

Technical Report			
Application No:	PA20/376		
Lodgement Date:	15 April 2020	DAU Date:	
Address:	Lot 101, 132 Boomerang Road, Oldbury		
Proposal:	'Transport Depot' and 'Plant Nursery'		
Land Use:	'Transport Depot' and Plant Nursery	Permissibility:	'SA' and 'AA' land uses
Owner:	Bradley John & Lisa Marie Walton		
Applicant:	Harley Dykstra		
Zoning:	'Rural'	Density Code:	R2 in accordance with Clause 5.4.2
Delegation Type:	12.1.1	Officer:	Helen Maruta
Site Inspection:	Yes		
Advertising:	Yes		
Outstanding Internal Referrals:	No		
External Referrals:	No		
Within a Bushfire Prone Area:	Yes		

Introduction:

A development application was received on 15 April 2020 for a development application for two separate land uses, a retrospective 'Transport Depot' and 'Plant Nursery' at Lot 101, 132 Boomerang Road, Oldbury. The 'Transport Depot' involves parking of various commercial vehicles, trailers, and machinery. The 'Plant Nursery' involves the growing of eucalyptus and various native trees on an impermeable hardstand to accommodate the nursery operations.

The 'Transport Depot', which is owned by BWC Civil, has been operating for the past five years without development approval. The Shire approved a 'Plant Nursery' and 'Floriculture' operations in October 1997. The approval was however only valid for a period of 24 months. This subsequently expired with no further extensions in time having been given. There are also no approved plans on record to show the extent of the hardstand that forms part of the current operations.

In accordance with Council Policy on General Compliance and Enforcement, Officers have been engaging with the applicant to achieve a compliant based outcome, framed initially on having all prerequisite approvals in place. This is the basis to this retrospective development application.

This application was presented to the November meeting of Council, at which Council deferred making a decision on the matter to enable the applicant to submit further details of proposed access arrangements, so that these can be considered by Officers (as part of the application) and the matter presented back to the December 2020 meeting.

Further to this, an objection was also received during the consultation period on the application, which further requires the matter to be considered by Council. Officers do not have delegated authority to determine development applications where objections cannot be satisfied by way of amendments or the imposition of conditions, in accordance with Delegated Authority 12.1.1 - Determination of Development Applications.

This report recommends that the:

- retrospective 'Transport Depot' be granted conditional approval, subject to this approval being time limited to enable a transition of the use to a more appropriate zone to occur and;
- the 'Plant Nursery' component be granted conditional approved, without any time limit;

Conditional approval is recommended including an updated condition to reflect the assessment of the further information submitted by the applicant, pertaining to access.

Relevant Previous Decisions of Council

Ordinary Council Meeting – 16 November 2020 – OCM355/11/20

That Council DEFERS consideration of the application for the 'Transport Depot' and 'Plant Nursery' at Lot 101, 132 Boomerang Road, Oakford, to enable the applicant to submit further details of proposed access arrangements, so that these can be considered by Officers (as part of the application), and the whole matter presented back to Council at the December 2020 meeting.

Background

Existing Development

The subject site is located in a rural area towards the west of the Shire. The site is approximately 10.05ha in area and Boomerang Road runs along the north-eastern lot boundary.

The site abuts the Pony Club reserve to the north as shown in Figure 1 below. The general locality comprises of rural properties used for a variety of rural uses that include grazing, equestrian activities, poultry farms, market gardens, cattle studs and rural lifestyle lots. It has an intended rural amenity and character under the current and proposed planning frameworks for the future. The western adjoining extractive industry is time limited in its approval until 26 July 2021.



Figure 1: Location Plan

The subject site comprises an existing single dwelling, horse shelters, outbuildings associated with the single house and an existing equestrian facility for the keeping and training of racehorses. The site also contains two transportable buildings which are used for office administration. The area for the proposal is generally cleared. The site however contains a significant amount of remnant vegetation concentrated on the south western portion and north eastern corner which will not be impacted by the revised proposal.

Proposed Development

The application seeks retrospective approval for a 'Transport Depot' with associated site office, a 'Plant Nursery' and an amendment to a previous approval for a shed, as depicted on the site plan below. There is a second transportable building that is to be used in conjunction with the existing dwelling.

