

Attachment D – Schedule of Agency Submissions

PROPOSAL: ABBEY SOUTH STRUCTURE PLAN AND ASSOCIATED AMENDMENT NO. 55 TO LOCAL PLANNING SCHEME NO. 21

SUBMISSIONS CLOSE: 17 March 2023

OFFICER: Noah Scott-McDonald

No.	NAME & ADDRESS	NATURE OF SUBMISSION	COMMENT	RECCOMENDTATION
1	Environmental Protection Authority Prime House, 8 Davidson Terrace Joondalup WA 6027	<p>1. The Environmental Protection Authority (EPA) has considered the scheme amendment in accordance with the requirements of the <i>Environmental Protection Act 1986</i> (EP Act). The EPA considers that the scheme amendment is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV of the EP Act. The EPA has based its decision on the original referral documentation and additional information provided by the City of Busselton (the City) for this amendment.</p> <p>2. Flora and Vegetation and Terrestrial Fauna: The amendment area has historically been utilised for agricultural purposes (grazing) and as such, consists of mostly cleared rural land with some remnant trees scattered across the paddocks and along lot boundaries. An area of dense vegetation within the Caves Road reserve abuts the northern boundary of the amendment area and is likely to provide habitat for the Western Ringtail Possum (listed as Critically Endangered under the <i>Biodiversity Conservation Act 2016</i> and <i>Environment Protection and Biodiversity Conservation Act 1999</i>).</p> <p>3. The amendment proposes to insert provisions at Schedule 3 of the Scheme, to assist in managing native vegetation and fauna habitat through structure planning processes. The provisions require the preparation of a structure plan that sets out ‘measures to retain, manage, and enhance environmental values associated with the Special Provision</p>	<p>1. Noted.</p> <p>2. Noted.</p> <p>3. Noted.</p>	<p>1. Modifications 1, 3, 7 and 8, as contained in Attachment G – Schedule of Modifications, are required to address matters raised in the submission.</p>

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		<p>Area including remnant vegetation, potential habitat for Commonwealth and State listed threatened fauna species, ecological linkages and wetlands, within ‘public open space’, road reserves, and/or conservation areas (as identified on the Structure Plan).’ The provisions also require that these measures address linkages and connectivity with lands adjoining the amendment area, and detail management measures to maintain and enhance the habitat functions of these areas.</p> <p>4. The EPA supports the proposed provisions and provides the following additional advice: The EPA considers that the remnant vegetation within the amendment area, particularly the connected vegetation along the lot boundaries, may provide some habitat value and/or a corridor for localised fauna movement. It is noted that the referred structure plan proposes to retain much of the vegetation around the perimeter of the amendment area, and some within future Public Open Space (POS) areas. The EPA supports the further retention of existing vegetation and mitigation measures (such as rope bridges), particularly in areas providing canopy connectivity, and recommends that future development of the amendment area incorporates planting of preferred Western Ringtail Possum habitat species within the POS areas.</p> <p>5. The EPA notes and supports the proposed construction of northern access to Caves Road over an existing driveway</p>	<p>4. Noted. The SP will be modified to include requirement for the preparation of a ‘Street Tree Implementation Plan’ at the subdivision stage to ensure that the Streetscape Planting Strategy contained in the Structure Plan is enacted to the satisfaction of the City. This strategy includes WRP habitat species.</p> <p>5. Noted. A further modification is proposed to minimise the impact of the</p>	
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		<p>footprint, to avoid clearing of Western Ringtail Possum habitat within the Caves Road reserve.</p> <p>6. The EPA notes that implementation of the scheme amendment may result in indirect impacts including noise, dust and/or light emissions to adjoining areas of native vegetation and fauna habitat, and potential disturbance to Western Ringtail Possum individuals residing in these areas. Accordingly, the EPA recommends a fauna management plan (or similar) is prepared prior to works commencing, describing how potential impacts from construction and development will be mitigated and managed (e.g. fauna spotting, fencing, traffic calming measures, dust and noise amelioration).</p> <p>7. Inland Waters and Coastal Processes. The amendment area contains portions of five mapped Multiple Use Wetlands (UFIs: 39, 41, 63, 64, 13195) which are subject to intermittent waterlogging. A large portion of the amendment area is within the mapped 1 in 100 Annual Exceedance Probability (AEP) Floodplain Development Control area for the 'Vasse-Wonnerup Estuaries, Broadwater and New River – Busselton.' The southern portion of the site is also within the mapped Floodplain Area and Floodway and Fringe Area for the Broadwater Nature Reserve Swamp (BNRS), located approximately 100m south of the amendment area boundary.</p>	<p>road connection on the WRP corridor.</p> <p>6. Noted. The Environmental Assessment and Management Strategy appended to the Structure Plan identifies that management of fauna will be given detailed consideration at subdivision stage.</p> <p>7. Noted.</p> <p>8. The LWMS provides that the predevelopment hydrological regime will be maintained and water quality will be improved through the removal of cattle grazing and the introduction of bio-retention areas to remove / reduce nutrient loading. The proponent is working with DWER and the City to rectify issues raised with the LWMS. A modification has been included in Attachment G to ensure all</p>	
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		<p>8. The EPA considers that implementation of the scheme amendment may result in a modified hydrological regime and reduced water quality discharging to the Buayanyup River Main Drain.</p> <p>9. As above, it is noted that the amendment proposes to insert provisions at Schedule 3 of the Scheme, including a requirement for structure plans to include a water management report that ‘takes into consideration the land to the south and addresses all water-related matters relevant to the proposal.’ The EPA supports this provision and provides the following recommendations to further mitigate potential impacts from future development of the amendment area.</p> <p>10. The EPA notes and supports the proposed exclusion of development within the mapped floodway areas, and most of the mapped wetland areas, by retaining them within future Public Open Space. However, the EPA notes that wetland buffers have not been discussed within the referral documentation. It is recommended that further consultation is undertaken with the Department of Biodiversity, Conservation and Attractions regarding the management of potential impacts and the application of buffers to further protect the wetlands. Consultation regarding the water management report should also be undertaken with the Department of Water and Environmental Regulation.</p>	<p>outstanding matters are addressed prior to WAPC determination of the SP.</p> <p>9. Noted.</p> <p>10. Noted. Modify Plan A: Structure Plan Map and Table 1 – Land Use Summary, to include the following buffer areas, in addition to existing Public Open Space provision:</p> <ul style="list-style-type: none"> - A 10 metre to 30 metre wide landscaped Reserve (Recreation) to provide a transitional area from the boundary of the floodway area, with the exception of the existing dwelling. 	
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		<p>11. The EPA considers the proposed amendment as an opportunity to enhance the environmental value and function of the wetland areas as part of future development. Revegetation of the wetlands with native riparian species, and trees where suitable, may provide for improved water quality outcomes and assist in stormwater management, whilst also providing habitat.</p> <p>12. The EPA notes the requirement to fill portions of the amendment area to 3m AHD prior to development, to meet the coastal erosion hazard requirements under the City’s <i>Coastal Hazard Risk Management and Adaptation Plan</i> (2022).</p> <p>13. Social Surroundings. The referral documents note that a lodged Aboriginal Heritage Site (ID: 5337) slightly overlaps a western portion of the amendment area and is likely to be associated with the Vasse Drain. The EPA recommends appropriate consultation, investigation and relevant management plans be undertaken prior to subsequent stages of planning to address potential impacts to Aboriginal heritage values. Such stages of planning should also be considered in accordance with the requirements of the <i>Aboriginal Cultural Heritage Act 2021</i> and the <i>Aboriginal Heritage Act 1972</i> (transitional period).</p> <p>14. The EPA concludes that the scheme amendment can be managed to meet the EPA's environmental objectives for the above factors through the proposed scheme provisions.</p>	<p>11. Noted. The buffer area shall be appropriately revegetated with native plant species to enhance their function as wildlife corridors.</p> <p>12. Noted.</p> <p>13. Noted. This was not deemed necessary at structure plan stage and will be further considered at the subdivision stage.</p> <p>14. Noted.</p>	
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		Future planning requirements, and other statutory processes are also able to manage potential impacts. The EPA recommends its advice is implemented to further mitigate potential impacts to the above factors.		
