

Technical Report			
Application No:	PA19/1077		
Lodgement Date:	22 October 2019	DAU Date:	
Address:	145 Summerfield Road, Serpentine		
Proposal:	Additions / Eextensions existing Educational establishment		
Land Use:	Educational Establishment	Permissibility:	
Owner:	Mary Agnes McKay		
Applicant:	Mary Agnes McKay		
Zoning:	Rural	Density Code:	R2 in accordance with Clause 5.4.2 of TPS2
Delegation Type:		Officer:	Helen Maruta
Site Inspection:		Yes	
Advertising:		Yes	
Outstanding Internal Referrals:		No	
External Referrals:		No	
Within a Bushfire Prone Area:		Yes	

Introduction:

A planning application received 22 October 2019 has been received for proposed Educational Establishment at 145 Summerfield Road, Serpentine.

The subject lot is zoned Rural in accordance with the Shire's Town Planning Scheme No. 2 (TPS 2). A school is considered an 'Educational Establishment' use which is a 'AA' use within the Rural Zone in accordance with the Shire's TPS 2.

The proposal is reported to DAU for determination as officers have delegation to determine a AA use under delegation 11.1.1.

This report recommends that the additions /extensions existing to the Educational Establishment as proposed be approved subject to appropriate conditions.

Background:

Existing Development:

The subject site has a total area of 64ha comprising of two land parcels. One land parcel is located to the north of Summerfield Road with an area of 49.9ha and the second one, which includes the subject land for the school, is 14.57ha in area and located to the southern side of Summerfield Road, midway of Richardson Street and South Western Highway. The site for the school is proposed to occupy an area of approximately 0.9ha of the site.

The general locality comprises of rural living properties used for a variety of rural uses that include grazing, equestrian activities, cattle studs and rural lifestyle lots. The locality also consists of 'Farmlet' zoned properties located to the western side of the subject site, which are predominantly hobby farms, used for rural pursuits. The Serpentine Townsite is located approximately 1.5km to the south of the subject site, and the Serpentine River is on the southern portion of the site.

