

MOTION – Cr Doug Jeans

That Council: -

- A. Acknowledges all submissions made on Structure Plan 34 have been considered;
- B. Acknowledges the assessment demonstrates that Structure Plan 34 is **partly** compliant with the relevant parts of the planning framework;
- C. Acknowledges it would be inconsistent with orderly and proper planning to support Structure Plan 34 as the traffic generated would exacerbate capacity constraints on the surrounding road network; compromising community safety.
- D. Pursuant to 'C', recommends the Western Australian Planning Commission **refuse** Structure Plan 34 due to the absence of a coordinated response to the provision/upgrade of/contribution toward road infrastructure.
- E. Recommends the Western Australian Planning Commission consider the following matters as additional reasons for refusal:

Bushfire

- i. SP34 represents a Strategic Proposal under *State Planning Policy 3.7*, which will result in the introduction or intensification of development or land use in an area that has an extreme Bushfire Hazard Level and/or Bushfire Attack Level 40 or FZ. Zones of extreme Bushfire Hazard Level will remain within SP34 upon completion. Approval of SP34 could therefore be said to be at odds with Clause 6.7 of WAPC's SPP 3.7.
- ii. *State Planning Policy 3.7* necessitates the application of the precautionary principle (Clause 6.11); and Western Australian Planning Commission should therefore acknowledge the recent history of significant fire events in the locality, challenges of achieving safe evacuation, challenges on the capacity of cellular communications network, and the impact of climate change and an increase in more extreme weather conditions.

Environment

- iii. It would be premature for the Western Australian Planning Commission to determine SP34 in the absence of the necessary environmental approvals from State and Commonwealth governments, given the extent of vegetation clearing that would result from the proposed SP34 including the urban footprint, road layouts, the position of the waste water plant and bushfire mitigation works.

Public transport

- iv. Structure Plan 34 must coordinate key transport and other infrastructure yet the Public Transport Authority advise that after development there will be a low likelihood of public transport servicing the area. As access to public transport may not be achieved, SP34 does not demonstrate alignment and integration of land use, infrastructure and transport planning as required under the *Planning and Development (Local Planning Schemes) Regulations 2015*.

F. Strongly advise the Western Australian Planning Commission to carefully consider the following issues in making its determination:

- i. Aboriginal people have a long and continuing connection with this land. The proponent has an obligation to continue to consult with the Noongar community and obtain consent under Regulation 10 of the *Aboriginal Heritage Regulations 1974* to ensure all future maintenance of the site is legally valid.
- ii. A sewer treatment plant buffer zone and proximity to existing rural residence lots on Cameron Road.
- iii. The environmental risk of the sewer treatment plant dam on Willow Creek and Susannah Brook water catchment
- iv. The environmental risk of the sewer treatment plant dam leaching into the ground water hydrology subsoil of the Willow Creek and Susannah Brook catchment area directly affecting existing rural residential that do not have any Water Corporation potable scheme water and use bore water to supplement rainwater.
- v. The impact of climate change as identified by Water Corporation WA Fact Sheet 2019 stating “*the intensity of extreme weather events such as storms, fires and heavy rain*” and the risk of significant uncontrolled discharge from the sewer treatment plant dam into the rural residential lots in the Willow Creek and Susannah Brook catchment area.
- vi. The ability of the Public Open Space areas within SP34 to manage the water volume and quality discharging into the Clutterbuck Creek and Jane Brook, acknowledging the intent to reuse treated wastewater use for irrigation and the increase in impervious surfaces proposed.

G. Advise the Western Australian Planning Commission that should it entertain approving Structure Plan 34, the following modifications are recommended:

- i. The applicant providing evidence that the proposed private K-12 school site is appropriate for its intended use in accordance with Element 6 of Draft Liveable Neighbourhoods;
- ii. The Bushfire Management Plan being modified:
 1. To require consideration of alternative firebreaks to protect vegetation;

2. To update bushfire history;
 3. to align with the DWER hydrography layer and the LWMS;
 4. to note the creation of Asset Protection Zones around Building Envelopes is not supported as this would result in significant environmental impact.
 5. In accordance with DFES' comments;
 - a. Aligning the photo evidence in Appendix 1 with the photo points in Figure 3;
 - b. Photo evidence being provided for Plot 4;
 - c. Photo evidence to support vegetation exclusion in Plot 7;
 - d. If ongoing vegetation management is assumed, demonstration that vegetation management can be maintained and legally enforced in perpetuity;
 6. Figure 6 of the Bushfire Management Plan and corresponding text updated to include provision for:
 - a. additional Fire Safe Access Routes in the following locations:
 - i. Adjoining the eastern boundary of central creekline POS adjacent to the proposed RR2 lots. The alignment should be outside the designated area for rehabilitation of the riparian zone.
 - ii. lots immediately north of Clutterbuck Creek and east of the central drainage line POS;
 - iii. Along the southern boundary which connects Roland Road to Brindle Road and continues to the eastern extent of Sundowner Grove before connecting with Stoneville Road;
 - iv. Along the northern boundary of the last lot that backs onto Roland Road adjacent to the Conservation Area;
 - v. Connecting the internal road network with Cameron Road;
 - vi. Connecting the internal road network with Timbertop Way, along the northern boundary of the proposed rural residential zoned land south of the north eastern area of POS;
 - b. an EAW connecting Sundowner Grove in a north-easterly direction with the cul-de-sac proposed to access the proposed Rural Residential 2 lots.
 - c. Final alignments and design of FSAR's and the EAW are to be sensitively designed to minimise the impact on key environmental features.
- iii. The "Streets Transect Design Guide" incorporating the following requirements – on streets abutting land zoned:

R12.5 or higher – one tree per 10m or one tree per lot (whichever is the greater) unless otherwise determined by the Shire.

