

Technical Report			
TRIM Number:	PA20/164	Synergy Number:	
Lodgement Date:	20 February 2020	DAU Date:	
Address:	Lot 801 Thomas Road, Oakford		
Proposal:	Extension of commencement timeframe 'Rural Travel Stop'		
Land Use:	'Service Station', 'Produce Store' and 'Veterinary Establishment'	Permissibility:	'SA', 'AA' and 'AA'
Owner:	V and T Borrello		
Applicant:	Harley Dykstra		
Zoning:	'Rural'	Density Code:	R2
Delegation Type:	N/A	Officer:	Heather O'Brien
Site Inspection:	Yes		
Advertising:	N/A		
Outstanding Internal Referrals:	N/A		
External Referrals:	Yes - MRWA		
Within a Bushfire Prone Area:	Yes		

Introduction:

A planning application was received 20 February 2020 to extend the period which development must be substantially commenced for an approved Rural Travel Stop at Lot 801 Thomas Road, Oakford. The approval expired on 26 March 2020 and the application seeks to extend the approval period by a further 2 years. This would result in the development being required to be substantially commenced by 26 March 2022.

The subject lot is zoned 'Rural' in accordance with the Shire's Town Planning Scheme No. 2 (TPS2). The proposed rural travel stop comprises of land uses that are capable of approval in the 'Rural' zone in accordance with TPS2 however not under draft LPS3.

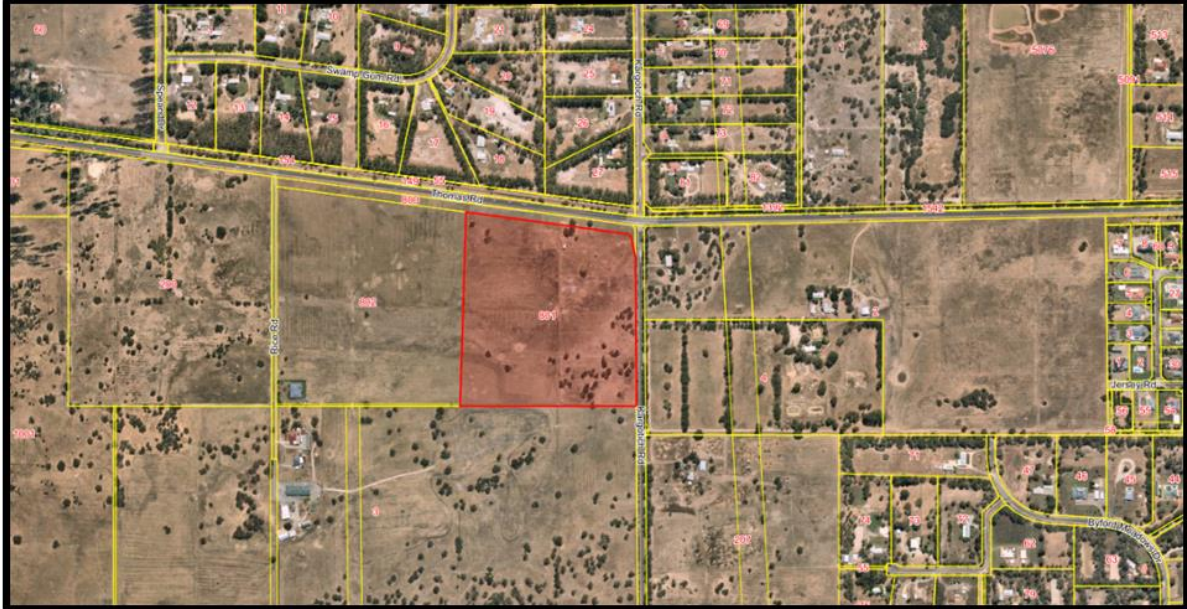
A report is being presented to Council given Council has considered all previous development applications and extension of time requests for the proposal. The report recommends that the extension of time be refused, for the reasons outlined in the report.

Background:

Existing Development:

The subject site is located to the south of Thomas Road and the west of Kargotich Road, in Oakford. On 26 March 2018, Council approved a development application for a Rural Travel Stop which expired on 26 March 2020.

