent
	<i>State Planning Policy 3: Urban Growth and Settlement</i>	Fully consistent
	<i>State Planning Policy 2.6: State Coastal Planning Policy</i>	Fully consistent
	<i>State Planning Policy 2.5: Rural Planning</i>	Fully consistent
	<i>State Planning Policy 2: Environmental and Natural Resources Policy</i>	Broadly consistent, some discretion required
	<i>Development Control Policy 3.4 Subdivision of Rural Land</i>	Fully consistent
	<i>Development Control Policy 2.6 Residential Road Planning</i>	Fully consistent
	<i>Development Control Policy 2.4 School Sites</i>	Fully consistent
	<i>Development Control Policy 2.3 Public Open Space in Residential Areas</i>	Fully consistent
	<i>Development Control Policy 1.7 General Road Planning</i>	Fully consistent
Liveable Neighbourhoods	Fully consistent	
Government Considerations	Draft Government Sewerage Policy	Fully consistent
	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	Fully consistent
	<i>Environment Protection and Biodiversity Conservation Act 1999</i>	Broadly consistent, some discretion required
Consultation	The Shire of Gingin originally requested deferral of the application until such	

time as the coastal foreshore reserve and bushfire risk mitigation matters were addressed. The Shire supports the modified subdivision plan subject to standard conditions in accordance with the Outline Development Plan and State policy regarding road and parking construction, ceding of reserves, earthworks, drainage, landscaping and development of public open space, foreshore management, local development plans and bushfire mitigation.

Main Roads Western Australia (MRWA) do not support access to the subdivision from Indian Ocean Drive due to insufficient and out-dated information being provided in the supporting Moore River South Transport Assessment by Cardno (version 7, dated August 2013) regarding traffic modelling and intersection design.

The Water Corporation advised that they do not have the capacity to service the proposed subdivision and will not be a service provider. Western Power requested standard conditions for underground power and transfer of land for electricity supply infrastructure.

The Department of Education (DoE) supported the original plan of subdivision, but did not support a reduction in the area for the school site and adjacent road reserve widths.

The Department of Biodiversity, Conservation and Attractions (DBCA) raised concerns regarding the coastal foreshore reserve width, interface with Wilbinga Conservation Park to the south and ongoing protection of potential Carnaby's Cockatoo habitat trees. DBCA advised that the vegetation on the site is identified as possibly being part of the Banksia Woodlands of the Swan Coastal Plain Ecological Community. This ecological community is listed as endangered under the *Environment Protection and Biodiversity Conservation Act 1999*. Further assessment of any impacts the proposal may incur on the identified ecological community on site, should be referred to the Australian Commonwealth Department of the Environment and Energy.

The Department of Fire and Emergency Services (DFES) does not support the proposal by reason that:

- the site is designated as bushfire prone area;
- the lodged plan of subdivision did not provide two access routes in and out of the subdivision area;
- the alternative solution of safe stay and refuge is not supported; and
- three lots contain areas with a Bushfire Attack Level of BAL 40 and BAL FZ.

The Departments of Health and Water and Environment Regulation raised no objections or conditions, but did provide advice regarding utility service approvals required, which are separate to the subdivision process.

The Department of Fire and Emergency Services (UXO); Mines, Industry Regulation and Safety; and ATCO Gas Australia did not raise any objections or recommend any conditions. UXO provided standard advice regarding the potential presence of unexploded ordinances due to previous Australian Defence Force activities.

Additional submission

The Friends of the Moore River Estuary Inc. (FOMRE) forwarded a submission to the WAPC objecting to the subdivision by reason of inconsistency with State policy regarding bushfire risk mitigation; sustainable

settlement principles; and protection of biodiversity values and threatened ecological communities. FOMRE has also requested intervention by the Ministers for Planning and the Environment, with advice being that environmental issues can be managed through the planning process. Due to the proposal being referred to the Environment Protection Authority (EPA) in 1994, the EPA is unable to provide formal advice to the WAPC under s38 of the *Environmental Protection Act 1986*. However, the EPA has provided advice to the WAPC on a range of environmental issues, and these have been addressed through subsequent planning stages.

PLANNING ASSESSMENT

Consistency with local planning framework

State Planning Policy 3: Urban Growth and Settlement (SPP 3) sets out principles for the sustainable development of settlements. Building on existing communities is generally encouraged where possible, however, in this instance the Guilderton townsite is the only existing community in the area which is separated from the subdivision area by the Moore River. The Shire of Gingin Local Planning Strategy (Strategy) identifies Moore River South as an urban area and the site is suitably zoned and planned for future urban development in LPS 9. The Wheatbelt Regional Planning and Infrastructure Framework and recently adopted Guilderton to Kalbarri Sub-Regional Planning Strategy identify the site as a future settlement.

