

11.3.6 APPLICATION FOR SUBDIVISION APPROVAL - PROPOSED MOORE RIVER SOUTH DEVELOPMENT ON LOTS 2593, 3156, 2802, 2914, 2424 AND 3099 BARRAGOON ROAD, CARABAN

FILE: LND/142
APPLICANT: MOORE RIVER COMPANY PTY LTD
LOCATION: LOTS 2593, 3156, 2802, 2914, 2424 AND 3099 BARRAGOON ROAD, CARABAN
OWNER: MOORE RIVER COMPANY PTY LTD
ZONING: GENERAL RURAL – FUTURE DEVELOPMENT
WAPC NO: 156906
AUTHOR: JAMES BAYLISS – ACTING MANAGER STATUTORY PLANNING
REPORTING OFFICER: KYLIE BACON – ACTING EXECUTIVE MANAGER PLANNING AND DEVELOPMENT
REPORT DATE: 21 AUGUST 2018
REFER: 16 AUGUST 2011 ITEM 11.3.2
18 DECEMBER 2012 ITEM 11.1.3
15 APRIL 2014 ITEM 11.1.2

ADDENDUM – ORDINARY MEETING OF COUNCIL – 21 AUGUST 2018

Additional Information:

Subsequent to the circulation of the agenda, Shire officers met with representatives from the Western Australian Planning Commission (WAPC) and the applicant to discuss perceived issues with the subdivision proposal. As a result of this meeting, it is evident the applicant intends to amend the subdivision design and supply additional information. This is likely to result in the application being deferred for an extended period.

This notwithstanding, the Shire is still required to provide a response to the WAPC at this time. The officer's recommendation has been revised to read as follows:

Recommendation

It is recommended that Council advise the Western Australian Planning Commission that determination of the subdivision proposal (156906) for Lot 2424 on DP 231402, Lot 2914 on DP 202250, Lot 2802 on DP 90108, and Lots 2593 and 3099 on DP 88988 be deferred to enable the applicant to submit additional information to address the following:

- a. The applicant submit an amended Bushfire Management Plan (BMP) to further address State Planning Policy 3.7 – Planning in Bushfire Prone Areas;
- b. The applicant submit an amended coastal study to further address State Planning Policy 2.6 – State Coastal Planning Policy;

OFFICER INTEREST DECLARATION

Nil

PURPOSE

To consider a proposal to subdivide the Moore River South Development Area consisting of Lots 2424, 2802, 2914, 2953, 3099 and 3156 Barragoon Road, Caraban.

BACKGROUND

The subject properties referenced above are integrated into a development area known as Moore River South, located on the southern side of the Moore River approximately two kilometres from the Guilderton townsite.

On 17 September 2013 Council endorsed a structure plan for the development area which was subsequently approved by the WAPC on 30 October 2013. All future subdivision is required to comply with this structure plan.

Subdivision approval was duly granted by the WAPC on 22 September 2014, however subdivision has not been substantially commenced. Given the nature of the development, the proponent is required to obtain separate approvals from various state authorities prior to legally undertaking any subdivisional works onsite, mainly with respect to a licensed supplier for potable water and waste water services.

The revised subdivision proposal is deemed to satisfy the previously endorsed structure plan and is essentially a duplicate of that previously approved, with some variations resulting from additional planning provisions that are now applicable.

The applicant's proposal is attached as **Appendix 1**.

COMMENT

Community Consultation

Not applicable

SUBDIVISION DETAILS

The applicant has provided a detailed report with respect to the proposed subdivision, however below is a summary of key components of the submission.

Lot Yield

| | |
|---|------------------|
| Residential R20 | 1453 lots |
| Residential R40 | 337 lots |
| Light Industry / Mixed Business | 126 lots |
| Mixed Use / Town Centre | 7 lots |
| Tourism | 4 lots |
| Residual | 9 lots |
| Sub Total | 1936 lots |
| | |
| Public Use - Primary School | 1 lot |
| Public Use - Community Purposes | 2 lots |
| Public Use – Council Depot – Emergency Services | 2 lots |
| Infrastructure (WWTP) | 1 lots |

Staging

The subdivision is proposed to be implemented in six stages in accordance with the approved structure plan. Stage 1 is further split into parts A and B to reflect two separate locations involved. Stage 1A includes the construction of an access road from Barragoon Road which will be gradually upgraded in future stages to cater for an increase in traffic, it will also include the development of a neighbourhood centre, ceding of the primary school site, two community facilities lots, a caravan park site, two areas of public open space (POS) and a mixture of R40 and R20 residential lots. Stage 1B is on the eastern extremity of the development area and involves key infrastructure provisions including creation of the Shire Depot and emergency service lots, waste water treatment plant (WWTP) site and some light industry lots.