The current use of the subject land is rural in nature, historically being used for pastoral and grazing purposes. Lots south of Thomas Road are generally rural with rural residential development located approximately 450m to the south-east. Lots to the north of Thomas Road are also generally rural residential.



The development was initially approved by Council in 2013, however at this meeting a full suite of conditions were not imposed. The matter was presented to Council again in 2014 with a list of recommended conditions and the application was approved. In 2015 an approval was granted by Council to extend the commencement timeframe of this development. Following consultation with Main Roads Western Australia (MRAW) in relation to the intersection upgrade at Kargotich Road/Thomas Road, the applicant amended the site layout which was approved by Council in 2018. It is the 2018 approval that is subject to an extension of time request under the current application.

Proposed Development

The application seeks to extend the period which development must be substantially commenced from 26 March 2020 to 26 March 2022. The 'Rural Travel Stop', as approved, incorporates a fuel outlet and convenience store with accompanying rural stores and services. These additional stores will consist of a rural stock feeds store and veterinary clinic.

The application also includes truck and caravan/trailer parking facilities as well as a gazebo and proposed barbeque area with a fenced playground to the south of the lot, directly across from the proposed veterinary clinic and rural stock feeds store. The applicant advised that the overall theme and intention of the Rural Travel Stop is to reflect the rural character of the area and will comprise of a rural theme that is different to other more urban or commercial style service stations.

The Service Station will consist of the following:

- Floor Area measuring 33.43m x 11.87m
- Four Standard Fuel Bowsers servicing up to eight vehicles
- Three Truck Fuel Bowsers; and
- Sales area, kitchen, office, feed storage areas (freezer, cool and dry), plant room and male and female toilets.

The rural stock feeds store and veterinary clinic building comprising of 33.43m in length and 11.87m in width and would provide services to the surrounding rural area in terms of rural supplies and animal health care. A revegetation strip is also proposed in the form of a garden along the northern and eastern boundaries of the lot. The opening hours of the 'Service Station' would be limited to 5.00am to 9.00pm seven days a week.

Access to the site would be facilitated by the construction of a roundabout at the Thomas Road/Kargotich Road intersection by Main Roads Western Australia (MRWA).

Community / Stakeholder Consultation:

As the application seeks an extension to the commencement timeframe only there is no legislative requirement for advertising, in accordance with Clause 77 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Deemed Provisions). It is considered that any concerns raised surrounding the use and works have been previously addressed and the extension of time should be assessed against any changes to the current planning framework.

Consultation with other Agencies or Consultants

Main Roads Western Australia

MRWA has no objections to the extension of time.

Statutory Environment

Legislation

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

State Government Policies

- Draft South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million
- State Planning Policy 1 – State Planning Framework
- State Planning Policy 2.5 – Rural Planning
- State Planning Policy 4.2 – Activity Centres

Local Policies

- Shire of Serpentine Jarrahdale Town Planning Scheme No.2
- Rural Strategy Review 2013
- Draft Local Planning Strategy
- Draft Local Planning Scheme No.3

Planning Assessment

Development (Local Planning Schemes) Regulations 2015 to “amend the approval so as to extend the period within which any development approved must be substantially commenced.

In assessing such an application, consideration should be given to the following:

- Whether the planning framework has changed substantially since the development approval was granted, and if so how does this affect consideration of the application;
- Whether the development would likely receive approval now; and
- Whether the holder of the development approval has actively and relatively conscientiously pursued the implementation of the development approval.

Land Use:

The subject site is zoned ‘Rural’ under the Shire’s TPS2. The purpose and intent of the ‘Rural’ zone is to *“allocate land to accommodate a full range of rural pursuits and associated activities conducted in the Scheme area”*.

In determining whether this application is capable of approval under TPS2 it is necessary to consider the appropriate land use classification for the proposal with reference to the definitions provided for in Appendix 1 of the TPS2.

Within the use classes defined within TPS2, the proposal includes a ‘Service Station’, ‘Veterinary Establishment’ (veterinary clinic) and ‘Produce Store’ (rural stock feeds store). The uses are defined as follows:

‘Service Station’:

land and buildings used for the supply of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs and minor mechanical repairs and may include a cafeteria, restaurant or shop incidental to the primary use; but does not include transport depot, panel beating , spray painting , major repairs or wrecking.