Clause 27 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* outlines that a decision-maker is to have due regard to, but is not bound by, a structure plan when determining a subdivision application. Ultimately, the modified subdivision plan results in a settlement with the same scale of development, road hierarchy and services outlined in the approved Outline Development Plan. The modified subdivision plan also complies with the minimum site area requirements of LPS 9 for the purpose the lots are identified for and achieves greater consistency with State policy. Conditions are recommended that require the approval of local development plans to set out site and development requirements for the orderly and proper development of the proposed lots where there may be an inconsistency with the approved Outline Development Plan.

Retention and protection of the natural environment

The majority of the site has been previously cleared for farming practices, however, a large portion contains remnant vegetation (**Attachment 3**). Zoning of the land occurred in 1995, prior to the Planning and Environment legislation being amended to require referral to the EPA. The EPA provided advice to the WAPC in 1994, and this did not result in vegetated areas being removed from the zoning proposal. While in recent years there has been a greater focus on vegetation, especially that associated with Carnaby's Cockatoo habitat, at the time of this land being zoned, the vegetation and cockatoos were not known to be endangered.

In cases where the EPA does not require environmental review of proposals, the EPA provides advice to the WAPC, on the basis that environmental matters can be addressed via the established planning framework. For instance, in 2004, the EPA outlined its expectations that coastal management, river management, sewerage services and drainage would be addressed through the subdivision process. Although subdivision approval did not occur until 2014, these matters have been carried over, and have been addressed.

State Planning Policy 2: Environment and Natural Resources Policy (SPP 2) seeks integration of environmental issues into broader land use planning and decision making, to protect, conserve and enhance the natural environment. Section 5.5(ii) and (v) of SPP 2 requires decision-making to avoid or minimise any adverse impacts, directly or indirectly, on areas of high biodiversity or conservation value as a result of changes in land use or development.

Numerous flora and fauna studies have been carried out on the site since it was zoned, to assess impacts on environmental resources and biodiversity, with the most recent study conducted in 2010. A number of tree hollows located within the northern portion of the site (not proposed for

residential subdivision) were identified as potential habitat for the Carnaby's Cockatoo which was listed as endangered under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) prior to 2010. DBCA has raised concerns regarding the ongoing protection of the Carnaby's Cockatoo habitat. In response to this concern, the modified subdivision plan proposes to protect the identified hollows through tree retention in a conservation reserve. The requirement for a landscaping plan in accordance with the Outline Development Plan will also identify any other potential habitat trees for retention in public open space areas.

DBCA has advised that the previous flora survey may not have recognised or considered the significance of the banksia woodland communities which may be present on the site, as these were listed following the survey in 2010. The Banksia Woodland of the Swan Coastal Plain ecological community was listed as a threatened ecological community (TEC) under the EPBC Act in September 2016. If the Banksia Woodland TEC does exist the proposal is required to be referred to the Commonwealth Department of Environment and Energy (DEE) in order for clearing associated with the proposal to be assessed. Given the recent listing of Banksia Woodland, there is some uncertainty as to whether the Banksia Woodland TEC occurs within the subdivision area. As shown in **Attachment 3**, this affects approximately 40% of the proposed urban area to the north and west of the subdivision as the remainder of the site is cleared of remnant vegetation.

To ensure that environmental issues are addressed prior to lots being created, a condition (no. 2) is recommended that requires the applicant and/or landowner to carry out further environmental surveys to the level recommended by DBCA prior to implementing the subdivision. The reason this is recommended as a condition, is that the development of the site is staged, and it will be possible to substantially commence development without affecting vegetated areas. If surveys reveal the presence of TECs, the wording of the condition is such that lots in the subdivision that may contain TECs would be unable to be created. It would then be possible to redesign that area through a fresh subdivision application. This is suggested as a reasonable balance that recognises the status of the site in the established planning framework, whilst also acknowledging recent environmental listings.

The Commonwealth DEE is aware of the proposal, and has been in contact with the proponent regarding a referral under the *Environmental Protection and Biodiversity Conservation Act 1999*. The Commonwealth has call in powers should this be necessary. As above, recommended condition 2 of the approval alludes to this referral, and should the 'controlled action' not be approved by DEE, that element of the subdivision will fall away and not be implemented.

DBCA also raised concern with potential impacts of the proposed subdivision on the Wilbinga Conservation Park to the south/south east of the site and has requested that this land be fenced from the subdivision area and an interface management plan be implemented. The subdivision area is separated from the conservation park by private property and Unallocated Crown Land (UCL). DBCA advised that the UCL was proposed to become part of the conservation park during the previous subdivision approval timeframe although this did not occur. The subject UCL is currently being investigated for inclusion into the Noongar Land Estate as part of the South West Settlement Native Title Settlement. At this point there is no direct interface between the conservation park and subdivision area, therefore no nexus exists to validly implement DBCA's requested fencing condition.

Overall, the modified subdivision plan and conditions of approval can effectively address environmental matters.

Foreshore reserve

State Planning Policy 2.6: State Coastal Planning Policy (SPP 2.6) provides guidance for decision-making within the coastal zone, in particular the establishment of foreshore reserves for new developments. The establishment of a foreshore reserve was outlined in the Outline Development Plan based on a coastal study provided in September 2012, when SPP 2.6 was under review.