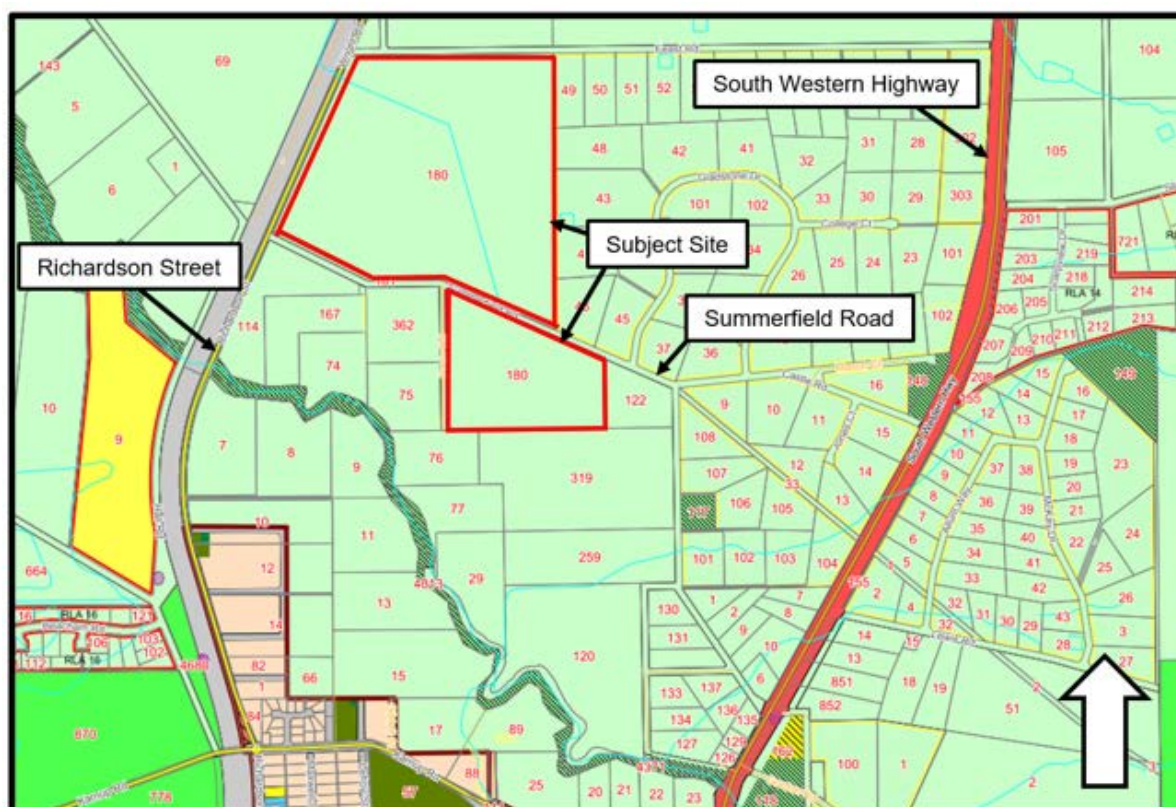


Figure 1 - Location Map

Proposed Development

The development application seeks approval for stage one expansion of the existing Eton Farm Educational establishment to accommodate a maximum of fifty students from Kindergarten to Pre-Primary commencing in term 1 of 2020. The applicant provided information that the school population and levels may increase in future over a number of years depending on demand and the necessary approvals. It should be noted that any future expansion will be subject to a separate planning application.

Details of the application:

- Renovations to the existing building which comprises of 3 activity rooms (classrooms), store, office and kitchen/meals room;
- Placement of a transportable building which consists of an activity room (classroom) and an office;
- Construction of an undercover outdoor door activity space attached to the main building;
- Construction of an ablution block consisting of a 3 toilets including a disabled toilet;
- Construction of a car park with 13 car parking bays including one disabled bay;
- Enrolment of 15 full time 5 year old students for Pre-Primary five days a week (Monday to Friday);
- Enrolment of 12 part time 4 year old students for Kindy for only two days a week (Tuesday & Thursday);
- Enrollment of 10 part time 3 year old students for pre-Kindy for two mornings a week (Wednesday & Friday; and
- Staff numbers include one full time and two part time teachers and two part time administration staff.

Community / Stakeholder Consultation:

The application was advertised for a period of 21 days from 24 October 2019 to 14 November 2019, within a radius of 250m, in accordance with the Shire's Local Planning Policy 1.4 - Public Consultation for Planning Matters. The application was also advertised on the Shire's website for the same period.

During this period, one submission was received, contained within **attachment 2** objecting to the development. The objection relates to the following issues, which are discussed in the relevant headings of the report forming part of the Officer assessment:

- Increased traffic on Summerfield Road;
- Devaluation of surrounding properties;
- Potential noise from traffic and operations of the school; and
- Potential generation of dust from the proposed unsealed carpark.

Statutory Environment:

Legislation

- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Environmental Protection (Noise) Regulations 1997*
- *Metropolitan Region Scheme*
- *Town Planning Scheme No. 2*
- *Draft Local Planning Scheme.3*

Local Planning Framework

- Rural Strategy Review 2013
- State Planning Policy 2.5 – Rural Planning
- Draft Local Planning Strategy
- Draft Local Planning Scheme No. 3

State Planning Policies

- State Planning Policy 2.5 – Rural Planning

Planning Assessment:

A comprehensive assessment has been undertaken in accordance with section 67 of the Planning and Development Regulations 2015, the assessment can be viewed as part of the attachment.

Land Use:

The proposal is considered by Officer's to best fit within the definition of an 'Educational Establishment' which is defined under TPS2 as follows:

"means a school, college, university, technical institute, academy, or other educational centre, but does not include a reformatory or institutional home."

An 'Educational Establishment' is an 'AA' use within the Rural zone and Officers can therefore consider the proposal capable of approval.

Objective of the zone under TPS2

The development falls within the 'Rural' zone under TPS2, the objective for which is to accommodate the full range of rural pursuits and associated activities conducted within the Scheme area. The term 'rural pursuit' is not defined in TPS2 however, the State Administrative Tribunal (SAT) have consistently hold that a rural pursuit is something that is 'relating to, or a characteristic of the country'. In that regard, and arguably the proposed 'Educational establishment', which is not 'rural' in any way, is not a characteristic of the country and can be found in both rural and urban areas, therefore inconsistent with the objective of the Rural Zone.