‘Veterinary Establishment’:

land and buildings used for, or in connection with, the treatment of sick animals and includes accommodation of sick animals

‘Produce Store’:

land and buildings where in fodders, fertilisers and grain are displayed and offered for sale”

The service station will comprise of petroleum products and a retail component, which falls within the above definition of ‘Service Station’, which is an ‘SA’ use, which means that *“Council may, at its discretion, permit the use after notice of the application has been given in accordance with Clause 64 of the deemed provisions”*.

The veterinary clinic will provide animal health care which falls within the above definition of ‘Veterinary Establishment’ which is an ‘AA’ use, which means that *“Council may, at its discretion, permit the use.”*

The rural stock feeds store will provide rural supplies which falls within the above definition of ‘Produce Store’ which is an ‘AA’ use, which means that *“Council may, at its discretion, permit the use”*.

Whether the planning framework has changed substantially since the development approval was granted, and if so how does this affect consideration of the application

Since the approval of the development, the Shire has advertised a proposed Local Planning Strategy and proposed Local Planning Scheme No.3, following a detailed process of receiving consent to advertise from the WAPC. In the opinion of Officers, the Shire is seriously considering adopting both, and that both have reached a stage that constitute a seriously entertained planning proposal and are therefore relevant matters for consideration as to orderly and proper planning. These are included on the June Council meeting agenda for Council to consider the outcomes of submissions.

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

Schedule 2, Part 9, Clause 67(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires a Local Government to consider the principles of orderly and proper planning including any proposed Local Planning Scheme.

At its Ordinary Council Meeting of 18 December 2017, Council resolved to proceed to advertise LPS3 subject to a number of modifications. One of these modifications sought to amend the Zoning Table to change ‘Service Station’ from an ‘A’ use (discretionary subject to advertising) to an ‘X’ use (prohibited) within the ‘Rural’ zone.

This was subsequently amended and the land use of ‘Service Station’ is proposed to be prohibited in the ‘Rural’ zone in accordance with proposed LPS3. The ultimate zoning under the proposed LPS3, as guided by the proposed Local Planning Strategy, is for the land to be Rural.

Accordingly, ‘Service Station’ is designated a prohibited use under the proposed zoning of ‘Rural’ under proposed LPS3, and the intended longer term zoning of Rural under the draft Strategy.

The objectives of the ‘Rural’ zone under LPS3 are:

- *“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.”*

The objectives of rural land under the draft LPS are to provide for a full range of rural uses, tourism, rural enterprise and the preservation of the rural character. The LPS emphasises the importance of protecting large rural lot sizes for agriculture.

It is considered that the proposal is generally inconsistent with the objectives of the ‘Rural’ zone under the LPS and LPS3 except *“to provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.”* As the LPS and LPS3 have been formed upon ‘Service Station’ as a prohibited use in the Rural zone, it is not a permissible non-rural use.

The LPS and LPS3 have however introduced the use class of a Road House, which is defined as:

“premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services –

- (a) a full range of automotive repair services;*
- (b) wrecking, panel beating and spray painting services;*
- (c) transport depot facilities;*
- (d) short-term accommodation for guests;*
- (e) facilities for being a muster point in response to accidents, natural disasters and other emergencies.”*

The freeway service centre is defined as:

“premises that has direct access to a freeway and which provides all the following services or facilities and may provide other associated facilities or services but does not provide bulk fuel services –

- (a) service station facilities;*
- (b) emergency breakdown repair for vehicles;*
- (c) charging points for electric vehicles;*
- (d) facilities for cyclists;*

- (e) restaurant, cafe or fast food services;
- (f) take-away food retailing;
- (g) public ablution facilities, including provision for disabled access and infant changing rooms;
- (h) parking for passenger and freight vehicles;
- (i) outdoor rest stop facilities such as picnic tables and shade areas.”

Given the intended proposed LPS3 framework; and that in the opinion of Officers the Shire is seriously considering adopting it; and that both the proposed LPS3 and proposed Local Planning Strategy have reached a stage that constitute a seriously entertained planning proposals; there must be serious consideration given to them in assessing this application for an extension of time.