SPP 2.6 is written into LPS 9 and applies as if it was a part of the scheme in accordance with

Section 77(1)(b) of the *Planning and Development Act 2005* (the Act). SPP 2.6 requires the ceding of a foreshore reserve through subdivision which provides ecological values; coastal landscape and seascape; indigenous and cultural heritage; public access; and facilities and infrastructure, such as car parks, clubs and amenities, after coastal physical processes for a 100 year planning timeframe.

The foreshore reserve identified on the original plan of subdivision only provided for the required physical process setback. In order to achieve consistency with SPP 2.6, the Department has negotiated an increase in the width of the coastal foreshore reserve by approximately 30-150m along its length. This has increased the area of the coastal foreshore reserve from 25.8 ha to 43.2 ha as shown in **Attachment 6** - Foreshore Reserve. For example, the coastal foreshore reserve is at its narrowest near the proposed tourism and town centre node, but still achieves the coastal processes setback of approximately 130m from the dune line, plus a 30-40m coastal reserve and a 20m road reserve. The overall setback from the existing coastline is nearly 200m. The road reserve is adjacent to the coastal foreshore reserve and provides for public access, including parking, drainage of the undulating site and bushfire risk mitigation.

The modified subdivision plan is consistent with the objectives and intent of SPP 2.6, as the reserve has taken into account the necessary elements, responds to the site's physical attributes and is of a sufficient size to accommodate land uses associated with public use of the coast. **Attachment 6** illustrates the difference between the original plan of subdivision and the modified subdivision plan recommended for approval. The recommended approval of this type of coastal foreshore reserve is relevant to other coastal proposals, such as the recent Alkimos and upcoming Burns Beach structure plans, where the WAPC is requested to make similar decisions in regard to the implementation of SPP 2.6.

The existing Foreshore Management Plan sets out the ongoing management of the foreshore reserve and outlines a less generous foreshore reserve than the modified subdivision plan. As a result, it is recommended a condition be imposed to require the Foreshore Management Plan to be updated as necessary to implement management measures, including those which identify and protect biodiversity values.

Access

The modified subdivision plan provides access to the site from Indian Ocean Drive (IOD) at two locations, via Barragoon Road and Caraban Road, as shown in **Attachment 1**. IOD is in the care, control and management of MRWA who object to the proposal. MRWA has indicated the transport modelling used to support the Outline Development Plan is out-dated and does not consider current traffic numbers along IOD. MRWA has requested that a design concept of the relevant intersections supported by traffic modelling and safety requirements, details of the staging of subdivision and infrastructure delivery, be provided prior to issuing subdivision approval.

A staging plan has been provided by the applicant (**Attachment 7** - Staging plan) and sets out the infrastructure requirements with access via Barragoon and Caraban Roads to be provided in stage one. In accordance with *Development Control Policy 1.7 General Road Planning*, it is recommended that conditions relating to construction and upgrading of Barragoon and Caraban Road intersections with IOD and the updating of the Transport Assessment to MRWA's specification be imposed. This is an accepted approach for road planning of this nature, and will adequately address MRWA concerns and ensure the intersection is designed and provided in accordance with their requirements.

Primary school site

In accordance with draft *Liveable Neighbourhoods 2015* (LN) one 4 ha primary school site per 1,500 dwelling units is required to be provided within the subdivision area. As the subdivision proposes a minimum of 1,837 dwellings a larger school site of 4.7 ha was requested by the Department of Education to cater for the dwelling units in excess of 1,500. The Outline Development Plan was approved with this requirement. In regard to the street network design, LN requires school sites to be bound by a minimum of three streets comprised of not more than one

neighbourhood connector street (21.6m wide) and a minimum of two access streets (20.1 to 15.5m wide), including an Access B street (20.1m wide).

The original plan of subdivision proposed one 4.73 ha site for a future primary school in accordance with the Outline Development Plan. The Department of Education raised concerns with early modifications reducing the primary school site area to 4.01 ha, the steep topography of the site and surrounding access road reserve widths being reduced to 18m. Slopes present within the site exceed a 1:20 grade which is inconsistent with LN. To address the matters raised by the Department of Education and ensure consistency with LN the subdivision plan has been further modified to provide a primary school site of 4.6 ha and an Access B street on its western side. In response to the topographical issues a condition requiring the primary school site to be filled/drained, graded/stabilised, cleared of vegetation, connected to utility services and ground levels coordinated is recommended to be imposed to ensure the site can accommodate its intended purpose.

Public open space

The gross subdivisional area of the site is 240 ha, requiring provision of 24 ha of public open space to meet the minimum 10% required by LN and *Development Control Policy 2.3 Public Open Space in Residential Areas* (DC 2.3). The modified subdivision plan proposes 16 public open space reserves occupying 26.9 ha, being approximately 11% of the gross subdivisible area. A total area of 4.56 ha of restricted public open space is proposed, being approximately 19% of the creditable public open space area required which complies with the maximum provision of restricted public open space for purposes such as drainage. The proposal complies with LN and DC 2.3.