Further stages will be undertaken dependent upon market conditions and lot uptake.

Planning Assessment

The subject land is zoned Future Development under Local Planning Scheme No. 9. The objectives of the Future Development zone are to:

- a) *designate land considered to be generally suitable for future development and to prevent such land being used or developed in a manner which could prejudice its possible future use for planned development;*
- b) *provide for the sustainable development of land in an orderly manner with appropriate levels of physical infrastructure and human services; and*
- c) *ensure the orderly development of the land, through a requirement for the preparation and endorsement of a Structure Plan in accordance with the provisions of Part 4 of the deemed provisions, as a pre-requisite to subdivision or development of the land.*

The proposed subdivision is deemed to accord with the approved structure plan previously endorsed by Council and the WAPC for the Moore River South development.

Access

Access to the proposed development is derived from Indian Ocean Drive and Barragoon Road, which is adjacent to the southern boundary of the Woodridge estate. All road upgrades are to be at the applicant's/landowner's expense.

Services

The licensee for the water supply servicing the development will be Moore River Water Services Pty Ltd which was established through an agreement between the developer and Aquasol Water Treatment Solutions. The Department of Water and Environmental Regulation (DWER) granted the developer a reserve water license of 690,000KI/a will be secured upon finalisation of the Economic Regulation Authority (ERA) approval which is currently pending. This process is close to completion.

The Structure Plan was adopted with the assumption that a traditional WWTP with evaporative ponds would service the development, noting the finalisation of the system would be dependent upon the service provider. Upon engaging Aquasol Water Treatment Solutions, the preferred approach is a sequencing batch reactor (SBR) process, which not only has a smaller footprint, but can be implemented in phases to respond to the staging plan.

State Planning Policy 2.6 – State Coastal Planning Policy (SPP 2.6)

The purpose of SPP 2.6 is to provide direction for decision-making within the coastal zone including managing development and land use change; establishment of foreshore reserves; and to protect, conserve and enhance coastal values.

The objectives of this Policy are to:

1. *ensure that development and the location of coastal facilities takes into account coastal processes, landform stability, coastal hazards, climate change and biophysical criteria;*
2. *ensure the identification of appropriate areas for the sustainable use of the coast for housing, tourism, recreation, ocean access, maritime industry, commercial and other activities;*
3. *provide for public coastal foreshore reserves and access to them on the coast; and*
4. *Protect, conserve and enhance coastal zone values, particularly in areas of landscape, biodiversity and ecosystem integrity, indigenous and cultural significance.*

Schedule One of SPP 2.6 provides guidance for calculating the coastal foreshore reserve required to allow for coastal processes. The width calculated to allow for coastal process does not include a coastal foreshore width, which is in addition to the predicted coastal process setback. Clause 5.9(i) states:

“An appropriate coastal foreshore reserve will include a component to allow for coastal processes and be of an appropriate width to ensure a coastal foreshore reserve continues to provide the values, functions and uses prescribed should the coastal processes be realised over the planning timeframe.”

The subdivision proposal fails to provide a coastal foreshore reserve over the north-western portion of the development area, namely land zoned for Tourism purposes. The application does not satisfy SPP 2.6 in this regard.

Furthermore, once the above matter is addressed, the existing Moore River Foreshore Management Plan (MRFMP) will require amending to reflect any management modifications that are likely to result.

The policy requirements of SPP 2.6 should be applied at the earliest appropriate stage of the planning process to ensure the development is suitable, rather than imposed as a condition of approval. In the event the foreshore reserve is required to be widened, or in this case provided with respect to the north-western portion of the development, the potential ramifications for the design layout for the overall subdivision are significant. The same principle applies to the reserve between the proposed development and the Moore River.

It is the Officer's view that SPP 2.6 has not been adequately addressed and further investigation by the developer is required, with additional information be supplied to the WAPC and the Shire prior to a determination on the current subdivision proposal being made.

State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7)

SPP 3.7 was gazetted in December 2015 after the original subdivision approval was endorsed by the WAPC. The proposed subdivision has been prepared taking into account the provisions of SPP 3.7 and an associated Bushfire Management Plan (BMP) has been prepared accordingly.

The subdivision layout has been designed to reduce the potential bushfire impacts on dwellings with an intention to reduce the maximum BAL rating to BAL – 12.5. In order for the BMP to satisfy the acceptable solution with respect to vehicular access, two separate access routes are required to be provided.