Officers however are of the opinion that the proposal, due to its nature and scale, is an 'associated activity' that supports carrying out of rural pursuits. Officers have been guided by the following Tribunal ruling of 017 WASAT 159 ; which concluded that a Place of Public Worship is an '**associated activity**' that supported the carrying out of rural pursuits and is consistent with the purpose and intent of the Rural zone. SAT extract discussed the following:

The Zoning Table of the Scheme establishes the permissibility of different categories of rural use classes, as well as, assists in identifying other use classes that may be considered as 'associated activities' that support the carrying out of 'rural pursuits' in the Rural zone. For instance, it may be appropriate to approve a 'Consulting Room', which on its face could not be described as a rural activity, but is a land use that may be needed to service the medical needs of the local community, thereby supporting the carrying out of rural pursuits in the Rural zone. Interestingly, it would seem that the scale of the 'associated' associated activities' within the Rural zone has been considered in the designation of permissibility of use classes in Table 1, as for example, a 'Consulting Room' is a discretionary use, whereas, a 'Medical Centre' is a use not permitted in the Rural zone.

The Tribunal, therefore, does not consider the use class 'Public Worship - Place of' to be inconsistent with the purpose and intent of the Rural zone as provided for in TPS 2 as this use class is considered to be an associated activity that supports the carrying out of rural pursuits in the Rural zone and as such, is consistent with the purpose and intent of the Rural zone. However, as to whether it is appropriate to exercise discretion to approve an application for a place of worship on land zoned ural will be dependent on the circumstances of the case.

In view of the above, Officers considered that the proposed change of use to facilitate an 'Educational Establishment' could be supported for the following reasons:

- The proposal is considered an associated activity that supports the carrying out of rural pursuits in the rural zone and as such, is consistent with the purpose and intent of the rural zone.
- The land use is needed to provide a service to the educational needs of the local community, thereby supporting the carrying out of the rural pursuits in the Rural zone.
- The size of the proposal is considered to be of scale that would not impact or inhibit the carrying out of existing rural farming and equestrian activities on the subject site.
- By virtue of its scale, Officers consider that the proposed land use is compatible within the settings of the Rural Zone. The activities will be carried about within the existing residential dwelling, which is not out of character with the locality.

Under the Shire's Draft Local Planning Scheme No. 3, the subject land is identified to remain zoned 'Rural' whereby the land use of 'Educational Establishment' is an 'SA' use, meaning the land use can be approved at the discretion of Council subject to the application being advertised and any submission considered in making a decision. In this case the application has been advertised and one submission was received which has been discussed in detail within the assessment.

Car Parking

The parking requirements under TPS2 for the proposed development are detailed in the table below:

Land Use	Minimum No Parking Space	Car Bays required	Car Bays (provided)
Educational Establishment: Primary School	1.25 spaces per for classroom	Minimum required for 3 classrooms/Activity : 4 bays	A total of 13 bays has been provided on the plan

Based on the TPS2 requirements, adequate car parking provisions has been provided by the applicant for the proposed development.

Rural Strategy 2013 Review:

The Shire's Rural Strategy is a strategic land use-planning document that identifies a range of distinct policy areas and policy overlays that provides a clear direction for strategic planning of the Shire's rural areas. The subject land is identified within the 'Rural Policy' area under the Shire's Rural Strategy 2013 Review. The policy area seeks to protect land for productive agriculture and preserve the rural lifestyle and character of the area. The policy area also promotes alternative agricultural land uses with economic benefits and less land degradation. The objectives of this policy area relevant to this proposal are:-

State Planning Policy 2.5

The subject site is zoned Rural under TPS2 and reference to the policy is therefore relevant. The purpose of this policy is to protect and preserve Western Australia's rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values. Ensuring broad compatibility between land uses is essential to delivering this outcome. The intent of this policy is therefore to protect rural land and encourage a diversity of compatible rural land uses. In the policy measures at section 5.1 of SPP2.5, the Western Australian Planning Commission (WAPC) will seek to protect rural land as a State resource by:

- a) requiring that land use change from rural to all other uses be planned and provided for in a planning strategy or scheme;
- (b) comprehensively planning for the introduction of sensitive land uses that may compromise existing, future and potential primary production on rural land.

The relevance of SPP 2.5 is limited to the consideration of ensuring compatibility between land uses and is relevantly focused on the need to assess potential impacts that may arise from non-rural activities on nearby rural land use and include such matters as traffic volumes, amenity, visual compatibility and noise.