Bushfire risk

The entire site has been designated as a bushfire prone area by the Fire and Emergency Services Commissioner. *State Planning Policy No. 3.7: Planning in Bushfire Prone Areas* (SPP 3.7) outlines policy measures to mitigate bushfire risk for people, property and infrastructure. These measures require all development to achieve a maximum Bushfire Attack Level of BAL 29 and demonstrate compliance with the bushfire protection criteria outlined in the *Guidelines for Planning in Bushfire Prone Areas* (Guidelines) through a Bushfire Management Plan (BMP).

The original plan of subdivision was generally consistent with SPP 3.7 and the Guidelines except for the provision of two access routes to and from the main subdivision area with only a single road connecting to Barragoon Road proposed. The BMP proposed an alternative 'performance principle' solution, being safe stay and refuge within existing dwellings for permanent occupants and within a 'bushfire assembly area' for people visiting the area. No details were provided regarding the location and construction standard of the bushfire assembly area at each stage of the subdivision. In addition, a 25m wide Asset Protection Zone (APZ) to achieve a maximum of BAL 12.5 for any developable area was proposed to supplement the safe stay and refuge solution.

The APZ predominantly consisted of the perimeter road reserves which range in width from 18m to 30m. Where perimeter road reserves are narrower than 25m the balance of the APZ protruded into public open space, foreshore reserves or freehold lots. The Guidelines require APZs to be contained within the subject property or on land which will be managed in a low fuel state in perpetuity. The Shire of Gingin have expressed concern regarding any additional maintenance responsibility resulting from any APZ protruding into land under their future management and there is no guarantee that an APZ protruding into private property will be maintained in perpetuity. The alternative solutions proposed were inconsistent with SPP 3.7 and the Guidelines and have not been considered in any previous subdivision proposals in the State.

DFES did not support the proposal due to failure to provide two access routes. To address the matters raised by DFES and ensure consistency with SPP 3.7, the Guidelines and the Outline Development Plan, the subdivision plan has been modified to include an additional access road into the site from the north via Goonmarra Road. The second access route is proposed to be a trafficable surface in all weather conditions and to the specifications outlined in the bushfire protection criteria. The construction and/or upgrade of Goonmarra Road will also be required as it

is currently partially unconstructed.

DFES does not support the proposed second access arrangements, although the modified access arrangements satisfy the requirements of SPP 3.7 and the Guidelines. The proposed perimeter road reserves (18m) achieve BAL 29 for developable areas, therefore any larger APZ is supplementary and does not need to form a requirement. It is recommended that the BMP and staging plan are amended to reflect the modified subdivision plan and provision of two access routes at all stages of subdivision.

DFES also objected to development of three infrastructure lots in the south of the subdivision area as they will include some areas of BAL 40 and BAL FZ. Two of these lots are to be ceded to the local government for council depot and emergency services (fire station) purposes and the other lot is to accommodate the future waste water treatment plant. These lots are large enough to contain an APZ which results in the remainder of the property being a maximum BAL 29 and adequate for development. The proposed lots are therefore consistent with SPP 3.7. It is recommended a restrictive covenant preventing development in the areas of BAL 40 and BAL Flame zone be imposed to ensure compliance with SPP 3.7.

Conclusion

The subdivision proposal is consistent with the established planning framework, State Planning Policy and regional settlement planning and the modified subdivision plan responds to the issues raised in referral advice.

Model conditions have been applied to the application, with the exception of conditions 1, 2, 6, 8, 11, 12, 23, 27, 33, 37, 38 and 39 which deal with modifying the plan of subdivision; intersection upgrades; requirements of the structure plan; environmental protection and landscaping; the primary school site; and bushfire mitigation and respond to the issues discussed in this report.

Given the above, conditional approval of the modified subdivision plan (**Attachment 2**) is recommended.

RECOMMENDATION

That the Statutory Planning Committee resolves to approve the application to subdivide Lots 2424, 2593, 2802, 2914, 3099 and 3156 Barragoon Road, Caraban subject to the following conditions and advice:

CONDITIONS:

- 1. *The plan of subdivision is to be modified in accordance with the attached plan dated 30 October 2018 (Attachment 2). (Western Australian Planning Commission)***
- 2. *Prior to the commencement of subdivisional works, measures being undertaken to confirm or deny the presence of threatened ecological communities in areas classified as Woodland or Shrubland in Attachment 3. This may include, but is not limited to, a level 2 flora and vegetation survey and/or referral under the Environmental Protection Biodiversity and Conservation Act (1999). (Western Australian Planning Commission).***
- 3. *Engineering drawings and specifications are to be submitted, approved, and works undertaken in accordance with the approved engineering drawings, specifications and approved plan of subdivision, for grading and/or stabilisation of the site to ensure that:***
 - (a) lots can accommodate their intended use; and***
 - (b) finished ground levels at the boundaries of the lots the subject of this approval match or otherwise coordinate with the existing and/ or proposed finished ground levels of the land abutting. (Local Government)***
- 4. *Prior to the commencement of subdivisional works, an urban water management plan is to be prepared and approved, in consultation with the Department of Water and***