The applicant has stated in the submission that *“Whilst LPS 3 is a ‘seriously entertained planning proposal, it is not determinative of the permissibility of land uses included as part of the Rural Travel Stop in this application.”*

Should Council support an extension of time, and should the use of ‘Service Station’ proceed as a prohibited use in the ‘Rural’ zone under the proposed LPS3, Clause 22(1)(b) of proposed LPS3 would protect a non-conforming use right to carry out the development in the stated circumstances below:

22. Non-conforming uses

- (1) Unless specifically provided, this Scheme does not prevent -
 - (a) the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or
 - (b) the carrying out of development on land if -
 - (i) before the commencement of this Scheme, the development was lawfully approved; and
 - (ii) the approval has not expired or been cancelled.

As mentioned above, it is worth noting again that as part of the preparation of LPS3, a land use of ‘Roadhouse’ is included which is not within TPS2. ‘Roadhouse’ is an ‘A’ use in the ‘Rural’ zone and therefore is capable of approval subject to advertising. The definition of ‘Roadhouse’ is a *“premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services –*

- (a) The full range of automotive repair services;
- (b) Wrecking. Panel beating and spray painting services;

- (c) *Transport depot facilities;*
- (d) *Short-term accommodation for guests;*
- (e) *Facilities for being a muster point in response to accidents, natural disasters and other emergencies.”*

Based on this definition, for a development to be considered a ‘roadhouse’ it must provide the services of facilities provided by a freeway service centre. These are listed under LPS3 as the following:

- (a) *“Service station facilities;*
- (b) *Emergency breakdown repair for vehicles;*
- (c) *Charging points for electric vehicles;*
- (d) *Facilities for cyclists;*
- (e) *Restaurant, café or fast food services;*
- (f) *Take-away food retailing;*
- (g) *Public ablution facilities, including provision for disabled aces and infant changing rooms;*
- (h) *Parking for passenger and freight vehicles;*
- (i) *Outdoor rest stop facilities such as picnic tables and shade areas.”*

The subject development does not include (b), (c), (d) or (g) above and therefore could not be considered a ‘Roadhouse’ in its current form. Furthermore, if the application was amended to include these services, the proposal does not take “direct access” from a state road and therefore to be considered this land use, the access arrangement would be required to be reconfigured so that access was taken from Thomas Road. The applicant has advised that this is not an option, based on advice from MRWA. Council could resolve to refuse the application based on the land use permissibility under LPS3.

This appears a more orderly and proper approach to take at this point, given that the draft LPS and LPS3 have specifically sought to prohibit service stations in the ‘Rural’ zone on the basis of their incompatibility with the objectives of the zone, and the intended function of land use in the rural areas of the Shire.

With regard to the approved land uses of ‘Veterinary Establishment’, under LPS3 this land use is considered a ‘Veterinary Centre’ defined as “*premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders*”. This use is an ‘A’ use in the ‘Rural’ zone under LPS3 therefore is considered consistent.

A ‘Produce Store’ is not a land use under LPS3, and is considered to fit within the land use ‘trade supplies’ under LPS3 as follows:

means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for any of the following purposes including goods which may be assembled or manufactured off the premises –

- (a) *automotive repairs and servicing;*
- (b) *building including repair and maintenance;*
- (c) *industry;*

- (d) landscape gardening;*
- (e) provision of medical services;*
- (f) primary production;*
- (g) use by government departments or agencies, including local government.*

The specific mention of primary production is considered to best fit 'trade supplies' to the current land use approved as 'produce store'. 'Trade supplies' is an 'A' use which may be approved in the 'Rural' zone subject to advertising and the exercise of discretion to permit the development.

Whether the development would likely receive approval now

As mentioned, since the approval of the development by Council, the Shire has advertised a proposed Local Planning Strategy and proposed Local Planning Scheme No. 3, following a detailed process of receiving consent to advertise from the WAPC. The Shire is seriously considering adopting both, and that both have reached a stage that constitute a seriously entertained planning proposal and are therefore relevant matters for consideration as to orderly and proper planning.