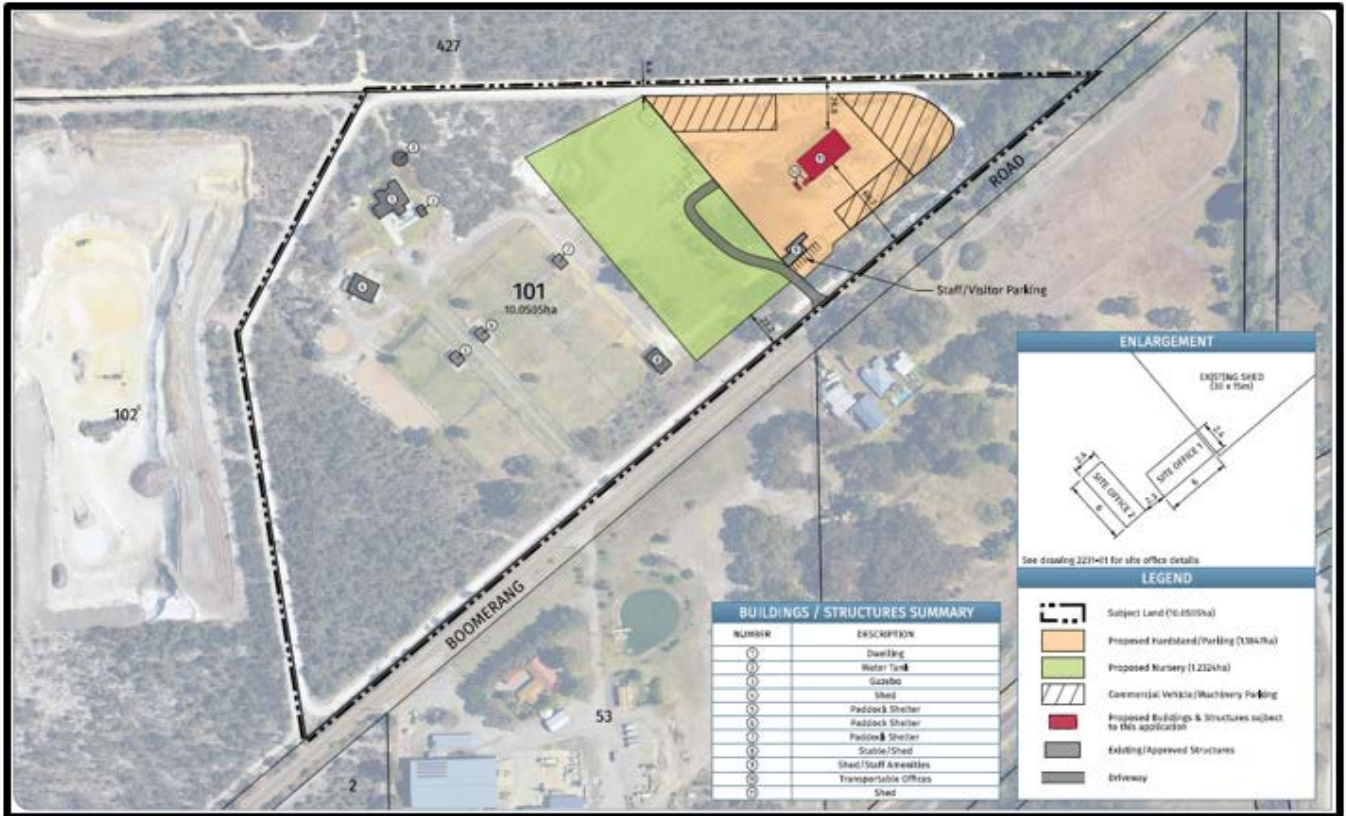


Figure 2: Site Plan

Transport Depot:

The 'Transport Depot' involves the parking of various commercial vehicles, trailers, machinery and employee vehicles. BWC Civil, who are described as a small civil and earthmoving contractor, have been operating the business from the subject site. The applicant provided information that the machines and vehicles are mobilised to site and used for construction purposes. Machinery is often left on the work site and not necessarily brought back to the subject site daily.

Specifically, the Transport Depot' comprises of the following aspects as shown on Figure 2:

- Construction of a 1.184ha impervious rolled limestone hardstand for parking of various commercial vehicles and machinery listed as follows:
 - 2 x Single Cab Utes;
 - 1 x Light Tool Truck;
 - 1 x Medium tray top truck;
 - 2 x 6 Wheel Trucks;
 - 1 x Prime Mover;
 - 3 x Truck Trailers.
- The following machinery would also be stored on the subject site when not mobilised as follows:
 - 2 x Front End Loaders;
 - 3 x POSI Track;
 - 3 x Excavators;

- 2 x Rollers.
- Access to the site would be via the existing crossover onto Boomerang Road which is located 170m north west of the crossover that services the existing dwelling;
- The business currently employs five staff, six days a week on Monday to Friday between 7:00am and 5:30pm and Saturdays between 7:00am and 12:00pm;
- There would be five employees at the site whose vehicles would also be parked;
- Office 1 would be used as a playroom for the children of the landowner and office 2 would be used for administration tasks for the 'Transport Depot' (Figure 2);
- Repairs and servicing of vehicles and machinery would be carried out off site;
- A skip bin would also be occasionally stored on site for a short period before its contents taken to landfill.

Plant Nursery:

BWC Civil would also operate the 'Plant Nursery' for the wholesale of plants. Specifically, the 'Nursery' involves the following:

- Nursery operations would occur on the proposed 1.3ha impervious rolled limestone hardstand area;
- Eucalypts and another native trees are planned to grow in pots to an advanced stage;
- It would operate from 7:00am to 5:00pm Monday to Friday;
- The nursery would operate as wholesale only with no retail component;
- The nursery would result in an addition of one to two truck movements per week and a maximum of one additional passenger vehicle movement per day;
- Staff employed by BWC would conduct the majority of daily tasks and a part time horticulturalist would be employed to oversee the operations;
- Amenities for staff are located within a shed.

Community / Stakeholder Consultation

The application was advertised for a period of 21 days from 3 June 2020 to 25 June 2020 to surrounding landowners within a 500m radius of the subject site, in accordance with LPP4.1 - Consultation for Planning Matters.

A total of two submissions were received, one in support of the proposal and one objecting to the proposal due to the portion of Boomerang Road being a single lane bitumen road. The objection considers that the road is not designed for constant heavy vehicle use or an increase in vehicle movements and therefore not capable to support the proposal.

Consultation with other Agencies or Consultants

Department of Biodiversity, Conservation and Attractions (DBCA)

As the site is located near geomorphic wetlands the application was referred DBCA who have advised that they have no comments on the proposal.

Department of Water and Environment Regulation (DWER)

As the subject site contains native vegetation and the initial nursery footprint proposed removal of vegetation, the application was referred to DWER who did not object to the proposal but provided advice on the following key issues and recommendations:

- Clearing of native vegetation and advice on obtaining a clearing permit;
- Wastewater Management to occur in accordance with *Government Sewerage Policy* (Western Australian Government, 2019) as the site is located within a 'sewage sensitive area';
- Provisions of *State Planning Policy 2.1 - The Peel-Harvey Coastal Plain Catchment and Environmental Protection (Peel Inlet - Harvey Estuary) Policy 1992* as the site locates is located within the Peel-Harvey catchment area;
- Amendment of the current groundwater license for the purposes of stock watering and household garden to included groundwater for nursery and transport deport operations.

In view of the advice, the applicant amended the nursery footprint. The revised proposal does not exist within any vegetated areas and as such, a clearing permit will not be required.