Environmental Regulation, consistent with any approved Local Water Management Strategy. (Local Government)

5. Engineering drawings and specifications are to be submitted and approved, and works undertaken in accordance with the approved engineering drawings and specifications and approved plan of subdivision, for the filling and/or draining of the land, including ensuring that stormwater is contained on-site, or appropriately treated and connected to the local drainage system. Engineering drawings and specifications are to be in accordance with an approved urban water management plan for the site. (Local Government)

6. Prior to the commencement of subdivisional works, the Moore River South Transport Assessment by Cardno Eppell Olsen (version 7, dated August 2013) is to be updated to include:

(a) traffic modelling, including for peak traffic periods and local traffic movement numbers from the surrounding area and known proposed developments, to determine intersection type and upgrades to Indian Ocean Drive; and

(b) a planning design concept and report on the proposed intersections or part of Indian Ocean Drive that requires modification as a result of the subdivision, including identification of any additional land required for road infrastructure. The works are to be justified by traffic modelling and safety requirements taking into consideration a minimum distance of 1.5 km either side of the proposed intersections

to the specification of Main Roads WA and the satisfaction of the Western Australian Planning Commission. (Main Roads WA)

7. Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, to ensure that those lots not fronting an existing road are provided with frontage to a constructed road connected by constructed roads to the local road system and such roads are constructed and drained at the landowner/applicant's cost.

As an alternative, and subject to the agreement of the Local Government the Western Australian Planning Commission (WAPC) is prepared to accept the landowner/applicant paying to the local government the cost of such road works as estimated by the local government and the local government providing formal assurance to the WAPC confirming that the works will be completed within a reasonable period as agreed by the WAPC. (Local Government)

8. Prior to the first stage of subdivision, a Traffic Management and Parking Strategy, prepared by a suitably qualified traffic engineer, which demonstrates:

(a) the required upgrading works for the local road system, including shared paths;

(b) the staging of works relative to the staging of the subdivision;

(c) future public, private residential and tourist car park requirements generated by the development proposed in the subdivision area;

(d) that sufficient foreshore parking or alternative access is provided for tourist and residential development as well as the demands of visitors and the general public;

(e) a noise impact assessment undertaken for Barragoon Road in the location of the Woodridge Estate to determine the need for any noise attenuating requirements as part of road upgrading works; and

(f) and other traffic management works considered relevant by the local government

is to be submitted, approved, and works undertaken in accordance with the approved plan of subdivision and the Traffic Management and Parking Strategy to the satisfaction of the local government and Western Australian Planning Commission. (Local Government)

9. Engineering drawings and specifications are to be submitted and approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications to ensure that:

(a) street lighting, consistent with the International Dark-Sky Association's LED Practical Guide, is installed on all new subdivisional roads to the standards of the relevant licensed service provider; and

(b) roads that have been designed to connect with existing or proposed roads abutting the subject land are coordinated so the road reserve location and width connect seamlessly; and

(c) temporary turning areas are provided to those subdivisional roads that are subject to future extension; and

(d) embayment parking is provided in accordance with the Traffic Management and Parking Strategy

to the satisfaction of the Western Australian Planning Commission. (Local Government)

10. Engineering drawings and specifications are to be submitted, approved, and subdivisional works undertaken in accordance with the approved plan of subdivision, engineering drawings and specifications, for the provision of shared paths through and connecting to the application area in accordance with the Traffic Management and Parking Strategy, to the satisfaction of the Western Australian Planning Commission. The approved shared paths are to be in accordance with the requirements of Liveable Neighbourhoods and constructed by the landowner/applicant. (Local Government)

11. Engineering drawings and specifications are to be submitted and approved, and satisfactory arrangements being made for works to be undertaken in accordance with the engineering drawings and specifications, for the construction and upgrading of the Barragoon Road and Indian Ocean Drive intersection to the specification of Main Roads WA and the satisfaction of the Western Australian Planning Commission at the landowner/applicant's cost. (Main Roads WA)

12. Engineering drawings and specifications are to be submitted and approved, and satisfactory arrangements being made for works to be undertaken in accordance with the engineering drawings and specifications, for the upgrading of the Caraban Road and Indian Ocean Drive intersection to the specification of Main Roads WA and the satisfaction of the Western Australian Planning Commission at the landowner/applicant's cost. (Main Roads WA)

13. Satisfactory arrangements being made with the local government for the full cost of upgrading and construction of Barragoon Road to Indian Ocean Drive, including any required noise attenuation works, to the specifications of the local government and Main Roads WA. (Local Government)

14. Satisfactory arrangements being made with the local government for the full cost of upgrading and construction of Goonmarra Road to the specifications of the local government. (Local Government)