2	Main Roads Western Australia PO Box 5010 Bunbury DC WA 6231	<ol style="list-style-type: none"> 1. The proposal raises a number of network planning concerns which has not been addressed to Main Roads' satisfaction. In particular, Main Roads has concerns with the proposed external road connections onto Caves Road and Bussell Highway from a traffic safety and efficiency perspective. 2. Main Roads supports the expansion of the PIA boundary to accommodate a full movement primary access onto Bussell Highway to achieve a more efficient external movement network generally and to reduce traffic demands onto Caves Road, and to minimise environmental impacts associated with provision of road infrastructure requirements onto Caves Road. It is recommended that further investigation occur on Bussell Highway access in consultation with Main Roads. 3. The residential properties on the north of Caves Road benefit from and extensively utilise the existing right turn treatments and the painted median for right-turn storage. Main Roads note that the Proponent's position on this particular matter is that the painted median should be utilised for turn treatments, where required, and not be 'reserved' for general median storage purposes. Main Roads considers that one of the primary functions of a median reduces potential for vehicle conflicts that would otherwise be a significant issue to manage. 	<ol style="list-style-type: none"> 1. The proponent, Main Roads WA and City are working on revised road designs to improve traffic, safety and property access outcomes, as well as the provision of safe and efficient crossing facilities for pedestrians and cyclists. 2. Revised concept plans must be developed prior to WAPC determination that satisfy the requirements of Main Roads WA and The City of Busselton. 	<ol style="list-style-type: none"> 1. Modification 1, in Attachment G – Schedule of Modifications is required as follows: 2. Modify Plan A: Structure Plan Map and Part 1, Section 6.5 Road Network and Access to reflect the following: <ul style="list-style-type: none"> • A single vehicle access full movement T-Intersection at the location of the existing access point to Lot 4, 63 Caves Road ABBEY WA, that: <ul style="list-style-type: none"> - Provides safe access/egress to the Structure Plan Area for users including pedestrians. - Minimises loss of vegetation through the implementation

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		<p>4. In this regard it is also noted that the proposed right turn treatments do not comply with relevant Austroads standards.</p> <p>5. Network planning principles require any access to be justified on the basis of demonstrated traffic demands only and not to facilitate individual property development prospects (as proposed).</p> <p>6. Lot 402 is identified as the proposed 'Local Centre' for the structure plan area and is currently accessed from Skiff Way. Main Roads has previously expressed in-principle concerns with the change in land use to commercial purposes given the access/network planning challenges that the property introduces due to its location at a rotary junction of two main roads and long term impact on the operation of the Monaghans rotary from a safety and operational perspective. Main Roads notes a number of crashes has been recorded at the rotary location which varies in type and intensity.</p> <p>7. Main Roads considers that it would be appropriate to provide the local centre (Lot 402) with internal road frontage to the structure plan area to reduce traffic demands on Skiff Way and the Monaghans Rotary. This would include the closure of the northern end of Skiff Way and the existing driveway onto Caves Road. It is requested that the existing driveway for Lot 402 on Caves Road be decommissioned and removed at the earliest opportunity.</p> <p>8. Main Roads wish to advise that no individual direct driveway access will be agreed to for the lots abutting Bussell Highway and all lots with frontage onto Bussell</p>		<p>of small footprint design.</p> <ul style="list-style-type: none"> - Minimises disturbance to Western Ringtail Possum habitat and includes remedial works (Possum rope bridges and tree planting) where disturbance is unavoidable. - Minimises of impact to property access on northern side of Caves Road. • Deletion of vehicle access to Caves Road from Lot 12 Caves Road ABBEY WA 6280 (Retention of Pedestrian and Cycle path access). • The provision of safe and efficient crossing facilities across main roads for pedestrians and cyclists at convenient intervals. • A path network that provides safe and
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		<p>Highway will required to be internally accessed from the internal structure plan roads.</p> <p>9. The introduction of ‘back-to-back’ turn treatments generally will impact the available use of/storage available in the median and introduce significant potential for traffic conflict to occur as some vehicles could be waiting in the through lanes to turn into their driveways on the north side and/or some may be waiting within the turn treatment itself to turn into their property driveway which will result in deficient deceleration conditions/stopping distances for vehicles intending to use/enter the turn treatment to turn right into the number of existing side roads on Caves Road.</p> <p>10. The proposed road junctions onto Caves Road also requires a left turn treatment and insufficient road reserve width is available to accommodate such a treatment for the eastern access. Also, the proposed left-in-left out on Bussell Highway could raise further potential issues, including masking of existing access and driveways, potential future stacking issues from being located close to the roundabout, and the potential for rear-end crashes due to the lack of space for a slip lane/turn treatment. Main Roads’ principle concern is to maintain traffic safety and function of the main roads.</p> <p>11. Main Roads’ current position remains that it would be appropriate for a single roundabout access to be developed for the PIA precinct in a suitable location on Caves Road to address its current concerns for Caves Road corridor.</p> <p>12. Given the above, Main Roads does not support the current access approach/strategy onto Caves Road and Bussell</p>		<p>direct access to public transport (bus stops).</p> <ul style="list-style-type: none"> • A higher order shared path on the northern side of Caves road adjacent the Structure Plan area. • Extension of the higher order cycle path so that it connects to the Bauyanyup Drain Shared Path from the south western corner of the site and an alignment / design that is not subject to inundation by floodwaters. • Delete the ‘Future pedestrian / cycle connection to Bauyanyup drain cycle path’. • Updated intersection design addressing access to Bussell Highway developed to the satisfaction of
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		<p>Highway and recommend that further investigation be undertaken to determine all available access options, including provision of a roundabout(s) and expansion of the PIA boundary.</p> <p>13. It is important to note that the Proponent has utilised traffic data/volumes from a remote counter location located a significant distance to the west of the PIA for analysis purposes which does not account for the existing traffic from the residential precinct to the north of the PIA or other residential (Siesta Park locality) and tourism developments to the west, and is therefore not deemed appropriate for traffic analysis/modelling purposes. It is considered necessary, in the first instance, to review the traffic data in the TIA to ensure that an appropriate/agreed 'base case' scenario is established for the purposes of further traffic analysis and modelling with development traffic, but also to provide a more representative traffic context for review of the potential impacts of the proposed access arrangements on the existing movement network and access arrangements for properties with direct vehicle access onto Caves Road. It is recommended that a separate off-line technical discussion between Main Roads and the Proponent's traffic engineering consultants be arranged to derive agreed traffic data for use in an updated TIA.</p> <p>14. The Proponent has recently enquired whether there is potential to reduce the current speed zones on the external road network surrounding the PIA and Main Roads wish to advise that the current 70km/h speed zone on Caves Road will remain, however, there is potential scope for the</p>		<p>Main Roads WA prior to WAPC determination of the Structure Plan.</p>
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		<p>80km/h speed zone on Bussell Highway to be reduced to 70km/h in the future. Main Roads also wish to advise in relation to the timing of the Vasse – Dunsborough Link road, that this proposal is still in the planning study stage and not funded for construction yet (i.e. not on the current 10 Year Capitol Works Program). Depending on availability of funding the VDL could be delivered in the 15 to 20 year network planning horizon.</p> <p>15. Main Roads wish to confirm that any road widening associated with the proposal should be ceded free of cost to the Crown, due to the increase in traffic demands that would be generated by the new urban precinct, consistent with WAPC decisions elsewhere.</p> <p>16. It is noted that the Draft Structure Plan defers the requirement for a Traffic Noise Assessment to the subdivision stage. It is recommended that a Traffic Noise Assessment be prepared prior to determination of the Draft Structure Plan once traffic volumes on the external road network have been agreed.</p> <p>17. Given the issue identified with the PIA boundary and the access issues identified for Caves Road, it would be appropriate to arrange a meeting with the DPLH to discuss the matter in order to determine a way forward for agreement to an access strategy for the planning precinct.</p>		