DWER also provided advice on the best management practices for the 'Plant Nursery' to outlined in the *Water Quality Protection Note No. 3: Nurseries and garden centres* (DWER, 2018) and *Water Quality Protection Note No 90: Organic material - storage and recycling* (DWER, 2011). The advice include the following:

- Nursery operations shall be contained on impermeable surfaces to prevent the leaching of nutrients and contaminants into the groundwater. Gravel, rolled limestone or forestry by-products over plastic film may be used for walking paths and under plant benches;
- Any wastes should be contained in a purpose-built, weatherproof storage container, skip or on an impermeable sheltered surface until removed offsite to an authorised waste disposal facility;
- Water according to the plant development requirements, seasonal evaporation losses, variations in plant water needs and the water-holding capacity of the potting media;
- Any runoff may drain towards a settling pond for reuse or recycling, or into vegetated swales. Wastewater and clean stormwater should be kept separate. Uncontaminated stormwater should be managed as recommended in the *Stormwater Management Manual for Western Australia* (DoW, 2004-2007);
- Nursery operators should minimise nutrient losses by only applying fertiliser amounts required by the plant at various stages of its development cycle and adopting measures to reduce leaching;
- Pesticides, fertilisers, manures and soil amendment materials should be stored on impermeable surfaces that are weatherproof and exclude stormwater runoff from other areas;
- As detailed in the Nutrient and Irrigation Management Plan, groundwater quality monitoring will be carried out on-site. However, no detail has been provided regarding the proposed trigger values, contingency actions if triggers are breached and the submission of monitoring results to the Shire.

In response to the comments that were made by DWER, the applicant provided a revised Nutrient and Irrigation Plan. Following review of this revised NIMP, Officers are now satisfied

that the management practices identified will adequately protect the environment and control the risk associated with nutrient application and use. Compliance with the NIMP has been included as a condition of approval in the Officer recommendation.

DWER also provided advice on the best management practices for the transport depot to include the following:

- The transport depot and parking areas must be constructed on a non-permeable concrete hardstand that will contain leaks and spills of all fuels, lubricants and wastewater in the event that the integrity of the vehicles becomes compromised;
- Mechanical servicing should be carried out on a durable, low-permeability floor or pad (such as reinforced concrete) finished and graded to contain any spilt material or washdown water;
- Washdown water containing any oils or grease emulsions should pass into a physical separator (e.g. corrugated plate interceptor) or chemical separator (e.g. chemical coagulation tank, followed by water-oil separation) allowing sufficient time to break emulsions and permit effective removal of any floating oil by skimming.

Statutory Environment

Legislation

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- *Environmental Protection (Noise) Regulations 1997*;

State Government Policies

- South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million;
- Metropolitan Region Scheme;
- State Planning Policy 2.5 - Rural Planning;
- State Planning Policy 3.7 - Planning in Bushfire Prone Areas
- Environmental Protection Authority Draft Environmental Assessment Guideline for Separation Distances Between Industrial and Sensitive Land Uses;

Local Planning Framework

- Shire of Serpentine Jarrahdale Town Planning Scheme No. 2;
- Rural Strategy Review 2013;
- Draft Shire of Serpentine Jarrahdale Local Planning Scheme No. 3;
- Draft Shire of Serpentine Local Planning Strategy;
- Local Planning Policy 1.4 - Public Consultation for Planning Matters (LPP1.4).

Planning Assessment.

Clause 67 of the Deemed Provisions lists matters to be considered in the determination of development applications. A full assessment was carried out against the current planning framework in accordance with Clause 67 of the Deemed Provisions.

Land Use:

The proposed development is considered to fall under the two land use definitions of 'Plant Nursery' and 'Transport Depot' defined under TPS2 as follows:

'Plant Nursery': 'means any land or buildings used for the propagation, rearing and sale of plants and the storage and sale of products associated with horticultural and garden activities'

A 'Plant Nursery' is an 'AA' use in the 'Rural' zone, which means that Council may at its discretion permit the use. The use is not required to be advertised pursuant to TPS2. Officers are satisfied that the proposal fits within the land use definition of a 'Plant Nursery' and is consistent with the objectives of the rural zone and therefore capable of approval.

Under the Shire's Draft Local Planning Scheme No. 3 (LPS3), the subject land is identified to remain zoned 'Rural' whereby the Plant Nursery would fall in the land use category of 'Agriculture Intensive'. This use is a 'D' use, which remains the equivalent to 'AA' use under the current Scheme.

A 'Transport Depot' is defined in Appendix 1 of TPS2 as follows:

'Transport Depot' - 'means land or buildings designed or used for one or more of the following purposes:

- (a) The parking or garaging of more than one commercial vehicle used or intended for use for the carriage of goods (including livestock) or persons.*
- (b) The transfer of goods (including livestock) or passengers from one vehicle to another vehicle.*
- (c) The maintenance, repair or refuelling of vehicles referred to in (a) or (b) above.*

The above uses (a) to (c) inclusive, singularly or collectively may, with Council's planning consent, include as an incidental use overnight accommodation of patrons of the facilities.'

Officers consider that the proposal fits within the 'Transport Depot' land use as it involves the parking and garaging of up to ten commercial vehicles (consistent with the definition of a 'commercial vehicle') and machinery for an earthmoving contractor. Table 1 - Zoning Table of TPS2 provides that 'Transport Depot' is an 'SA' use in the 'Rural' zone, meaning the use is not permitted unless Council has exercised its discretion to permit the use, after notice of the application has been given in accordance with Clause 64 of the Deemed Provisions and any submissions considered.

Officers consider that although the land use is capable of approval within the zone, the use is not considered to reflect the strategic intent of the Shire's Rural zone. Rather, considering the operational nature of the business servicing a range of earthmoving and civil construction projects within a range of sectors, it is considered to be located more appropriately within an industrial type zone.

For this reason, Officers recommend only a time limited approval for the 'Transport Depot' use of four years, whereas the 'Plant Nursery' is not proposed to be time limited.