15. ***The proposed battle-axe legs for proposed Lots 116, 125, 212, 224, 1727 and 1730 being constructed and drained at the landowner/applicant cost to the specifications of the local government. (Local Government)***
16. ***Arrangements being made to the satisfaction of the Western Australian Planning Commission and to the specification of Western Power for the provision of an underground electricity supply to the lots shown on the approved plan of subdivision. (Western Power)***
17. ***The transfer of land for the provision of electricity supply infrastructure to be shown on the diagram or plan or plan of survey (deposited plan) as a reserve and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any payment of compensation by the Crown. (Western Power)***
18. ***Arrangements being made with a licensed service provider so that provision of a suitable water supply service will be available to the lots shown on the approved plan of subdivision. (Licensed service provider/Local Government)***
19. ***Arrangements being made with a licensed service provider so that provision of a sewerage service will be available to the lots shown on the approved plan of subdivision. (Licensed service provider/Local Government)***
20. ***The provision of easements for planned future water, sewerage and drainage infrastructure, as may be required by the licensed service provider being granted free of cost to that body. (Licensed service provider/Local Government)***
21. ***Drainage easements and reserves as may be required by the local government for drainage infrastructure being shown on the diagram or plan of survey (deposited plan) as such, granted free of cost, and vested in that local government under Sections 152 and 167 of the Planning and Development Act 2005. (Local Government)***
22. ***Arrangements being made, to the satisfaction of the Western Australian Planning Commission, for the transfer of the land free of cost to the Department of Education for the provision of a primary school site to serve the area, as identified on the approved plan of subdivision. (Department of Education)***
23. ***The land denoted as proposed primary school site on the approved plan of subdivision is to be filled/drained, graded/stabilised, future building and sports oval location(s) cleared of vegetation, connected to utility services and finished ground levels coordinated with adjoining constructed streets to ensure the site can accommodate its intended purpose. (Department of Education)***
24. ***The proposed public open space reserves shown on the approved plan of subdivision being shown on the diagram or plan of survey (deposited plan) as reserves for public open space and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any payment of compensation by the Crown. (Local Government)***
25. ***The proposed community purpose reserves shown on the approved plan of subdivision being shown on the diagram or plan of survey (deposited plan) as reserves for civic and community purposes and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any payment of compensation by the Crown. (Local Government)***
26. ***The proposed conservation reserve shown on the approved plan of subdivision being shown on the diagram or plan of survey (deposited plan) as reserves for conservation***

and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any payment of compensation by the Crown. (Local Government)

27. A landscape plan is to be prepared for road, including Barragoon Road, conservation and public open space reserves demonstrating, at a minimum:

- (a) the location and species of all trees to be retained and/or removed;**
- (b) the location and type of any fencing to be installed;**
- (c) the location and type of reticulation to be installed;**
- (d) the location and type of any paving to be installed;**
- (e) a plant schedule nominating each species, the spacing of species, the number of plants required, the size of each plant to be used at the time of planting and the anticipated height of each plant at maturity; and**
- (f) provisions for the specific approval of the local government for the removal of any tuart trees**

and approved and works undertaken in accordance with the landscape plan to the specification of the local government and satisfaction of the Western Australian Planning Commission. (Local Government)

28. Arrangements being made for the proposed public open space to be developed by the landowner/applicant to a minimum standard and maintained for three summers in accordance with the approved landscape plan providing for the development and maintenance of the proposed public open space in accordance with the requirements of Liveable Neighbourhoods and to the specifications of the local government. (Local Government)

29. Uniform fencing being constructed along the boundaries of the proposed lots abutting public open space. (Local Government)

30. The proposed foreshore reserves shown on the approved plan of subdivision being shown on the diagram or plan of survey (deposited plan) as a reserve for foreshore management and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without any payment of compensation by the Crown. (Local Government)

31. Prior to the commencement of subdivisional works the Moore River South Foreshore Management Plan by Cardno (Version 5, dated 17 September 2014) is to be updated, approved and satisfactory arrangements being made for the implementation, including any works and associated cost, of the approved plan by the landowner/applicant to the specification of the local government and satisfaction of the Western Australian Planning Commission. (Local Government)

32. Measures being taken to ensure vegetation, including potential Carnaby's Cockatoo habitat trees, worthy of retention within the proposed public open space, conservation and foreshore reserves as identified on the approved plan of subdivision is protected prior to the commencement of subdivisional works. (Local Government)

33. At all stages of subdivision, a dust management plan shall be submitted and approved, and subdivisional works undertaken in accordance with the approved dust management plan to the specifications of the local government and satisfaction of the Western Australian Planning Commission. (Local Government)

34. Local Development Plans being prepared and approved for the proposed tourist

accommodation, town centre and mixed business lots shown on the approved plan of subdivision that address the following:

- (a) the use of the land in accordance with the intended zone on the approved plan of subdivision where there is an inconsistency with the approved structure plan;**
- (b) building location, orientation and setbacks;**
- (c) building heights, scale and roof pitch;**
- (d) built form and design standards;**
- (e) external colours and materials;**
- (f) curtilage, landscaping and fencing;**
- (g) vehicle parking and access;**
- (h) separation of land uses;**
- (i) integration of development into the topography of the site and the landscape;**
- (j) retention of vegetation; and**
- (k) any other siting and development matters considered relevant by the local government**

to the satisfaction of the Western Australian Planning Commission. (Local Government)

35. Local Development Plans being prepared and approved for the proposed residential lots shown on the approved plan of subdivision where the site area and/or density code is inconsistent with the approved structure plan, that address the following:

- (a) the use of the land in accordance with the residential zone;**
- (b) designation of either the R20 or R40 density code under State Planning Policy 3.1 Residential Design Codes in accordance with the site area of the proposed lots; and**
- (c) any exemptions from the requirement to obtain development approval**

to the satisfaction of the Western Australian Planning Commission. (Local Government)

36. The landowner/applicant shall make arrangements to ensure that prospective purchasers of lots subject of a Local Development Plan are advised in writing that Local Development Plan provisions apply. (Local Government)

37. At all stages of subdivision two different vehicular access routes are to be provided, both of which connect to the public road network, provide safe access and egress to two different destinations and are available to all residents and the public at all times and under all weather conditions. (Local Government)

38. Staging of the subdivision shall be in accordance with a staging plan prepared by the applicant/landowner and approved by the local government. The staging plan is to demonstrate two access routes at all stages of subdivision in accordance with Condition 37. (Local Government)

39. The Bushfire Management Plan by Bushfire Prone Planning (version 1.0, dated 14 May 18) is to be updated to:

- (a) reflect the modified plan of subdivision dated 30 October 2018;**
- (b) provide access for fire appliances between developed and undeveloped stages of the subdivision area;**

- (c) demonstrate the provision of two access routes in accordance with Condition 37 at all stages of subdivision;**
- (d) remove any reference to shelter in place and/or 'safe stay';**
- (e) remove any reference to any Asset Protection Zone protruding into public open space, foreshore reserves and/or private property not the subject of development; and**
- (f) include any other measures and/or amendments considered relevant by the local government in accordance with the Guidelines for Planning in Bushfire Prone Areas,**

and approved and implemented to the specification of the local government and satisfaction of the Western Australian Planning Commission. (Local Government)

- 40. The landowner/applicant is to prepare, have approved by the local government, and implement a detailed plan demonstrating the location and capacity of fire emergency infrastructure to the satisfaction of the Western Australian Planning Commission. (Local Government)**
- 41. Information is to be provided to demonstrate that the measures contained in the updated Bushfire Management Plan, approved as a result of Condition 39, addresses the following:**
- (a) the provision of two access routes in accordance with Condition 37 at all stages of subdivision;**
 - (b) provision of access for fire appliances between developed and undeveloped stages of the subdivision area;**
 - (c) placement of required encumbrances and notifications on certificates of title;**
 - (d) construction of public roads to the standards in the Bushfire Management Plan;**
 - (e) installation of Asset Protection Zones to the dimensions and standards necessary to achieve a maximum of BAL 29 for any developable area and/or property;**
 - (f) installation of the reticulated water supply (hydrants) to the standards stated in the Bushfire Management Plan;**
 - (g) construction of landscaping to ensure low threat standards stated in the Bushfire Management Plan;**
 - (h) endorsement of the Bushfire Management Plan by all parties that have a responsibility under the plan; and**
 - (i) any other measures identified in the updated Bushfire Management Plan**
- have been implemented during subdivisional works. (Local Government)**
- 42. A compliance certificate/report for the BAL Contour Map relating to the approved subdivision shall be completed prior to the issuing of titles to the satisfaction of the Western Australian Planning Commission. (Local Government)**
- 43. A plan is to be provided to identify areas of the proposed lot(s) that have been assessed as BAL-40 or BAL-Flame Zone. A restrictive covenant to the benefit of the local government, pursuant to section 129BA of the Transfer of Land Act 1893, is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a restriction on the use of the land within areas that have been assessed as BAL-40 or BAL-Flame Zone. Notice of this restriction is to be included on the diagram or plan of**

survey (deposited plan). The restrictive covenant is to state as follows:

'Habitable buildings are only to take place outside of areas identified as BAL-40 or BAL-Flame Zone.' (Local Government)

- 44.** *A notification, pursuant to Section 165 of the Planning and Development Act 2005, is to be placed on the certificate(s) of title of the proposed lots with a Bushfire Attack Level (BAL) rating of 12.5 or above, advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:*

'This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land.' (Western Australian Planning Commission)