3	<p>Department of Education 151 Royal Street East Perth WA 6004</p>	<p>1. Public schools surrounding the Abbey vicinity are either approaching or operating at accommodation capacity under current circumstances. The Department notes the proposed Structure Plan anticipates a yield of 350 – 400 dwellings and</p>	<p>1. Noted.</p>	<p>1. That the submission be noted.</p>

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		<p>therefore student accommodation capacity issues may be experienced in the short to medium term.</p> <p>2. Notwithstanding this, the Department acknowledges a future public primary school, 'Vasse West Primary School' (planning name) is nominated within the Vasse Structure Plan. The future school is expected to accommodate the student demand from this proposal.</p> <p>3. The Department will continue to closely monitor the student enrolment demand within the vicinity to ensure that public education needs are adequately met in accordance with the provisions of the Western Australian Planning Commission's Operational Policy 2.4 – Planning for School Sites.</p>		
<p>4</p>	<p>Department of Fire and Emergency Services Land Use Planning 20 Stockton Bend Cockburn Central WA 6164</p>	<p>Policy Measure 6.5 a) Preparation of a BAL Assessment:</p> <p>1. Vegetation Classification Vegetation plot 4 cannot be substantiated as Class D Scrub as there is no photographic evidence provided in the BMP. Vegetation Plots 5 and 6 also cannot be substantiated as Class D Scrub with the evidence available. Photo IDs 6 & 7 show what appear to be large trees and foliage cover that appears to exceed 30%. No height sticks or alternative evidence supporting the height have been provided in the BMP. The BMP should detail specifically how the Class D Scrub classification was derived as opposed to as Class B Woodland or Class A Forest. If unsubstantiated, the vegetation classification should be revised to consider the vegetation at maturity as per AS3959:2018, or the resultant BAL ratings may be inaccurate. <i>Modification to the BMP is required.</i></p>	<p>1. Noted. Modification required in accordance with DFES recommendation.</p>	<p>2. Modification 11 in Attachment G – Schedule of Modifications is required as follows:</p> <ol style="list-style-type: none"> Include sufficient evidence to support vegetation classifications. Classify vegetation Plots 4 & 5 in figure 4 (Post Development Vegetation Map) and Figure 5 (BAL Contour Plan) and modify plans accordingly.

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	<p>2. It is noted that Vegetation Plots 11 and 12 relate to Public Open Space to be created and that the BMP indicates a conservative approach has been taken in classifying the areas. Sufficient information should be provided to ensure that management will be undertaken in perpetuity. <i>The decision maker to be satisfied with the vegetation exclusions and vegetation management proposed.</i></p> <p>3. Vegetation Exclusion – Plots 4 & 5 Figure 4 (Post Development Vegetation Map) and Figure 5 (BAL Contour Plan) exclude Plots 4 and 5 referencing, respectively, AS3959 clauses 2.2.3.2c and b. DFES does not agree that the criteria provided for in AS 3959 are applicable to these lots. In particular:</p> <ul style="list-style-type: none"> Plot 4 appears to be within 20m of the development site so is not excludable under 2.2.3.2c; and Plot 5 is over 1ha and is within 100m of classified vegetation so is not excludable under 2.2.3.2b. <p>The vegetation exclusion is not supported by an enforceable mechanism. If unsubstantiated, the vegetation classification should be revised to consider the vegetation at maturity as per AS3959 and should be reflected in the relevant plans. <i>Modification to the BMP is required.</i></p> <p>Policy Measure 6.3 c) Compliance with the Bushfire Protection Criteria:</p> <p>4. Location, Siting and Design</p>	<p>2. DFES comments are noted, the City is supportive of the classification of Plots 11 and 12 and the associated management requirements.</p> <p>3. Noted. Modification required in accordance with DFES recommendation.</p> <p>4. Noted. Internal public roads have been designed to allow</p>	<p>c. Shift internal roads to the boundaries of Lot 6 (5860 Bussell Highway Abbey) to create perimeter road to increase separation and retain existing vegetation within road reserve that is present along boundary.</p>
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		<p>A1.1 & A2.1 – not demonstrated. The BAL ratings cannot be validated for the reasons outlined in the above table. The assessment at this level should inform the design and layout of subdivision and reduce the vulnerability of people and property from the impact of bushfire. The BAL Contour Map identifies areas of BAL-40/FZ within developable areas (residential) of the structure plan. The BMP acknowledges that the site has the potential for lots in BAL40/FZ. Strategic planning should provide for creation of lots not exposed to above BAL-29. In this case, siting and design should incorporate additional hazard separation from bushfire hazards through use of roads and managed public open space separating bushfire hazards and future development. There is an opportunity to review and redesign the structure plan to ensure all development is located in areas of BAL-29 or below without reliance on building setbacks at later planning stages. This could be achieved by the use of public roads or by a mechanism requiring management of future public open spaces to reduce the bushfire hazard. There is an opportunity to review and redesign the Structure Plan to achieve compliance with A1.1 and A2.1. <i>Modification to the BMP is required.</i></p> <p>5. Vehicular Access</p> <p>A3.3 – not demonstrated. Two permanent no-through roads and two temporary no-through roads are presented in the BMP. In bushfire prone areas, a cul-de-sac subdivision layout is not favoured because they do not provide access in different directions for residents. It is also noted that connection of the temporary no-through roads is reliant on</p>	<p>for additional area to provide for development sites at BAL 29 or below. Further front setbacks will provide additional separation. The site that is BAL 40/FZ requires a Local Development Plan that will address future bushfire requirements.</p> <p>5. Secondary access is provided onto Bussell Highway and implementation is to be assessed further at subdivision stage. The function and management of this emergency egress will be confirmed as part of the</p>	
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		<p>development of land outside the control of the proponent and therefore has no timeframe / commitment for removal. A3.3 provides for including no-through roads only where it is demonstrated that no alternative road layout exists due to site constraints. The BMP does not provide evidence to support this and therefore DFES recommends that through roads are incorporated throughout the area. Evidence should also be provided that access will be provided for all lots at all future stages of planning. <i>Modification to the BMP is required.</i></p> <p>6. A3.4 – not demonstrated. In bushfire prone areas, lots with battle-axe access legs should be avoided because they often do not provide two-way access and egress for residents. DFES suggests the structure plan should be modified to ensure through access thereby avoiding need for a dead-end road.</p> <p>7. A3.4 allows for roads to be set back from the perimeter under certain circumstances. There is a reliance on management of neighbouring properties to ensure that lots are not created in areas of BAL-40/FZ and the use of perimeter roads in these areas would remove this reliance. <i>Modification to the BMP is required.</i></p> <p>8. Recommendation - Compliance with Acceptable Solutions not demonstrated, modifications required. The scheme amendment and BMP have not adequately identified issues</p>	<p>detailed landscape design and implementation of the Bushfire Management Plan at subdivision stage.</p> <p>6. Street blocks designed to avoid battle-axe lots and higher density achieved through side by side development. Subdivision is limited by density control on the 'peninsula' which is serviced by cul-de-sac due to the presence of a floodway. An emergency access route is provided to improve east – west access across the site.</p> <p>7. The adjoining Caravan Park (Lot 3, 97 Caves Road Abbey) is managed land and is subject to Category 2 Firebreak and Fuel hazard reduction Notice. This comment is supported in terms of unrealistic requirements of land management for adjoining Lot 6. Modification to road layout to create perimeter</p>	
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		<p>arising from the bushfire hazard level assessment and considered how compliance with the bushfire protection criteria can be achieved at subsequent planning stages. The BMP has highlighted potential future issues to address before the Subdivision stage and any future BAL40/BAL FZ lots should be avoided and no through roads and cul-de-sacs should also be avoided. The decision maker should be satisfied the measures can be achieved. If the above bushfire management measures cannot be confirmed the outcomes within the BMP may be inaccurate.</p>	<p>road to increase separation and retain existing vegetation within road reserve that is present along boundary.</p> <p>8. Noted.</p>	
5	<p>Department of Mines, Industry Regulation and Safety (DMIRS) 100 Plain Street East Perth WA 6004</p>	<ol style="list-style-type: none"> 1. The proposal raises no significant issues with respect to mineral and petroleum resources, geothermal energy, and basic raw materials. 2. DMIRS lodges no objections to the above LPS amendment and SP. 	<ol style="list-style-type: none"> 1. Noted. 	<ol style="list-style-type: none"> 1. That the submission be noted.