The proposal provides one entry/exit route, being Barragoon Drive. In this regard, the applicant seeks to advocate for an alternative solution based on the single access being adequate given the subdivision has been designed to enable residents to safely stay within the confines of the development area and be subject to a BAL-12.5 rating or utilise a refuge shelter. However, the BMP fails to adequately address the location of the refuge shelter, whether it is a single purpose or multi-purpose structure and if it will be relocated throughout the staging of the development.

The submitted BMP was presented and discussed at the Bushfire Advisory Committee meeting on 11 June 2018 which concluded the applicant had adequately addressed SPP 3.7. The Officer is of the view that, since this meeting, further review of the BMP has revealed shortcomings that require further investigation and clarification prior to a determination being made on the proposed subdivision.

There was discussion around what materials the Asset Protection Zone would be constructed with in order to avoid prohibited use by vehicles. Furthermore, the APZ will become the responsibility of the Shire to manage and maintain in a low fuel state. This needs to be established upfront to ascertain if the Shire is prepared to accept ongoing management and maintenance associated with the APZ's provided.

Further discussion was had with respect to a link between the proposed vehicular access road and the Goonmarra Road and Barragoon Road reserve which is currently undeveloped. This would enable vehicles to enter / exit via Caraban Road which would offer some relief to the Barragoon Road and Indian Ocean Drive intersection. The Shire is aware that the Department of Planning, Lands and Heritage (DPLH) and Main Roads Western Australia (MRWA) intend to have alternate/additional access options explored further, prior to determination of the proposed subdivision.

Local Planning Strategy

The subject land is identified in the Shire's Local Planning Strategy (LPS) for Future Development. The issues identified in the LPS, pertinent to the location and the environs, include:

- Increased demand for new urban expansion area south of the Moore River;*
- New reticulated sewer and reticulated water systems required for any expansion of Guilderton both North and South of the river;*
- Demand for community facilities including school, recreation and health care to service local residents and nearby rural residential area;*
- Integration of existing Guilderton townsite with proposed South Guilderton urban development;*
- Demand for boat launching facilities;*
- Protection, rehabilitation of coastal dune and Moore River inlet system;*
- Native Title; and*
- Aboriginal and European heritage*

An objective of the LPS is to *facilitate a high quality, environmentally sensitive and integrated form of urban expansion south of Moore River as part of the Guilderton townsite expansion plan and to maintain the attraction and importance of Guilderton as a tourist destination and recognise its popularity for non-permanent residents.*

The subdivision enables the strategies outlined above to eventuate.

Summary

In summary, Officers consider the proposed subdivision has not adequately addressed SPP 2.6 or SPP 3.7 amongst other things, and without the required information outlined within the preceding report, a determination should not be made at this point in time. It is therefore recommended that the referral response to the WAPC be to defer determination of the subdivision proposal and advise the applicant to submit additional information.

In the event the applicant is not prepared to defer the matter and seeks to have the current proposal determined, then the WAPC should be advised that the Shire does not support the subdivision proposal.

STATUTORY ENVIRONMENT

Local Planning Scheme No. 9

Part 3 – Zones and the Use of Land

3.2 Objectives of the Zones

Part 4 – General Development Requirements

4.7 General Development Standards

4.8.6 – General Rural Zones

POLICY IMPLICATIONS

WAPC Development Control Policy 3.4 Subdivision of Rural Land

BUDGET IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gingin Strategic Community Plan 2017-2027

| | |
|--------------------------|--|
| <i>Focus Area</i> | <i>Infrastructure and Development</i> |
| <i>Objective</i> | <i>3. To effectively manage growth and provide for community through the delivery of community infrastructure in a financially responsible manner.</i> |
| <i>Outcome</i> | <i>3.1 Development new and existing developments meet the Shire's Strategic Objectives and Outcomes.</i> |
| <i>Priority</i> | <i>3.1.1 Support strategies that facilitate commercial development.</i> |

VOTING REQUIREMENTS – SIMPLE MAJORITY

RECOMMENDATION

It is recommended that Council advise the Western Australian Planning Commission that determination of the subdivision proposal (156906) for Lot 2424 on DP 231402, Lot 2914 on DP 202250, Lot 2802 on DP 90108, and Lots 2593 and 3099 on DP 88988 be deferred to enable the applicant to submit additional information to address the following:

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RESOLUTION

Moved Councillor Fewster, seconded Councillor Elgin that Council advise the Western Australian Planning Commission that determination of the subdivision proposal (156906) for Lot 2424 on DP 231402, Lot 2914 on DP 202250, Lot 2802 on DP 90108, and Lots 2593 and 3099 on DP 88988 be deferred to enable the applicant to submit additional information to address the following:

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CARRIED UNANIMOUSLY