ADVICE

- 1.** *In regard to Condition 2, the survey is to be in accordance Environmental Protection Authority's Technical Guidance: Flora and Vegetation Surveys for Environmental Impact Assessment (2016).*
- 2.** *Condition 4 has been imposed in accordance with Better Urban Water Management Guidelines (WAPC 2008). Further guidance on the contents of urban water management plans is provided in 'Urban Water Management Plans: Guidelines for preparing and complying with subdivision conditions' (Published by the then Department of Water 2008).*
- 3.** *In regard to Condition 6, the Moore River South Transport Assessment is to be current at the time the condition is cleared. As a result, should the subdivision approval expire the document may be required to be further updated to reflect changing traffic numbers and design requirements through any future subdivision approvals.*
- 4.** *The landowner/applicant and the local government are advised to refer to the Institute of Public Works Engineering Australia Local Government Guidelines for Subdivisional Development (current edition). The guidelines set out the minimum best practice requirements recommended for subdivision construction and granting clearance of engineering conditions imposed.*
- 5.** *In regard to Conditions 7, 9, and 10 the landowner/applicant is advised that the road reserves, including the constructed carriageways, laneways, truncations, footpaths/dual use paths and car embayments, are to be generally consistent with the approved plan of subdivision, draft Liveable Neighbourhoods 2015 and the Moore River South Revised Outline Development Plan.*
- 6.** *In regard to Condition 14, the purpose of the condition is to provide a second vehicular access route in accordance with the Guidelines for Planning in Bushfire Prone Areas. The minimum standard of the road is required to allow safe access and egress to all residents and the public at all times and under all weather conditions.*
- 7.** *In regard to Condition 16, Western Power provides only one underground point of electricity supply per freehold lot.*
- 8.** *The Department of Water and Environment Regulation advises that no groundwater has been secured for the irrigation of schools or public open space. The applicant/landowner is encouraged to contact the Swan Avon region licensing division on 6250 8000 to discuss water availability and licensing options.*
- 9.** *The Department of Health advises that the proposed wastewater treatment plant requires a separate assessment and approval process. The applicant/landowner is encouraged to contact the Department of Health for further information.*

- 10. In regard to Conditions 22 and 23, the Western Australian Planning Commission expects the primary school site will be development ready in accordance with draft Liveable Neighbourhoods 2015 and Development Control Policy 2.4: School sites (that is, appropriately cleared, filled, drained, provided with necessary utility services and all the abutting roads constructed) and does not result in the need to undertake further investigations (e.g. geotechnical), site works (e.g. filling, retaining & vegetation clearing) or obtain further approvals (e.g. clearing permits under Federal Environmental legislation).**
- 11. With regard to Condition 28, the development is to include full earthworks, basic reticulation, grassing of key areas, and pathways that form part of the overall pedestrian and/or cycle network. Any lighting should be consistent with the International Dark-Sky Association's LED Practical Guide.**
- 12. In regard to Condition 30 the location of the foreshore reserve is to be confirmed prior to ground disturbing activities on abutting land. The foreshore reserve is to be protected from disturbance during subdivisional works.**
- 13. In regard to Condition 31, the Western Australian Planning Commission's State Coastal Planning Policy Guidelines provide guidance on the matters to consider in a Foreshore Management Plan.**
- 14. In regard to Condition 33, the landowner/applicant is advised that the Department of Water and Environmental Regulation has prepared dust control guidelines for development sites, which, outline the procedures for the preparation of dust management plans. The dust management plans are generally approved, and their implementation overseen, by the local government. Further information on the guidelines can be obtained from the Department of Water and Environmental Regulation's website www.der.wa.gov.au under air quality publications.**
- 15. The Department of Fire and Emergency Services (DFES) advises that historical research has revealed that during the past 100 years, former elements of the Australian Defence Forces may have conducted training and/or operational activities within or close to the area of the proposed subdivision. It is possible that as a result of these activities, the subject area may contain unexploded ordnance (UXO). While it is considered that the possible risk from UXO on the land subject to this approval is minimal, an absolute guarantee that the area is free from UXO cannot be given. Should, during subdivisional works, or at any other time, a form or suspected form of UXO be located, DFES has advised that the following process should be initiated:**
 - (a) do not disturb the site of the known or suspected UXO;**
 - (b) without disturbing the immediate vicinity, clearly mark the site of the UXO;**
 - (c) notify Police of the circumstances/situation as quickly as possible; and**
 - (d) maintain a presence near the site until advised to the contrary by a member of the WA Police Service or Defence Forces.**

Further advice on this issue may be obtained by contacting the Unexploded Ordnance Unit.
- 16. Prior to the commencement of subdivisional works, the landowner/applicant is advised to investigate whether or not approval is required pursuant to the Aboriginal Heritage Act 1972. The landowner/applicant should conduct a search of the Register of Aboriginal Sites to determine if any aboriginal sites have been recorded in the vicinity of their application, and this heritage information should be submitted to the Department of Planning Lands and Heritage (Indigenous Affairs) with a request for advice.**

ATTACHMENTS

Attachment 1 - Locality plan

Attachment 2 - Modified subdivision plan

Attachment 3 - Vegetation plan

Attachment 4 - Approved outline development plan

Attachment 5 - Site history

Attachment 6 - Foreshore reserve

Attachment 7 - Staging plan