Officers have considered that the proposal is supportive of the rural economy even though the change of use to Educational Establishment is not planned for the Shire's strategic

documents. The proposal will not adversely impact on the environmental and landscape values. The proposed development will not prevent land from being used for rural purposes due to its scale in relation to the lot size and therefore consistent with the objectives of SPP2.5.

Built Form and Amenity

The proposed school will predominantly be operating from the existing dwelling, which has been converted and will be further modified internally to suit the educational use. The patio/under cover area is of similar height to the existing building therefore conforming to the existing built form. In addition, the undercover roof is proposed to be constructed of colorbond sheeting with a cottage green colour matching the roof to the existing building thereby breaking up the appearance of building bulk.

The proposed transportable building has a floor area of 27m² and would be located to the eastern side of the main building next to the proposed outdoor under cover area as depicted in Figure 3 and 4 above. The transportable building would incorporate a verandah to improve the visual appearance of the building. It is considered that these additions in the form of an undercover, ablution block and transportable being clustered to the existing building and would not unduly impact on the amenity of the streetscape or that of neighbouring properties.

During the consultation period, concerns were raised regarding potential noise generation from the school activities particularly from the children and traffic movements. In assessing noise impacts from the school, Officers identified potential noise generating sources to be from the small vehicle movement trips in the peak periods, one way vehicle movements of a small rigid vehicle for waste collection, and noise associated with the outdoor children's play area.

Officers are satisfied that potential noise generated from the school would not have a detrimental impact on the adjoining neighbouring properties notwithstanding the submission received. Given a school is not an industry, there are no guidelines under the Environmental Protection Authority's Guidance Statement 3 stipulating separation distances between a school and sensitive receptors (dwellings). It is therefore considered that noise from school activities would not adversely impact on their amenity given the scale of the development and the hours of operation which are proposed to be between 8:45am and 3:15pm, Monday to Friday.

Furthermore, the development must generally comply with the assigned noise levels under Regulation 7 of the *Environmental Protection (Noise) Regulations 1997*. However, to address the concerns of the submitter and ensure that the amenity of the area is not adversely impacted upon, Officers recommend that a Complaint Management Plan (CMP), which includes a complaint log be prepared to the satisfaction of the Shire. The CMP is required to record all complaints received and list strategies and measure that can be implemented to address complaints. The register will be required to be made available to Shire Officers on request.

Traffic

The category of the vehicles associated with the proposed development comprise of small passenger vehicles and a small rigid vehicle for waste collection. The development is

proposed to generate 60 small vehicles trips in peak periods, 30 inbound and 30 outbound in the AM peak, and the reverse in the PM peak.

During the consultation period, concerns were raised regarding the increase of traffic on Summerfield Road and its capability to accommodate increased traffic volumes. The applicant provided a Traffic Impact Statement (TIS) in accordance with the Department of Planning Lands and Heritage (DPLH) Guidelines for Transport Impact Statement. The TIS modelled traffic generated by the proposal and concluded that traffic generation is considered low and would not cause any significant delay for traffic in the locality. Importantly, will not adversely impact the capacity, safety and functionality of the Summerfield Road or the surrounding road network.

The TIS also identifies the need to upgrade the existing 2.5m wide crossover to a minimum of 6.2m wide in order to accommodate two way vehicle movements. This forms a condition of approval.

Notwithstanding the assessment within the TIS, Officers have requested an updated TIS to address the following:

- Road speed and safety for turning vehicles in accordance with part 4 of Austroads;
- Access requirements in accordance with Austroads part 4 Figure 7.2. Please review the design against figure 7.2.; and
- Swept path analysis for a 12.5m rigid vehicle and two B99 vehicles entering and exiting the site.

Officers consider that the above modifications are considered minor in nature and any recommendations that may arise from the updated TIS will not materially impact the overall development of the site. As such, the proposal can be supported.

Dust

Access to the subject site is currently via an unsealed driveway from Summerfield Road. Concerns were raised with regard to the potential generation of dust from traffic movements and the proposed unsealed carpark. Officers consider that the dust on site can be adequately managed so as to not adversely impact on the amenity of neighbouring properties. As such, a condition is recommended for a Dust Management Plan to be provided and subsequently implemented to address these concerns raised by the submitter. The applicant will also be required to seal the first 6 metres of the driveway to the satisfaction of the Shire.