6	<p>Water Corporation (Water Corp) PO Box 100 Leederville WA 6902</p>	<ol style="list-style-type: none"> 1. Drainage It should be noted that the Local Water Management Strategy (LWMS) attached to the proposed Abbey South Structure Plan is not correct and therefore both should not be accepted in their current state. 2. The subject area falls within the Busselton Drainage District, a rural drainage system. Developments within this catchment are required to contain the flows from a one in one-hundred-year storm event on site. Discharge to Water Corporation drains must be compensated to pre-development levels. The LWMS claims that it has complied with these conditions. But the Water Corporation considers 	<ol style="list-style-type: none"> 1. Noted. The proponent is working with DWER and the City to rectify issues raised with the LWMS. A modification has been included in Attachment G to ensure all outstanding matters are addressed prior to WAPC determination of the SP. 2. Noted. 	<ol style="list-style-type: none"> 1. Modification 2 in Attachment G – Schedule of Modifications is required to address the LWMS updates.

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	<p>that the LWMS has failed to demonstrate these conditions have been met for the following reasons.</p> <p>3. The estimate of 1% AEP peak predevelopment discharge obtained through modelling is high compared to many similar catchments. An indicative 1% AEP peak flow from a 30.5ha catchment would lie in the range of 0.2m³/s to 0.4m³/s.</p> <p>4. Groundwater levels have been based on limited monitoring of seasonal level for only two years. As the Department of Water and Environmental Regulations requires, this monitoring data to be correlated to a nearby station where long-term data is available and the most likely maximum groundwater level would need to be identified. Any increase in reviewed groundwater level will require redesigning soak wells, Bio retention Area (BRAs), Flood Storage Areas (FSAs) and other drainage components.</p> <p>5. The LWMS assumes a permeability of 4m/day for imported soil. However, when soak wells, BRA's and FSAs start infiltrating into the soil, it will become clogged, and the permeability will go down. A value of 1m/day is recommended. Considering all the above the soak wells, BRAs and FSAs need to be resized.</p> <p>6. Wastewater Reticulated sewerage is currently available in the area. But upgrades to the scheme may be required. As shown in Appendix B of the Engineering Servicing Report the Water Corporation informed that "... the development for 300</p>	<p>3. Noted. Refer comment 1 above.</p> <p>4. Noted. Ground water monitoring is ongoing.</p> <p>5. Noted. Urban Water Management Plan to be prepared for entire Structure Plan Area at Subdivision stage. Post compaction testing required to confirm permeability compliance.</p> <p>6. Noted. The proponent has been notified.</p>	
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		<p>residential houses residential houses can be accommodated by the proposed DN150 gravity network ..." But the Abbey South Structure Plan Part 2 - Section 4.4 states " The Structure Plan has the potential to yield approximately 350 - 400 dwellings at full development." But it should be noted that the gravity network also needs to service the remainder of the Pump Station catchment. Therefore it is quite likely that upgrading of the current system may be required. The Water Corporation will therefore need to undertake a review of the scheme to determine what upgrades, if any, are required. The developer should contact the Water Corporation so that a review of the scheme can take place.</p> <p>7. The developer is expected to provide all sewerage reticulation required for the development site. They should be laid within the existing and proposed road reserves, on the correct alignment and in accordance with the Utility Providers Code of Practice. In addition, the developer may be required to fund new works or the upgrading of existing works and protection of all works.</p>	<p>7. Noted. The proponent has been notified.</p>	
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<p>7</p>	<p>Department of Water & Environmental Regulation PO Box 261 Bunbury WA 6231</p>	<p>1. Other than the comments on the LWMS there are no additional comments on the structure plan report, however in resolving the outstanding items in the LWMS there may be knock on effects on the structure plan and associated reports. Importantly, there are matters that require consideration that may impact the ability to achieve the structure plan objectives, these include:</p> <ul style="list-style-type: none"> • Analysis of groundwater conditions and how this may affect proposed stormwater infrastructure elevations and sizing, and the cycle path and outcome for the proposed R10 portion. • Availability of sand supplies and whether relevant assumptions have been made of its permeability and how this may affect proposed groundwater and stormwater infrastructure sizing and locations. • Stormwater modelling assumptions and how this may affect proposed stormwater infrastructure sizing. • The need for irrigated POS, and requirements to secure a groundwater allocation in a fully allocated system. • Consideration local flood impacts due to changed discharge volumes, noting that there is a risk of cumulative impacts in view that the land to the south is also proposed to be developed. • Whether sufficient effort is being made to comply with Special Provision 2iv of Scheme Amendment 55. 	<p>1. Noted. The majority of the issues raised are the subject of ongoing work between the proponent, the City, and the relevant state agencies. It is expected that resolution of the outstanding matters is achievable prior to WAPC consideration of the SP.</p>	<p>1. Modifications 2, 3, 4, 5, 6 and 7, as contained in Attachment G – Schedule of Modifications, are required to address several matters raised in the submission relating to the LWMS, wetland and floodway buffers, cycle path alignment, POS provision and management, and R10 Lots.</p>
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		<p>2. The Perth groundwater map was developed to help determining locations and depths needed for garden bores in the Perth metropolitan area, and it is not an appropriate resource for Busselton. Of note the Busselton Shallow - BN16S, with a screen inlet at 2.6 to 5.6 m BGL, is located less than 1km to the south east. While the lithology of this bore has not been assessed it is noted that seasonal peak GWLs in 2015 and 2016 were approx. 0.4m higher than in 2021.</p> <p>Noted. The second round of GWL monitoring was undertaken in 2022, providing greater insight into peak GWLs and included in the LWMS. The 2021 peak GWL remain the peak at all monitoring bores.</p> <p>It is also noted that the proximity of the site to the coast line will be reflected in GWLs due to coastal fluctuations.</p> <p>"BN16S also had lower levels (approx. 0.2m) for 2022 relative to levels in 2021, however the City has a policy of ensuring that infiltration systems have a separation of 300mm from the identified maximum likely groundwater level.</p> <p>Groundwater levels measured in BN16S in 2015 and 2016 were approx. 0.4m higher than in 2021. And it is unlikely that the variation in seasonal peaks of the superficial groundwater regime at this site will be influenced by the</p>	<p>2. Ground water monitoring ongoing. Final monitoring data to inform Urban Water Management Plan at subdivision stage.</p>	
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		<p>proximity to the coast. Due to being 400m plus away at its closest point and the relatively shallow superficial system. This has been verified by an analysis of observation bores SCPD24B and SCPD25B.</p> <p>More consideration is also suggested in that MW4 indicates the highest level, and relatively higher than MW1 even though being equal distance from the drain. It would be surprising if local topography and water features did not influence the groundwater contouring, which is not currently indicated. This could this be an anomaly and/or due to a locally perched system?</p> <p>3. It is noted in Table 9 that the clearance from the minimum invert level of each infiltration systems is set at 300mm above the mapped 2021 onsite seasonal peak groundwater levels. Therefore, any increase in this level, will result in the City's required criteria not being met unless these structures are being underlain by subsoil to control groundwater. This will also result in much of the southern portion of POS3 being wet, and as such unusable by the community. The wet nature of this area, which will be kept at existing levels for flood management can be seen in aerial imagery. This will impact the ability to create a higher order cycle path, as shown on the structure plan. And may also create an undesirable outcome for the proposed R10 lots. In addition the road access to R10 will need</p>	<p>3. Noted. Modifications proposed to address the issued raised in the submission including POS inundation and buffers, coding of the R10 lots, and the alignment of the bike path.</p>	