Aims and Objectives of TPS2

The subject site is zoned 'Rural' under TPS2. The purpose and intent of the 'Rural' zone specified in clause 5.10.1 of TPS2 is to "allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme Area."

While TPS2 does not define a 'rural pursuit', the general definition as determined by SAT is something that relates to, or is a 'characteristics of the country' as sited in (*Attwell and City of Albany*) where in the *Macquarie Dictionary* rural means:

"(1) Of, relating to, or characteristic of the country (as distinguished from towns or cities), country

life, or country people, rustic;

(2) Living in the country;

(3) Of or relating to agriculture.

And "pursuit.

(1) The act of pursuing; efforts to secure; quest; any occupation, pastime or the like, regularly or customarily pursued."

In considering a discretionary land use like 'Transport Depot', the Officer assessment considers the nature and extent of association with a rural pursuit or associated activity carried out within the Scheme area. Land uses not directly rural in nature, may still be considered capable of approval where they directly serve the local rural community, thereby supporting rural pursuits.

In this case, the proposal does not clearly demonstrate its association with rural pursuits or associated activities. It is considered to be more consistent with development in an industrial area, where civil construction businesses would generally be found. Such precincts have the advantages of being serviced by higher order road environments, which makes them more capable of accommodating the demands of these kinds of uses which generate higher level of commercial and freight traffic.

BWC Civil services the building and construction industry providing road stabilisation and construction, subdivisional earthworks, retaining walls and stormwater drainage systems. These works, although they can be found in rural areas, do not relate specifically to the country or are not a characteristic of the country. For this reason, Officers recommend that a time limited approval be granted for the 'Transport Depot', in order to provide a sufficient window of time for the business to relocate within an industrial area of the Shire.

This concern was raised with the applicant who provided the following information:

"While the term 'Rural Pursuits' is not defined within TPS 2, it is considered that all of the land uses which are capable of approval in the Rural Zone under Table 1 must fall in the category of the "full range of rural pursuits and associated activities" as referenced in Clause 5.10.1 of TPS 2. The Rural Zone is therefore intended to accommodate a broad range of land uses, as reflected in the Zoning Table. Furthermore, as demonstrated in the application and the accompanying Transport Impact Statement, the proposed use will not have a negative impact on the amenity of the Rural zone.

Significantly, it should be noted that the owners of BWC Civil personally own and live on the subject land, raising their children, and intend to continue using the land for their already established and ongoing rural activities and pursuits including the keeping, preparation and training of equestrian and race horses, and the establishment of a Plant Nursery. The area of the land occupied by the proposed Transport Depot represents only approximately 11.8% of the total subject land area.

BWC Civil also take great pride in providing services to the local rural area within the Shire of Serpentine - Jarrahdale and the broader Peel Region. Examples of such work include the following:

Local - Shire Serpentine Jarrahdale

1. SFSJ - Kargotich Road widening, Oldbury (road construction works);
2. Gambara - Karnup Road (earthworks);
3. Rural Activities- Earthworks for nursery and horticulture hothouse establishment;
4. Private (various) - Shed pads, driveways, arena construction and general earthworks for numerous Rural properties located within the Shire”.

Officers acknowledge that while a ‘Transport Depot’ is a use that can be considered for approval in the ‘Rural’ zone, in this case the nature of the use is more closely associated with the civil construction sector. Officers recommend providing a time limited approval of four years, in order to enable the applicant to relocate to a more appropriate location (being industrial zoned land), and hopefully securing a site still within the Shire.

The ‘Plant Nursery’ is considered a ‘rural pursuit’ and is compatible with the zone.

Draft Local Planning Scheme No.3 (LPS3) and Draft Local Planning Strategy (LPS)

The subject site is designated to remain Rural under LPS3 and the LPS. The objectives of the Rural area under the draft LPS are to provide for a full range of rural uses, tourism, rural enterprise and the preservation of the rural character. LPS emphasises the importance of protecting large rural lot sizes for agriculture.

Supporting this, LPS3 refers to the protection of rural land for rural uses and protecting the rural character. The proposed ‘Plant Nursery’ aligns with the intent of the rural area and the objectives of the Strategy by introducing an agricultural use that can be operated on the site with minimal environmental impact.

As outlined above, the ‘Transport Depot’ is not sufficiently aligned to the purpose or intent of the ‘Rural’ zone, and is recommended for time limited approval so as to enable an orderly transition to an appropriate industrial zoned location., it is inconsistent with the rural land designation under LPS3 and LPS. Approval of the proposal would introduce a land use that is not appropriate in the rural area and does not conform to the objectives or strategic intent for uses in this area.

The objectives of the Rural zone under LPS3 are as follows:

- To provide for the maintenance or enhancement of specific local rural character.
- To protect and accommodate broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.
- To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies including groundwater, to protect sensitive areas especially the natural valley and watercourse systems from damage.
- To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone.
- To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.

This underpins the Officer recommendation that supports the 'Plant Nursery' due to its alignment with the zoned based objectives, whereas only a time limited approval for the 'Transport Depot' to enable an orderly transition to a more compatible zone.

State Planning Policy 2.5

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 relevant objectives of the policy to this proposal are to:

- support existing, expanded and future primary production through the protection of rural land, particularly priority agricultural land and land required for animal premises and/or the production of food;
- priority agricultural land is to be preserved for that purpose due to its proximity to major population centres; and (e) conversion of land from priority agriculture to other uses must be appropriately planned in strategies or schemes, where such conversion is required as a matter of State significance.

SPP2.5 requires 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 proposed continuation of the plant nursery operations are supportive of the rural economy and can be carefully managed so as to not adversely impact on the environmental and landscape values, consistent with the objectives of SPP2.5 and therefore can be supported.

Officers consider that the proposed 'Transport Depot' doesn't have a sufficient relationship to rural activities, and thus not sufficiently reflective of the policy framework under SPP2.5.