Devaluation of properties

During the consultation period, concerns were raised regarding potential devaluation of properties as a result of the proposal. Officers consider that perceived impacts on property values are neither accepted as a planning argument nor as a valid reason for refusing development approval. The Shire does not have the ability to consider this factor when assessing development applications under the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Options and Implications:

With regard to the determination of the application for planning approval under Town Planning Scheme No. 2, DAU has the following options:

Option 1: DAU may resolve to approve the application subject to conditions.

Option 2: DAU may resolve to approve the application unconditionally.

Option 3: DAU may resolve to refuse the application subject to reasons.

Option 1 is recommended

Conclusion:

The application seeks approval for the expansion of an existing educational establishment. For the reasons outlined and discussed within the report, Officers have considered that the proposed built form is consistent with the zone.

Notwithstanding the objection received, it is considered that although the land use is capable of approval, any potential amenity impacts resulting from the proposal can be managed and mitigated through the conditions that have been recommended. Officers are satisfied that the proposal would not adversely impact on the amenity of the area or that of neighbouring residents. As such, for the reasons outlined in the report it is recommended that Council approve the application subject to conditions.

Deemed Provisions – Cl 67 Matters to be considered by local Government

a) The aims and provisions of this Scheme and any other local planning scheme operating within the area	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Complies with the Scheme Provisions. The proposed development is considered to fall under the use class of a 'Educational Establishment' in accordance with Table I of Shire's Town Planning Scheme No.2 (TPS2). An 'Educational Establishment' is an 'SA' use within this zone, which means that "Council may, at its discretion, permit the use at its discretion.			
b) The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Consistent with the principles of orderly and proper planning. It is considered that the proposal will not adversely impact on the general locality if properly managed.			
c) any approved State planning policy	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Comment: State Planning Policy 2.5 – Rural Planning - Officers have considered the proposal to be compatible with the existing land uses. The proposal is supportive of the rural economy and food production whilst not adversely affecting the environmental and			

<p>landscape values. The proposed development will not prevent land from being used for rural purposes in future.</p> <p>State Planning Policy 2.1 (SPP2.1) Peel-Harvey Coastal Plain Catchment - The proposal is consistent with the objectives of the policy. It considered that the proposal will not have an adverse impact on the Peel-Harvey Estuarine System by way of nutrient export.</p>			
d) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d) – None Applicable to this area from what I can determine	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
e) any policy of the Commission	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
f) any policy of the State	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
g) any local planning policy for the Scheme area	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<p>Comment: Comment: The proposal has been advertised in accordance with Local Planning Policy 1.4 – Public Consultation for Planning Matters (LPP1.4).</p> <p>The application has been assessed in accordance with Local Planning Policy 4.6 – Landscape and Vegetation Policy</p>			
h) any structure plan, activity centre plan or local development plan that relates to the development	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment:			
i) any report of the review of the local planning scheme that has been published under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
k) the built heritage conservation of any place that is of cultural significance	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
l) the effect of the proposal on the cultural heritage significance of the area in which the development is located	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
m) the compatibility of the development with its setting including	YES	NO	N/A

the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comment: The proposal and the built form is considered to be compatible with the existing land uses within the 'Rural' zone as discussed in the report.			
n) the amenity of the locality including the following – I. Environmental impacts of the development II. The character of the locality III. Social impacts of the development	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: It is considered that if these are implemented the proposal will not adversely impact the locality.			
o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment:			
p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: The report recommends a Landscape and Vegetation Plan is recommended to be required by way of a planning condition. The plan shall show areas of retained vegetation.			
q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bushfire, soil erosion, land degradation or any other risk	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment:			
r) the suitability of the land for the development taking into account the possible risk to human health or safety	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment:			
s) the adequacy of – I. The proposed means of access to and egress from the site; and II. Arrangements for the loading, unloading, manoeuvring and parking of vehicles	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment:			
t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity off the road system in the locality and the probable effect on traffic flow and safety	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment:			
u) the availability and adequacy for the development of the following – I. Public transport services II. Public utility services III. Storage, management and collection of waste IV. Access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities) V. Access by older people and people with disability	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>

Comment:			
v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
w) the history of the site where the development is to be located	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment:			
x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
y) any submissions received on the application	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment:			
Za) the comments or submissions received from any authority consulted under clause 66	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
Zb) any other planning consideration the local government considers appropriate	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			