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		<p>consideration in relation to how road access will be maintained to a standard acceptable to the City, while allowing connectivity for regional flood connectivity and storage. Further analysis of the groundwater regime and management approach, based on the above risks, is warranted."</p> <p>4. Confirmation is required that the City would be accepting of a non-irrigated POS landscape strategy, in the event that a fit for purpose water source is not secured. Noting that the Superficial and Leederville groundwater resources are both fully allocated. Irrigation of POS area is not proposed within the Abbey South structure plan. Existing trees will be retained and if required a water cart will be used for any establishment of vegetation within the site. The City have stated that they will not support unirrigated POS and evidence of a secure fit for purpose water supply is required.</p> <p>5. Retaining the 1% AEP on lot is not consistent with the City's stormwater policy. How will this be enforced at subdivision and lot development stages? Furthermore, assuming driveways will slope towards the road some discharge is likely to occur in the 20% and 1% AEP.</p> <p>In view of the flood risk for this development, the above two items will need to be confirmed as being acceptable to the City and it is recommended that as a minimum a</p>	<p>4. The Abbey South structure plan area will need to include POS with turf areas, therefore the City will not support unirrigated POS and evidence of a secure fit for purpose water supply is required. A modification has been proposed to remove any option for a non-irrigated landscape strategy.</p> <p>5. Modification required to address matters raised in the submission as follows:</p> <ul style="list-style-type: none"> • The retention of 1% AEP on residential lots is not supported by the City of Busselton and therefore updated stormwater modelling is required to be undertaken to the 	
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		<p>sensitivity analysis is undertaken due to the inability to hold the entire 20% and 1% AEP on lot interface with the road.</p> <p>In Section 6.2, text will be included detailing that the large lot sizes (typically between 500-600 m²) and the provision of soakwells to cater for the small event, lots will provide sufficient permeable area to facilitate infiltration within lots.</p> <p>A sensitivity analysis has been performed in the case that lots will not be able to retain the entire 20% and 1% AEP events within lot. The lot retention assumptions were changed so that there is no lot retention of the front yard (including driveway and footpath) - this area now directs all runoff towards the estate drainage (swales, BRAs and FSAs). The balance of lot is still fully retained on the basis that the lots are large and there is sufficient permeable area around the buildings to infiltrate any runoff which cannot be captured by soakwells.</p> <p>With lot assumptions having a contribution to downstream volumes, an additional 856 m³ will be directed to downstream storage areas in a 1% AEP event. Given that flood basins are only 1.0m deep these areas could still accommodate an additional 200mm there will be sufficient capacity within the site to accommodate the additional runoff. The peak flow rate will increase to 0.604 m³/s (which is still lower than the pre-dev peak flow rate of 1.1</p>	<p>satisfaction of the City of Busselton and the Department of Water & Environmental Regulation.</p> <ul style="list-style-type: none"> • The requirement for the stormwater system to include sufficient retention and detention to accommodate additional drainage discharge from residential lots, so as not to result in a risk of increasing the flood levels in the area designated for management of catchment flood waters, and to allow for appropriate areas of active open space. 	
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		<p>m3/s) and the total volume discharging offsite will increase to 3724 m3 (which is marginally higher than pre-dev discharge volume of 3082 m3).</p> <p>The sensitivity analysis is acknowledged, including the ability of the proposed storage areas to manage the additional volumes. However, the amount of discharge off each lot has not been detailed so the coefficient of runoff can not be reviewed. It is recommended that the sensitivity analysis assesses up to 20% of lot areas discharging in the 20% and 1% AEP, as a minimum.</p> <p>In addition, the increase in the 1% AEP the total volume discharging offsite post development of 642m3 is a 20% increase, which is not deemed marginal. Special Provision 2i of Scheme Amendment 21 is relevant, and this increase needs to be considered in relation to the potential cumulative impacts of the area.</p> <p>Once the above has been resolved, taking into account any related items, such as connectivity to flood storage in comment 1 and fill criteria in comment 5, detail of the sensitivity analysis should be included in the LWMS, for future reference.</p>		
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	<p>6. It is stated that imported fill should aim to achieve a permeability of 4 m/day, yet the modelling report states that a hydraulic conductivity of 5 m/day is assumed.</p> <p>Furthermore no detail have been provided of any insitu permeability testing, noting the southern half of the site interfaces with the existing wetland which may have a lower permeability.</p> <p>The 4m/day recommendation is for general fill used across the site. The 5m/day model assumption is the permeability directly beneath the BRAs and basins - they are not the same thing. Note that BRAs also have a 50% clogging factor applied. Imported fill will be tested for permeability prior to bringing into the site, and if required the flood modelling could be revised to account for recommended design permeability. Note that Section 6.3.2.1 already specifies that flood modelling to inform designs should be revised according to the permeability rate of the fill utilised.</p> <p>The clogging factor for BRAs is noted and acknowledged.</p> <p>Section 6.3.2.1 states that "Imported fill will likely be utilised to achieve the minimum FFL required to facilitate appropriate vertical separation from major event flood levels in BRAs and FSAs. The specification for fill and proposed depths will likely also be influenced by the desired</p>	<p>6. To be resolved in the Urban Water Management Plan at subdivision stage.</p>	
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		<p>geotechnical classification, which is yet to be determined. Imported fill should aim to achieve a permeability of 4 m/day. Where a lower permeability specification of fill is adopted consideration of this should be made within surface runoff modelling, fill depth assumptions and any other aspects relying on infiltration."</p> <p>There is no discussion in the LWMS that an alternative fill is to be used for any of the infiltration devices, and the model assumption merely states that "A hydraulic conductivity of 5 m/day is assumed". This assumption would indicate 5 m/day has been applied to the entire area including BRAs (with a clogging factor), FRAs, swales, and soakwells.</p> <p>It is also relevant to consider available fill material in the area, the quality of sand for urban development is reducing and achieving 5 or 4 m/day once compacted is unlikely to be realistic. A permeability of 2 to 3 m/day is probably more realistic.</p> <p>Further clarification is required and should be included in the LWMS, noting a lower permeability will impact subsoil designs and may further impact off site discharge and as such may be relevant in relation to item 3. Imported fill should be tested in situ once placed.</p>		