State Planning Policy 2.1 (SPP2.1) Peel-Harvey Coastal Plain Catchment

The subject site is located within the Peel-Harvey catchment area. The policy ensures that changes to land use within the catchment to the Peel-Harvey Estuarine System are controlled so as to avoid and minimise environmental damage. Land uses which are likely to drain towards the Peel-Harvey Estuarine System should be managed to reduce or eliminate nutrient export from the land.

Accordingly, as described within SPP2.1 measure 6.6, appropriate nutrient reduction measures to reduce groundwater contamination, nutrient entering into the groundwater profile, and movement towards the Peel Inlet need to be addressed.

With regards to the 'Plant Nursery' the applicant provided a Nutrient and Irrigation Management Plan (NIMP), which was prepared in accordance with the best practice management and protection notes, recommended by DWER.

The nursery is 1.3ha in area and undertaken on a limestone hardstand area where eucalypts and other native trees are grown in pots until they are three years old at which time they are sold by wholesale. At full development, the nursery would grow 1000 potted trees. Irrigation would be drip fed for half the year between October and April and the remaining year would rely on rainfall.

Nutrients will be applied solely by the application of slow release, low analysis commercial fertilisers specifically developed for native trees. Fertilisers will be added into the potting mix consisting of organic rich-sand.

The operations would be undertaken on a hardstand constructed of rolled limestone. As shown on the figure following:

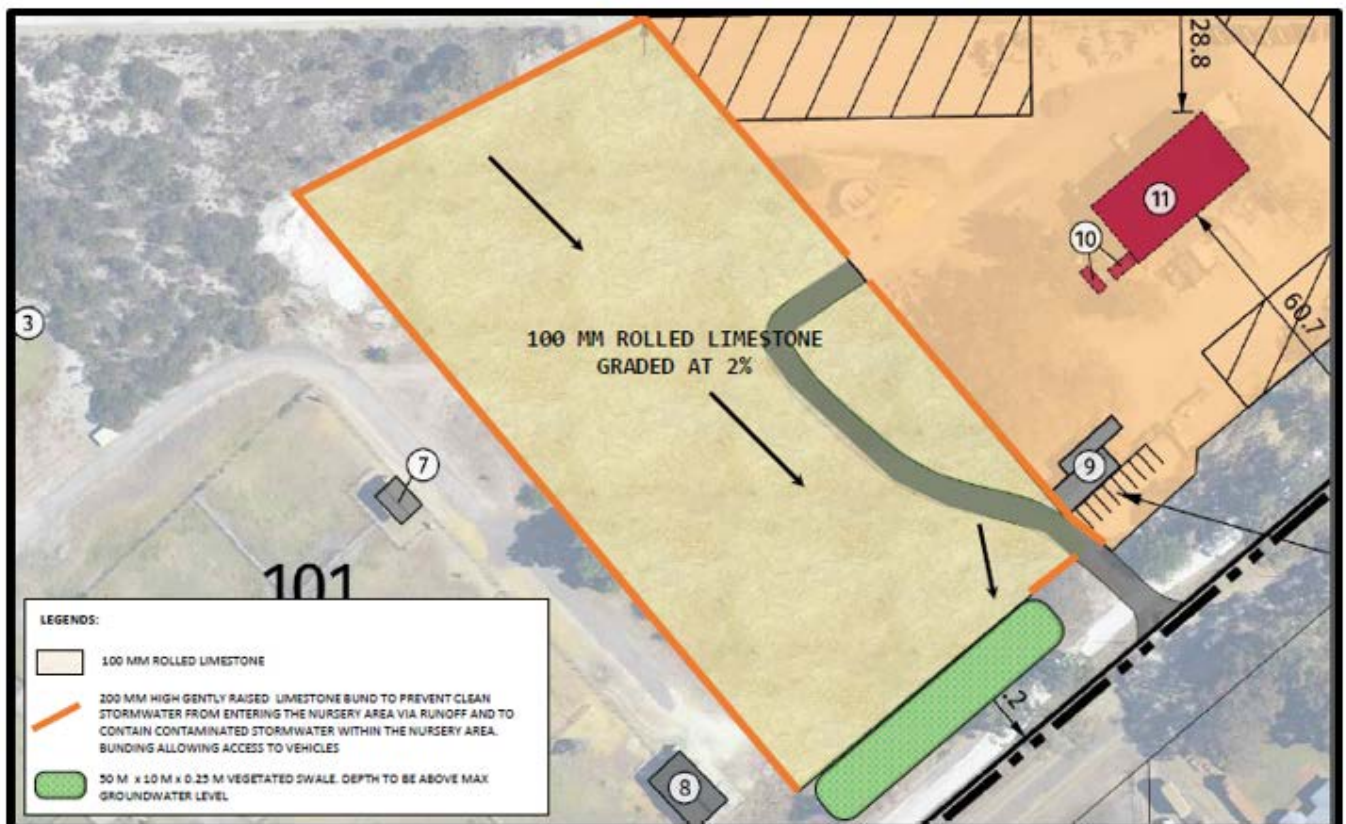


Figure 3: Run off and Stormwater Management

Runoff from the hardstand will be directed to a vegetated swale. The vegetation within the swale will absorb the nutrients from the wastewater and any excess water would be significantly depleted of nutrient contaminants. A condition is recommended to ensure that the swale is adequately lined and contains media that will sufficiently nutrient strip the water. This is consistent with the requirements of DWER. Stormwater will be kept separate from the nursery area through the establishment of gently raised 200 mm limestone bunds.

In addition, the NIMP proposes a monitoring program comparing upstream and downstream groundwater and surface water. The water monitoring and contingency proposes bores to be installed to provide data about the nursery's influence on nutrients in groundwater as well as contingency actions. All use of chemical pesticides are proposed to adhere to the industry best practice principles with chemicals to be stored in a locked area with a concrete floor.

The application details that the 'Transport Depot' would not involve washing or major servicing of vehicles onsite. In addition, the application does not propose to either store fuel or refuel commercial vehicles on site. To prevent adverse impact on the surrounding environment the plan proposes to establish dedicated areas for the parking of the commercial vehicles, trailers, machinery and employee vehicles. This is considered an acceptable management approach, noting the time limited approval recommended by Officers.