R10 or lower – one tree per 10m unless otherwise determined by the Shire.

Rural Residential – one tree per 15m unless otherwise determined by the Shire.

Local Centre – one tree per 10m or one tree per lot (whichever is the greater), unless otherwise determined by the Shire.

- iv. Section 4.9.9 of Part Two of Structure Plan 34 being modified as follows:

Development of the site will be carried out in stages, with staging anticipated to commence from Roland Road to the west and focus around the establishment of the first Village Core.

The design allows for a variety of different lot sizes to be presented for sale within each stage.

~~*The first stages require essential services to be provided, as outlined in the Engineering Servicing Report.*~~

Stage 1 is likely to include infrastructure for essential services including:

- *potable Water Tanks;*
- *the Recycled Water Facility and associated Pressure Mains; and*
- *High Voltage Transformer and 22 kV High Voltage Backbone Feeder extension.*

Public Open Space areas will be provided generally in accordance with the indicative POS plan at Figure 24. The size and location of stages will dictate the Recreation Reserves that are to be included in any plan of subdivision.

The Department of Education suggests that the Primary School site may be required following the construction of 500 or so lots, subject to further detailed feasibility.

Although timing for the future K-12 Private School is subject to further investigation by the Anglican Schools Commission, it is likely that its viability will be reliant on the full townsite nearing completion. A staged approach to the Private School itself will also be investigated, which may allow a smaller facility to occur in the short-medium term if demand exists.

The Department of Education has indicated that the Future High School adjoining (not within the Structure Plan area) may not be needed until the 2031 planning horizon, and is also subject to further investigation.

Within the first few stages, the intent is to provide a small convenience retail/hospitality land use in association with a Sales Office within the Local Centre. Further details on the evolution of the Local Centre and expected land uses can be obtained from Appendix 3, Commercial Strategy.

The information provided on staging is guidance only and based on information available at the time of preparation. There may be variances to staging depending on prevailing circumstances.

Refer Appendix 4, Engineering Servicing Report for more details on essential infrastructure.

- v. Structure Plan 34 being redesigned so that:
 - 1. A road is shown abutting the eastern boundary of POS located to the immediate south of the proposed private K-12 school;
 - 2. no residential zoned land is shown directly abut POS unless there is no appropriate design alternative;
 - 3. land abutting the subject property's eastern boundary, between the public high school site (Lot 13418 Kanangra Court) and proposed private K-12 school is shown as not having a residential density greater than R5;
 - 4. Roland Road reserve is being shown as widened by five metres along its eastern boundary so as to retain existing vegetation and provide for the installation of a dual use path.

- vi. The Structure Plan 34 report being modified to include requirement for:
 - 1. preparation of a plan addressing detailed urban design within and around the proposed Neighbourhood Centre;
 - 2. an agreement with the Shire regarding the provision and timing of community infrastructure in lieu of a Development Contribution Plan.
 - 3. lots being grouped so as to create a consistent streetscape without adversely affecting environmental features or creating excessive levels of cut/fill.
 - 4. no street block being longer than 240 metres unless construction of a road would result in excessive earthworks or be impractical due to the presence of caprock or other environmental feature;

5. preparation of Local Development Plans in the circumstances set out by Draft Liveable Neighbourhoods and to restrict direct access from proposed lots onto Roland Road;
6. detailed design consideration being given to on-street embayment parking, end-of-trip facilities and bus stops;
7. preparation of a Fauna Management Plan to the satisfaction of DBCA;
8. preparation of a Salinity Management Plan;
9. subdivision applications to demonstrate how a diversity of lot sizes within each transect, commensurate with the Transect Design Guide, would be achieved;
10. consideration of water infrastructure education and programs;
11. consideration of incorporating heritage interpretation into the residential designs near the Public Open Space around Site ID 15734;
12. consideration of co-locating utility infrastructure;
13. consideration of a shared senior size oval with the proposed public primary school in accordance with the Shire's Recreation Facilities Informing Strategy;
14. modification to dams so that they are compatible for use within POS.

vii. Figures 18, 19, 22, 27, 28, 29 and 30 of the Structure Plan 34 report being modified to remove indication of battleaxe lots.

H. forwards its recommendation to the Western Australian Planning Commission for final determination.

Reasons for Changes to Officer Recommendation

Structure Plan 34 does not adequately cover the bushfire, environmental and public transport requirements under the State Planning Policy 3.7 and the *Planning and Development (Local Planning Schemes) Regulations 2015* and this is considered to be strong grounds for refusal by Western Australian Planning Commission.