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		<p>7. Consideration of both flow rate and volume is noted and supported for this development, to avoid cumulative impacts with the development to the south and in view of the constrained discharge into the Buayanyup Drain.</p> <p>8. See comment 1 above, in relation to groundwater analysis. As mentioned in reponse to comment 1, the 2022 GWL monitoring did not record a higher peak than 2021, therefore Table 9 did not require revision of clearance As per comment 1.</p> <p>9. Confirmation is required that development of the land zoned Conservation is acceptable by the City and DPLH. At the City of Busselton Council Meeting on 16th November, the Council resolved (unanimously) to initiate a scheme amendment to rezone the site from 'Rural' and 'Conservation' to 'Urban Development'. In a follow-up meeting with the City of Busselton planning officers following the Council meeting, Rise Urban (the project planner) confirmed the City's position, and they remain fully supportive of urban development within the 'Open Space Investigation Area' in Lot 4 (which aligns with the conservation zone). With regard to the DPLH position, it is our understanding that this will be worked through as part of the amendment process. The Department will reserve judgement on this matter until advice has been provided by DBCA.</p>	<p>7. Noted.</p> <p>8. Ground water monitoring ongoing. To be verified and included in Urban Water Management Plan at subdivision stage.</p> <p>9. Noted. DPLH have provided a submission addressing their position on the proposal. It is noted that the proposal will ultimately be assessed by the DPL and determined by the WAPC.</p>	
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	<p>10. Consideration is required of the connectivity with adjacent existing developed land. Specifically where, due to FLLs, retaining walls will be required and whether this will create a risk of increased groundwater expression and inundation on the lower lying adjacent land. The existing levels of the site and immediately adjacent site indicate 1-1.5m clearance from groundwater. There is therefore some measure of buffer if groundwater were to rise. Further, the existing floodway area will not be retained, thereby providing a pathway for both surface and groundwater to exit the site. In relation to groundwater, as per comment 1. Comments related to the existing floodway are assumed to mean "will be retained".</p> <p>11. Noting the variation between existing ground levels, which are to be maintained to facilitate existing local drainage, and proposed FLLs of adjacent lots (and roads). The interface between the POS and roads/lots in the southern portion, where the existing 1% catchment floodway is to be maintained, requires more detail. Based on the structure plan and to maintain the floodway the current plan would require vertical retaining walls. Noted. This will need to be included in civil designs. To allow an informed assessment by the City, details are required of the likely retaining wall locations, lengths and heights.</p> <p>Once the City has determined their final position regarding</p>	<p>10. Noted. The LWMS shows no change to discharge rate and volume.</p> <p>11. This interface has been addressed via the requirement via modification for a 10 metre to 30 metre wide buffer around the floodway. Details to be confirmed in UWMP at subdivision stage.</p>	
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		<p>this approach this detail should be included in the LWMS, and if accepted and where required should also reference the requirement for fencing (similar to comment 4).</p> <p>12. There is no discussion of wetland buffers and looking at the landscape concept plans, the intention is for these areas to be incorporated into POS as opposed to enhancing any ecological and/or wetland function. Is this acceptable to the City and BDCA?</p> <p>The minor extent of wetlands within the site are catergorised as Multiple Use wetlands. These do not typically require buffers and are not typically required to be retained for ecological or conservation purposes with specific management objectives or requirements. Notwithstanding it is the intention of the project to retain as much native vegetation as possible, and protect the hydrological functions of the features within the site - hence keeping the floodway features and also providing POS around these. Given the wetlands are Multiple Use the proponent is not going to self-propose a wetland buffer whose purpose is for conservation. Rather, they have elected to retain as much vegetation and function in these areas, and these are retained in POS. The Department will reserve judgement on this matter until advice has been provided by DBCA. After which the City will need to consider whether this minimalist approach for ecological</p>	<p>12. To address issues raised in submissions, officers have recommended modifications to the SP (included in Attachment G) to include a 10 metre to 30 metre wide landscaped buffer around the floodway. The buffer areas are primarily located in the area identified as an 'Open Space Investigation Area' in the LNSRS, and will be appropriately revegetated with native plant species to enhance their function as wildlife corridors. This may provide for improved water quality outcomes and assist in stormwater management, whilst also providing habitat. The location of the buffers will also reduce the amount of development on areas with</p>	
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		<p>function and corridors, with no enhancement, is acceptable and deemed to comply with special provision 2iv of scheme amendment 55.</p> <p>13. The above comments need to be reviewed at the same time as reviewing LGA and DBCA comments, if there are any conflicts in LGA, DBCA and DWER comments it is expected that the consultant will mediate an agreed position.</p> <p>14. All road reserves around the perimeter with swales are 20m wide, which is sufficient to accommodate the swales that are proposed. Text added in Section 6.2.2 "All road reserves where swales are proposed will be wide enough to accommodate the proposed swales.</p>	<p>medium to high likelihood of Acid Sulphate soils.</p> <p>13. Noted. Consultation between parties has occurred where required.</p> <p>14. Sufficient width has been confirmed.</p>	
8	<p>ATCO Gas Australia 81 Prinsep Road Jandakot WA 6164</p>	<p>1. ATCO Gas Australia (ATCO) has no objection to the proposed application, based on the information and plan provided.</p>	<p>1. Submission noted.</p>	<p>1. That the submission be noted.</p>
9	<p>Department of Health 189 Royal Street East Perth WA 6004</p>	<p>1. Water Supply and Wastewater Disposal. The development is required to connect to scheme water and reticulated sewerage and be in accordance with the Government Sewerage Policy 2019. Potable water must be of the quality as specified under the Australian Drinking Water Quality Guidelines 2011.</p> <p>2. Public Health Impacts. DoH has a document on 'Evidence supporting the creation of environments that encourage healthy active living' which may assist you with planning elements related to this structure plan.</p>	<p>1. Noted.</p> <p>2. Noted.</p>	<p>1. That the submission be noted.</p>

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		<p>3. Increased Density – Public Health Impacts. The City of Busselton should also use this opportunity to minimise potential negative impacts of the increased density development such as noise, odour, light and other lifestyle activities. Public health impacts draw attention to those issues, and they should be appropriately and adequately addressed at this stage.</p> <p>To minimise adverse impacts on the residential component, the City of Busselton could consider incorporation of additional sound proofing/insulation, double glazing on windows, or design aspects related to location of air conditioning units and other appropriate building/construction measures such as ensuring adequate ventilation requirements for wet areas.</p> <p>4. Medical Entomology The subject land is in a region that regularly experiences significant problems with nuisance and disease carrying mosquitoes. These mosquitoes are known carriers of Ross River Virus (RRV) and Barmah Forest Virus (BFV). Human cases of RRV and BFV diseases occur annually in this general locality. The subject land is within 3km of mosquito dispersal distance from mosquito breeding sites at Locke Nature Reserve and Broadwater Nature Reserve. Mosquitoes will disperse from these sites to the subject land under favourable environmental conditions. There may also be seasonal freshwater mosquito breeding habitat within proximity to the subject land. Additionally, there is the</p>	<p>3. Noted.</p> <p>4. City of Busselton environmental health officers have confirmed that a mosquito management plan will be required for the site, although this will be considered through the planning framework at subdivision stage.</p>	