As shown in Figure 4 below, the parking areas will be divided in two main categories, consisting of the existing hardstand for machinery or equipment without fuel tanks, lubricant or harmful liquid, e.g. trailers; and an impervious truck parking area (including employee vehicles) made of 100 mm of compacted asphalt profile on top of the existing hardstand.



Figure 4: Proposed spill and Stormwater Management System

This impervious truck parking area will have an infiltration < 10-9 m/s and graded at 1% towards a concrete sump for spill and leak containment. The sump is designed for a spill volume of up to 20,000 L, allowing full containment of a spill from all trucks and employee vehicles at once. It is also noted that stormwater falling in the impervious parking area will also be discharged in the sump. The plan concludes that in the event of a fuel or other type of spill liquid will be contained in a concrete sump and isolated from the natural environment prior to being disposed off-site. This process is consistent with DWER's Water Quality Protection Notes, and particularly WQPN 51- *Industrial wastewater management* and WQPN 52 - *Stormwater management at industrial sites*.

Officers are satisfied that the management of stormwater and spill could be carefully managed so as to not cause any unacceptable risk to the environment.

Traffic and Access

Access to and from the site is proposed via Boomerang Road utilising a second driveway. During the consultation period concerns were raised regarding increase of traffic on Boomerang Road and its capability to accommodate additional traffic given it is a single carriageway. In that regard, the applicant has submitted a Traffic Impact Statement (TIS). The TIS assessed traffic generated by both the 'Transport Depot' and the 'Plant Nursery' and the potential impact on Boomerang Road. The TIS outlines the vehicle movements as follows:

- 12 employee vehicle movements per day (based on two trips daily in the morning and afternoon);
- 14 licenced work vehicle movements per day (based on two trips daily in the morning and afternoon);
- Two additional nursery truck movements per week.

The total number of vehicle movements generated by the proposal per week is estimated to be 158 movements, equalling 28 movements per day (26 for four of the six working days). This is based on two movements per vehicle per day and has been considered as the worst-case scenario.

The TIS quotes the Western Australian Planning Commission's Transport Assessment Guidelines for Development (Vol. 4) which states that *"Where a traffic increase as a result of a proposed development is less than 10% of the current road capacity, it would not normally have a material impact."*

Boomerang Road is designated as an "Access Road" in accordance with the Main Roads WA Road Hierarchy. Access Roads generally have the capacity to carry a volume of 3,000 vehicles per day (28 trips is 0.93% of the roads capacity). The TIS states that at peak usage times the proposal *"would have no material impact on the surrounding road capacity. This is particularly the case given that King Road is designated as a "Regional Distributor Road" and Gossage Road a "Local Distributor Road," and due to the conservative method that weekly traffic generation has been calculated"*.

The TIS also considers that vehicles have in excess of 50m sightlines in each direction when exiting the site and no safety concerns have been identified.

Officers have considered the TIS, and also the current condition of Boomerang Road which is depicted following:



Officers initially raised concerns that, even with a time limited approval of four years, there was a need to improve the current standard of the road to meet the operational needs of the proposed development such as the transport depot. In Council's consideration of the matter at the November meeting, the applicant presented a deputation seeking deferment of their item to enable them to provide new information to better define the access arrangements and potential road impacts associated with the proposed transport depot.

This has resulted in the applicant submitting new technical information, prepared by traffic engineering firm Cardo, to define:

- Current road conditions and volumes;
- Crash history data and driver behaviour analysis;
- The expected volumes and type of traffic associated with the transport depot use;
- In response to this technical data, what recommended improvements to the infrastructure of Boomerang Road should occur.

Officer consideration of further analysis undertaken by applicant

The further analysis submitted by the applicant has addressed issues of traffic volumes, driver behaviours and safety analysis. Key points from the technical information is identified below, along with an Officer comment:

Additional information	Officer response
<p><i>The proposed development is expected to generate up to 28VPD (Worst Case scenario), with a more likely average traffic generation of 40 vehicles per week (8VPD). This indicates that the traffic generated by the proposed development (some of which is existing) would only contribute less than 6.5% of the existing traffic along Boomerang Road. Under the WAPC Transport Assessment Guidelines for</i></p>	<p>Based on volumes less than 10%, demonstrable road impact is usually within acceptable limits. However, Officers note that despite lower traffic generation numbers, there is still the concern regarding safety that needs consideration. This is due to the current single width bitumen standard of Boomerang Road, and how modified driver behaviour is required along such roads within the Shire.</p>

Additional information	Officer response
<p><i>individual developments, developments that generate such a low traffic volume are noted to be unlikely to result in adverse transport impacts on the surrounding area.</i></p>	
<p><i>The majority of vehicles were travelling along Boomerang Road at a high speed. Occasionally, when two vehicles travelling in opposing directions would meet within the road section, both vehicles would adjust their speed and move further left onto the unsealed shoulder to allow each other to pass.</i></p>	<p>Officers note that this is an important driver behaviour to ensure safety. Officers note however that <u>no advisory signage</u> current exists to specifically emphasise and raise awareness of this narrow road, and why this kind of driver behaviour is needed. Signage to this affect would address this concern. Also, evidence points to drivers travelling at lower speeds are able to more safely move to the left when faced with an oncoming vehicle. Having signage that both identifies a narrow road and includes an advisory (yellow and black) speed limit would be a required minimum standard in this regard.</p>
<p><i>The subject road section is relatively straight with minimum vertical displacement, which provides drivers from both directions with excellent line of sight. This allows drivers sufficient reaction time when an opposing vehicle is observed. As such, no significantly hazardous behaviour by drivers was noted</i></p> <p><i>Although the rare interaction between opposing drivers and their courteous behaviour indicates that the road environment is currently sufficient to accommodate the existing traffic volume along Boomerang Road safely, full upgrade to the road should be considered to improve road safety.</i></p> <p><i>A review of the most recent 5-year crash history shows a single 'Property Damage Only' crash being recorded within the relevant Boomerang Road section. The crash has been reported as occurring late afternoon in July 2017 during wet conditions. The crash involved only a single vehicle and has been identified as "Swerving: To Avoid Animal". There is insufficient evidence to indicate whether this crash could have been avoided had a 7.0m wide sealed pavement width existed.</i></p> <p><i>As such, there does not appear to be any indication by crash history that Boomerang Road is a significant safety concern.</i></p>	<p>Officers concur that evidence on crash history shows only a single crash, which appears to not be attributable to the road condition. During this time, the transport depot operated (albeit without its prerequisite approval) in place.</p> <p>Officers note that documented driver behaviours demonstrate a general awareness to the road condition, and that there is no specific safety issue evidenced by recent crash data.</p>

Officers have reviewed the additional information and concur with the findings as being technically sound.

