

ITEMS FOR DECISION

8.1 Subdivision to create 1,940 lots and 17 reserves - Various lots Barragoon Road, Caraban, Moore River South

Members discussed the safety of Indian Ocean Drive and the measures which are in place to ensure works are undertaken to improve this.

Members also discussed the wording of conditions and whether this was adequate to ensure proponents would fulfil the works required under the conditions of approval. Members noted that there is considerable rigor within the process for clearing conditions of approval but considered that the wording of model conditions could be reviewed to avoid any doubt.

Members further discussed the staging of the subdivision and clearance of conditions relating to bushfire management.

Members agreed that the wording of Condition 2 be amended to ensure that a Level 2 Flora and Vegetation Survey is undertaken as a condition of approval.

It is noted that Ms Adair abstained from voting.

Moved by Ms Burrows

Seconded by Mr Kosova

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 is to include a level 2 flora and vegetation survey and may require 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 Strategyto 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. (Westem 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/draind, 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 tuatt 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. I 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

- I. 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, Westem 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.

The motion was put and carried