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		<p>potential for mosquitoes to breed in on-site infrastructure and constructed water bodies if they are poorly designed.</p> <p>The above disease risks, as well as the lifestyle impacts of nuisance mosquitoes, will inevitably result in demands for the application of chemicals to control larval and/or adult mosquitoes. Environmental agencies may not automatically approve the use of such measures in and around environmentally significant wetlands. Therefore, it will be important that in-principle approval for effective mosquito control measures in and around these wetlands is obtained from the relevant environmental agencies before planning decisions are finalised.</p> <p>Prior to development, the DoH recommend a mosquito management plan (MMP) be developed and approved by both the Department and the City of Busselton to ensure the risk to the community of exposure to nuisance and/or disease carrying mosquitoes is considered. This MMP is to be approved by the local government and the Department prior to any development.</p> <p>In addition, due to the high-risk nature of the proposed development, the Department requires the following wording to be placed on all land title documents: "This lot is located near extensive mosquito breeding habitat and can experience substantial numbers of nuisance mosquitoes after certain environmental conditions. The mosquito species in the region are known vectors of Ross River Virus and other mosquito-borne diseases and the region is subject to annual outbreaks of these diseases."</p>		
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<p>10</p>	<p>Department of Biodiversity, Conservation and Attractions (DBCA) Parks and Wildlife Service PO Box 1693 Bunbury WA 6230</p>	<p>Western Ringtail Possums</p> <ol style="list-style-type: none"> 1. Recommendation 1: Western ringtail possum (WRP) habitat trees including single large-crowned mature peppermint trees and WRP corridor connections are retained and enhanced where possible to provide for WRP movement within and across the site including: <ul style="list-style-type: none"> - POS 4 Eastern Park – Consideration to extend the boundary further out to the existing firebreaks along the western and southern boundaries of Lot 12 to retain all the existing remnant vegetation as a WRP corridor connection. - Existing vegetated WRP corridor connections along all Lot 4 boundaries and the southern boundary of Lot 14. 2. Discussion: Western ringtail possums (WRP) are listed as critically endangered threatened species under the Biodiversity Conservation Act 2016 (BC Act) and the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The Emerge Environmental Assessment and Management Strategy (December 2022) (EAMS) advises that no site-specific fauna surveys have been undertaken. WRP are prevalent in close proximity, primarily to the north of the site, and are expected to be onsite amongst both remnant patches of, and single large-crowned mature peppermint trees. DBCA considers that the various vegetated lot boundaries across the amendment area provide adequate corridor linkages for WRP to move to adjoining bushland areas that surround the site. The Rise Urban Local Structure Plan map (Revision B, December 2022) (LSP) depicts proposed recreation reserves as public open space (POS) areas. The vegetation along the Lot 4 eastern and Lots 12 & 14 western boundaries also functions as WRP habitat 	<ol style="list-style-type: none"> 1. Noted. The City has worked with the proponent to retain mature peppermint trees and WRP corridor connections where possible. Further modifications to the SP are proposed in Attachment G – Schedule of Modifications in order to enhance WRP habitat in the SP area. 2. Noted, as per the above point. 	<ol style="list-style-type: none"> 1. Modifications 1, 3, 8 and 11, as contained in Attachment G – Schedule of Modifications, are required to address several matters raised in the submission relating to WRP habitat and Wetlands / Flooding.
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		<p>providing a corridor linkage between POS 4 and the Lot 4 southern boundary. DBCA notes that the perimeter roads along the southern and western boundaries of Lot 4 are outside of the vegetated corridor, however these trees have not been identified for protection within the draft LSP. The vegetated portions of the western and southern boundaries of Lot 12 appear to be a more suitable WRP corridor than the northern boundary, that has been included within POS 4. The LSP Explanatory Report states that the Structure Plan depicts an indicative local street network that is subject to further refinement. If the recommended addition of the Lot 12 western and southern boundaries into POS 4 is considered, to negate the need for the primary access street to dissect the WRP corridor connection provided, the east-west section of the primary access street, including roundabout and cycle network could be reconfigured by ‘flipping’ the internal access street to the south that runs adjacent to the northern boundary of POS 2. The primary access street and cycle path could then continue all the way through to the eastern boundary of Lot 14 below the vegetated southern boundary of Lot 12.</p> <p>3. Recommendation 2: The scheme Special Area provisions include a note stating “Western ringtail possums are known to occur within proximity to the area. WRP are listed as a threatened species under the Biodiversity Conservation Act 2016 (BC Act). Landowners and developers should be aware of their obligations and approval requirements relating to threatened fauna under the BC Act. Advice about these requirements can be obtained from the Department of Biodiversity, Conservation and Attractions”.</p>	<p>3. The use of special provision areas is justified on that basis that site specific requirements are necessary. Broader consideration of planning mechanisms relating to WRP habitat will occur as part of the City of Busselton Local Planning</p>	
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		<p>4. Discussion: Future proponents of subdivision will need to be aware of their obligations under the BC Act for impacts that are likely to result in the take of WRP that may be present on site during clearing operations.</p> <p>Kangaroos</p> <p>5. Recommendation 3: Landholders and land managers are advised of their responsibilities to manage any kangaroo populations that exist on lands that they own.</p> <p>6. Discussion: The Bushfire Management Plan advises that the area to the south of the site is subject to heavy grazing by kangaroos. The responsibility for managing kangaroos on private property lies with the landowner or manager. In the context of development, the most opportune time to undertake kangaroo management to ensure populations don't become problematic, is early in the planning process when more management options are available. DBCA can provide advice on the range of management options to mitigate the impacts of significant kangaroo populations.</p> <p>Wetlands</p> <p>7. Recommendation 4: Consultation is undertaken with the Department of Water and Environmental Regulation (DWER) regarding wetlands on Lot 4.</p> <p>8. Discussion: Lot 4 contains an estuary peripheral multiple use wetland within its south-western portion. The wetland is hydrologically connected via the flood plain to surrounding broader wetland systems, including the Broadwater Nature Reserve wetlands.</p>	<p>Scheme review.</p> <p>4. Noted, as per the above point.</p> <p>5. Noted.</p> <p>6. Noted. The proponent has received this information.</p> <p>7. Noted. This has occurred and has resulted in proposed modifications to the SP as contained in Attachment G.</p> <p>8. Noted.</p>	
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Attachment D – Schedule of Agency Submissions

PROPOSAL: ABBEY SOUTH STRUCTURE PLAN AND ASSOCIATED AMENDMENT NO. 55 TO LOCAL PLANNING SCHEME NO. 21

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11	Department of Transport – Maritime 5 Newman Court Fremantle WA 6160	1. DoT Maritime Planning has no objection to the above proposal proceeding.	1. Noted.	1. That the submission be noted.
12	Department of Primary Industries and Regional Development 75 York Road Northam 6401	1. The Department of Primary Industries and Regional Development does not object to the proposal.	1. Noted.	1. That the submission be noted.