Considering the recommended time limited approval of 4 years and the updated information relating to traffic generation and safety analysis, Officers consider that while a road upgrade condition is still warranted, the extent of this upgrade should be modified.

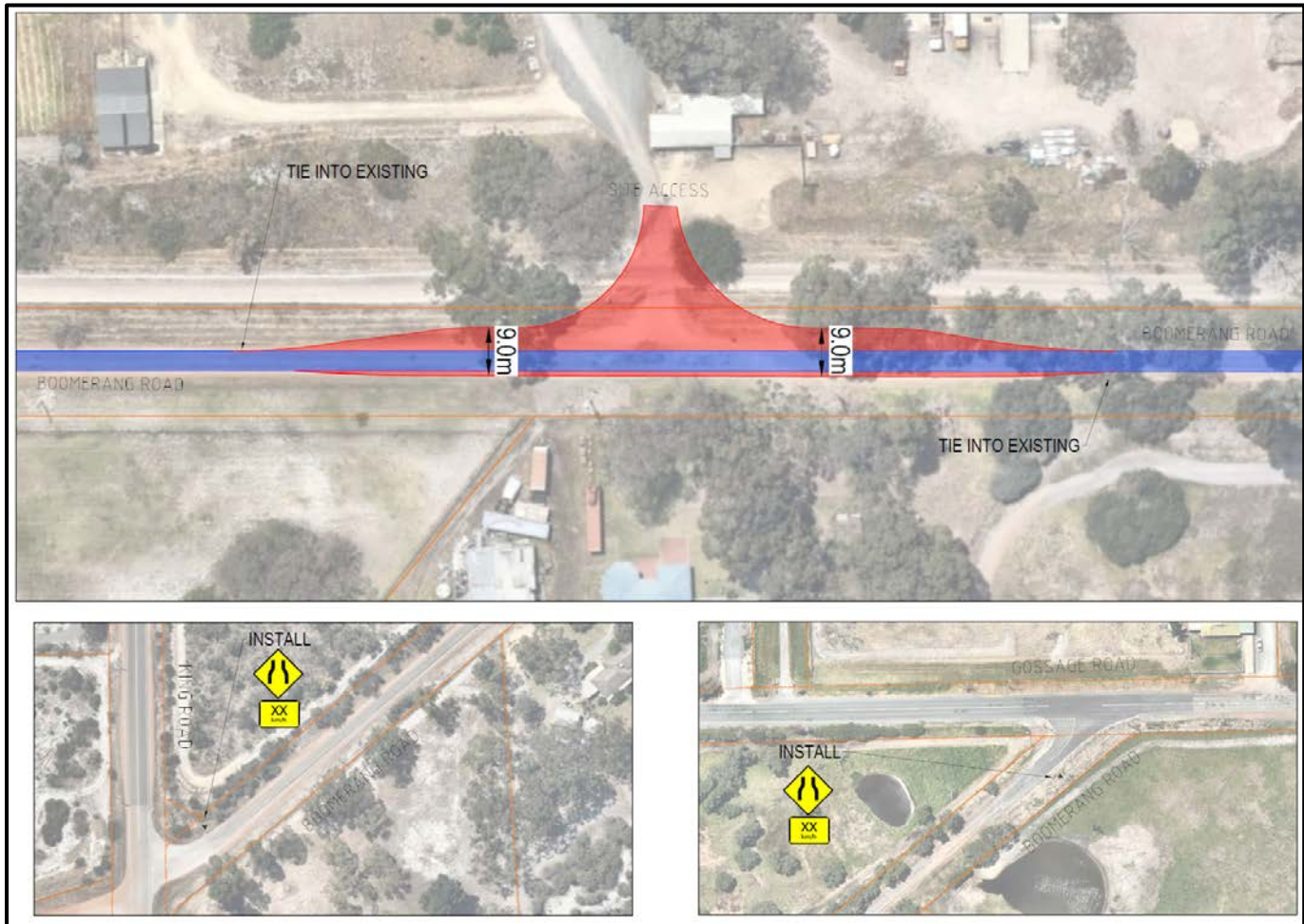
The original recommended condition pointed to a widening of the whole western length of Boomerang Road, given the absence of evidence of driver behaviour and crash data. This evidence now points to a more appropriate infrastructure response.

This modified road upgrade condition should reflect such evidence, resulting from the review of the technical information that has now been submitted.

This modified road upgrade condition is recommended to ensure the following upgrade elements occur:

1. In order to assist with heavy vehicles turning into and out of the site, and allow vehicles to pass safely at that point, the property crossover to Boomerang Road and the road section 30m east and west of that crossover should be upgraded to a 7m carriageway with compliant taper length.
2. There should be the installation of "Narrow Road" advisory signage to warn drivers unfamiliar with the one lane wide paved road environment.
3. Advisory speed drop tags of 50km/h or 60km/h should be added to the signs.

This is graphically shown following:



It should be noted that this is still subject to Council discretion of the matter. Officers gave no indication in meeting with the applicant following deferral of the original application, other than to communicate the further analysis requested.

Built Form

The application seeks retrospective approval for an existing outbuilding incidental to the residential house. The outbuilding measures 30 x 15 m (450m²) with a wall height of 6.17m and a ridge height of 7.20m. The outbuilding was previously approved under delegated authority in 2014 but was subsequently built in a slightly different location.

Officers note that large outbuildings are commonplace within rural areas and the appearance of these can be mitigated through siting, design and landscaping. Due to the existing setbacks, it is considered that the proposed shed would not adversely impact on the amenity of the streetscape or that of neighbouring properties.

Amenity

Environmental Protection Authority (EPA) - Guidance Statement No.3

The *Environmental Protection Authority's Guidance Statement 3 - Separation Distances between Industrial and Sensitive Land Uses* (Guidance Statement), sets out generic separation distances between industrial land uses and sensitive land uses.

Clause 2.3 of the Guidance Statement defines a sensitive land use as:

"Land use sensitive to emissions from industry and infrastructure. Sensitive land uses include residential development, hospitals, hotels, motels, hostels, caravan parks, schools, nursing homes, child care facilities, shopping centres, playgrounds and some public buildings".

The separation distance recommended between a 'Transport Depot' and sensitive land uses is 200m. The off-site health and amenity impacts associated with a 'Transport Depot' is primarily noise. Figure 5 below identifies that there is one sensitive receptor within the generic 200m separation distance which is a dwelling located at Lot 10, 133 Boomerang Road, approximately 70m from the development site.



Figure 5: Separation Distance

Given the location of a sensitive premises within the generic separation distance, an Acoustic Assessment is required to be undertaken to ensure there would be no adverse

impact on the residents of this dwelling. At this stage, the report has not been undertaken. The application details that noise levels are not expected to exceed that of a typical rural property and that machinery stored on site will remain stationary except where loading and unloading occurs. On the basis of a time limited approval of four years, Officers do not recommend a further acoustic assessment be undertaken given the intended transition after four years.

Options and Implications

Option 1

That Council APPROVES the development application for the 'Transport Depot' and the 'Plant Nursery' at Lot 101, 132 Boomerang Road, Oldbury, subject to a time limited approval of four years for the 'Transport Depot' and normal conditions otherwise.

Option 2

That Council APPROVES the development application for the 'Transport Depot' and the 'Plant Nursery' at Lot 101, 132 Boomerang Road, Oldbury, with no time limited approval for the 'Transport Depot' and normal conditions otherwise.

Option 3

That Council REFUSES the development application for the 'Transport Depot' and the 'Plant Nursery' at Lot 101, 132 Boomerang Road, Oldbury, for reasons stated.

Option 1 is recommended.

Conclusion

The application seeks approval for a 'Transport Depot' (involving the parking of commercial vehicles and machinery associated with a civil and earthmoving business) and a 'Plant Nursery' on 'Rural' zoned land. It is considered that the 'Plant Nursery' is consistent with the objectives of the rural zone and would not adversely impact on the character or amenity of the area or that of surrounding landowners. The 'Transport Depot' is recommended for a time limited approval of four years, given it is aligned with the objectives of an industrial zone rather than the objectives of a rural zone. A time limited approval will enable a transition over time to an appropriately zoned industrial precinct within the Shire, being West Mundijong or Cardup Business Park.

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: The 'Transport Depot' is recommended for a time limited approval of four years, given it is aligned with the objectives of an industrial zone rather than the objectives of a rural zone. The 'Plant Nursery' is consistent with the objectives of the rural zone and would not adversely impact on the character or amenity of the area or that of surrounding landowners.			
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 type="checkbox"/>	NO <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Comment: The land use of transport depot is more aligned with the objectives of an industrial zone rather than the objectives of a rural zone and therefore only a temporary approval of four years should be considered. The 'Plant Nursery' is considered a 'rural pursuit' and is compatible with the zone.			
c) any approved State planning policy	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Comment: The proposed land use for the transport depot does not have sufficient relationship rural activities, and thus not sufficiently reflective of the policy framework under SPP2.5. State Planning Policy 2.1 (SPP2.1) Peel-Harvey Coastal Plain Catchment - Officers are satisfied that the management of stormwater and spill could be carefully managed so as to not cause any unacceptable risk to the environment.			
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 type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			
h) any structure plan, activity centre plan or local development plan that relates to the development	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" 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 checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Comment: T			
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 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	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: The proposed shed would not adversely impact on the amenity of the streetscape or that of neighbouring properties.			
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 type="checkbox"/>	NO <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Comment: the proposal for the transport depot is considered to appear at odds with the objectives of the rural zone rural character of the area and therefore only a temporary approval of four years should be considered. The 'Plant Nursery' is considered a 'rural pursuit' and is compatible with the zone.			
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: No Further landscaping is proposed as part of the application			
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 type="checkbox"/>	NO <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Comment;			
r) the suitability of the land for the development taking into	YES	NO	N/A

account the possible risk to human health or safety	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comment:			
s) the adequacy of –	YES	NO	N/A
I. The proposed means of access to and egress from the site; and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
II. Arrangements for the loading, unloading, manoeuvring and parking of vehicles			
Comment: Traffic has been assessed as part of the application. Officers have considered the TIS, and also the current condition of Boomerang Road. See Traffic section of the main report. A condition has been included requiring the upgrade of Boomerang Road to accommodate the projected traffic and the type of traffic to be generated by the proposal.			
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	NO	N/A
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comment: Officers have considered that even with a time limited approval of four years, there is a need to improve the current standard of the road to meet the operational needs of this development. A condition to upgrade the road has been included. (See traffic section of the main report.			
u) the availability and adequacy for the development of the following –	YES	NO	N/A
I. Public transport services	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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			
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	NO	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Comment:			
w) the history of the site where the development is to be located	YES	NO	N/A
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<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	NO	N/A
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comment:			
y) any submissions received on the application	YES	NO	N/A
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comment: Refer to consultation section of assessment.			
Za) the comments or submissions received from any authority consulted under clause 66	YES	NO	N/A
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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:			