13	Department of Planning, Lands and Heritage – Coastal 140 William Street Perth WA 6000	<p>1. The proposal, through amendment No.55, seeks to rezone Lots 4, 12 and 402 Caves Road and Lots 14 and 15 Bussell Highway, Abbey from the Rural and Conservation zones to Urban Development. The concurrent Abbey South Structure Plan seeks to guide the subdivision and future development of the Abbey South locality. It is estimated that the proposal would result in approximately 250 to 400 lots, housing an estimated 800 to 950 people.</p> <p>2. City of Busselton CHRMAP The proposal is within Management Unit 11 – Abbey in the City’s Coastal Hazard Risk Management and Adaption Plan (CHRMAP). The site includes land that falls within the 2120 coastal erosion hazard line, and is also identified to be impacted by coastal inundation. As set out in the CHRMAP the adaption pathway for the management unit is to protect from erosion hazards throughout the planning timeframe. For inundation the adaption pathway up to 2043 is accommodate, with protect proposed after 2043.</p>	<p>1. Noted.</p> <p>2. Noted.</p>	<p>1. That the submission be noted.</p> <p>2. Modification 13, as contained in Attachment G – Schedule of Modifications, is required to address matters raised in the submission.</p>

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		<p>The CHRMAP states: For the purposes of assessing the risk of inundation in the development of short-term management actions, and longer-term adaption pathways, the CHRMAP assumes that:</p> <ul style="list-style-type: none"> - In the short-term (0-10 years) all areas below 2.5m AHD are a risk from inundation (this represents the majority of land within the Study Area). - In the longer-term (up to 100 years) all areas within the Study Area below 3.4m AHD are at risk from inundation. *study area refers to Geographe Bay (Old Dunsborough to Forrest Beach) - It is also noted that the CHRMAP indicates that the City is undertaking additional modelling for coastal inundation. <p>3. Coastal planning policy requirements The policy sets out the expectations for the delivery of adaption methods as determined by the CHRMAP. Where ‘accommodation’ adaption measures are proposed, such is the case for inundation in the short-term (up to 2043) for this site, clause 5.5(iii)(3) sets out that design and/or management strategies should be implemented to render the risks from the identified coastal hazard acceptable. Where ‘protection’ works are proposed, as is the case for inundation from 2043, clause 5.7(iii) requires that funding arrangements for the construction and ongoing care, control and maintenance be in place. And more generally clause 5.7(iv)(a) requires that coastal protection works, where necessary and justified should be adequately considered and planned as part of making decisions about land use, subdivision and development within the coastal</p>	<p>3. Noted.</p> <p>4. This work is currently being carried out by the City of Busselton as part of the broader ‘Busselton Storm Mitigation Project’ and that the outcomes of this study will be reflected in a revised CHRMAP at some point in the future. The timing and outcomes of this study are not within the gift of the Abbey South landowners, and as such, it is not appropriate to prevent</p>	
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		<p>zone. The CHRMAP indicates that the required protection works for the eastern bank of the Buayanyup River Drain have not been scoped or costed, and the implementation of inundation protection works are not planned in the short term (up to 2043). Furthermore, the CHRMAP has not yet resolved the funding arrangements for the construction and ongoing care, control and maintenance of any of the protection works set out in the CHRMAP, as required by Clause 5.7 of SPP2.6 for protection works to be supported. Given the anticipated lifespan of residential development at the subject site would extend beyond 2043, it is necessary to address both accommodation and protection adaption measures for inundation for this site. In order to meet the requirements of SPP2.6, the scheme should include specific provisions to ensure that the proposed adaption measures are addressed and that future land owners are aware of the coastal hazard risks. As structure plans are only instruments of due regard, it is not sufficient to only include provisions or statements in the structure plan itself.</p> <p>4. Recommendations In regard to SPP2.6, the Department supports the proposed amendment and associated structure plan, subject to the following matters being addressed: <i>Amendment Text</i> Amend Clause 2(ii) of the Special Provisions of SP76, to include the following additional sub-clauses: - 2 (ii). Measures to manage risk from coastal inundation; a. Prior to the commencement of subdivisional works for land deemed to be affected by coastal inundation, the coastal inundation hazard protection</p>	<p>subdivision while this is resolved. In the interim, a modification is proposed to reflect a minimum habitable floor level of 3.4m AHD, subject to further investigation and may be revised.</p> <ul style="list-style-type: none"> - The CHRMAP identifies upgrades of the eastern bank of the Bauyanyup drain to the approximately height of 3.5m – 4.0m AHD to be undertaken within 2043-2073 timeframe and it is not a requirement that these works are to be completed immediately. It is the officer understanding that these works are to be further investigated prior to 2043 (in terms of costs and implementation) as there is a level of protection from 1 in 500 flood levels for the present day (up to 	
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		<p>works for the eastern bank of the Buayanyup River Drain as set out in the City of Busselton Coastal Hazard Risk and Adaption Plan (2022), are to be designed and costed, and associated funding arrangements (capital and recurrent costs) are to be resolved and in place.</p> <ul style="list-style-type: none"> b. All development within land or lots deemed to be affected by coastal inundation will require prior development approval of the local government, to ensure development can accommodate inundation over the lifespan of the development. c. All habitable development is to have a minimum finished floor level of 3.0 metres AHD. d. A notification on title advising of the coastal hazard risk is to be applied as a condition of subdivision or development, for all land or lots deemed to be affected by coastal inundation in accordance with the City of Busselton Coastal Hazard and Risk Management Adaptation Plan (2022) and State Planning Policy 2.6 – State Coastal Planning Policy. <p>5. Structure Plan</p> <ul style="list-style-type: none"> - The following text being added to the structure plan report “Prior to the commencement of subdivisional works, the coastal inundation hazard protection works for the eastern bank of the Buayanyup River Drain are to be designed and costed, as set out in the City of Busselton Coastal Hazard Risk and Adaption Plan (2022) and associated funding arrangements (capital and recurrent costs), are to be resolved and in place based 	<p>2043) which have been identified by studies referenced by the CHRMAP to be between 2.4-2.9m AHD. In the interim, a modification is proposed to reflect a minimum habitable floor level of 3.4m AHD, subject to further investigation.</p> <ul style="list-style-type: none"> - Given that all lots will be required to have a FFL above 3.0m, there will be no ‘lots deemed to be affected by inundation’ and as such this clause is not required. - Noted. - Noted. <p>5. This work is currently being carried out by the City of Busselton as part of the broader ‘Busselton Storm Mitigation Project’ and that the outcomes of this study will be reflected in a revised CHRMAP at some point in the future. The timing and outcomes of this study are</p>	
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		<p>on a cost-benefit and beneficiary pays principle including a benefit distribution analysis.”</p> <ul style="list-style-type: none"> - The technical appendices, being amended to reference a minimum FFL of 3.0m AHD throughout to address SPP2.6. 	<p>not within the gift of the Abbey South landowners, and as such, it is not appropriate to prevent subdivision while this is resolved. In the interim, a modification is proposed to reflect a minimum habitable floor level of 3.4m AHD, subject to further investigation and may be revised.</p> <p>6. Noted. No objection.</p>	
14	<p>Department of Planning, Lands and Heritage – Land Use 140 William Street Perth WA 6000</p>	<p>1. The Land Use Management Division of the Department of Planning, Lands and Heritage (DPLH) has no comment to the amendments.</p>	<p>1. Noted.</p>	<p>1. That the submission be noted.</p>