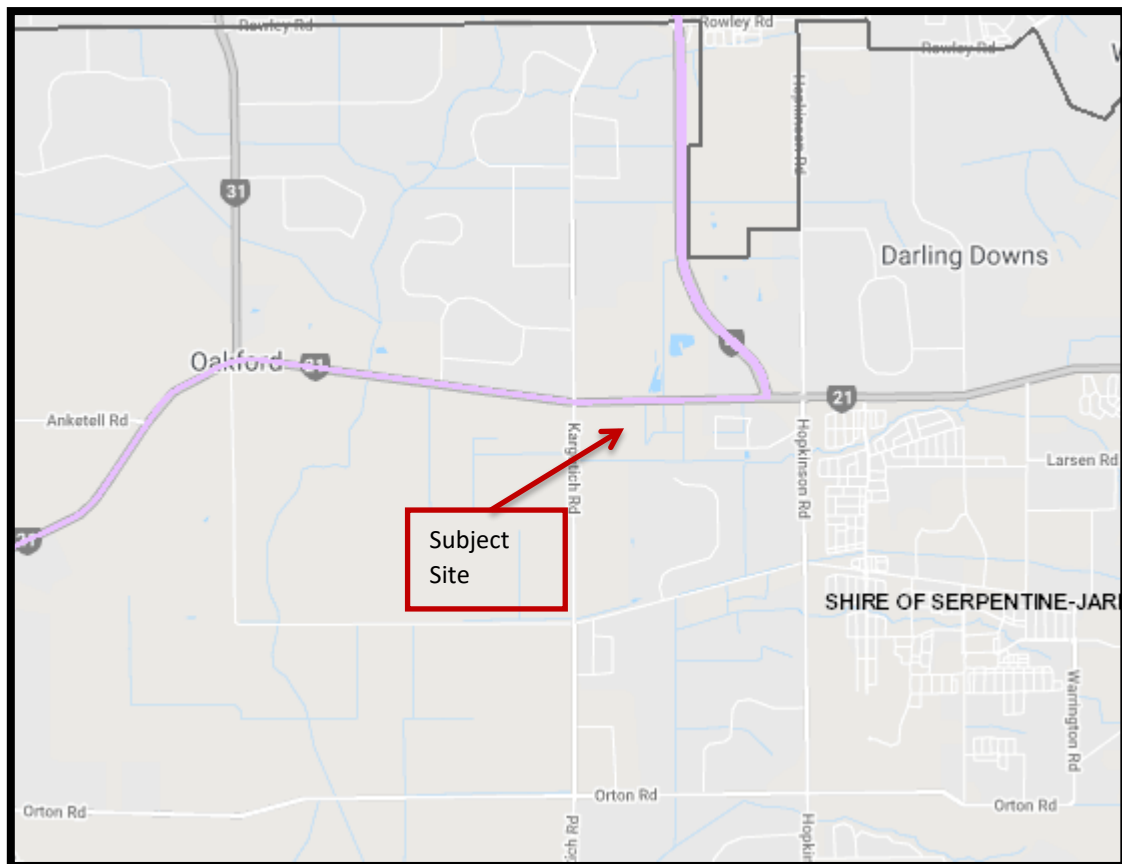
Officers do not hold the opinion that approval of the application would be received now unless the proposal was amended to fall within the definition of 'roadhouse', which as previously stated would involve the inclusion of the additional services and relocation of the access. This is primarily on the basis that the 'Service Station' component of the development is a prohibited use in the 'Rural' zone. As this component also does not meet the definition of 'road house', it would be unable to be considered.

Transport Network and Traffic

The subject site is located with Thomas Road running along the northern boundary and Kargotich Road to the east. Currently, freight traffic coming through the Shire from the Kwinana Port travels east onto Thomas Road, past the subject site, and then either north to the Tonkin Highway or East to South Western Highway.

The Department of Transport's Westport Project is currently undertaking an investigation to provide guidance to the State Government on the port, rail, road and intermodal facilities required to deliver a solution to Perth's future infrastructure needs. The strategy focuses on the inner harbour at Fremantle, the outer harbour at Kwinana and the southern port at Bunbury.

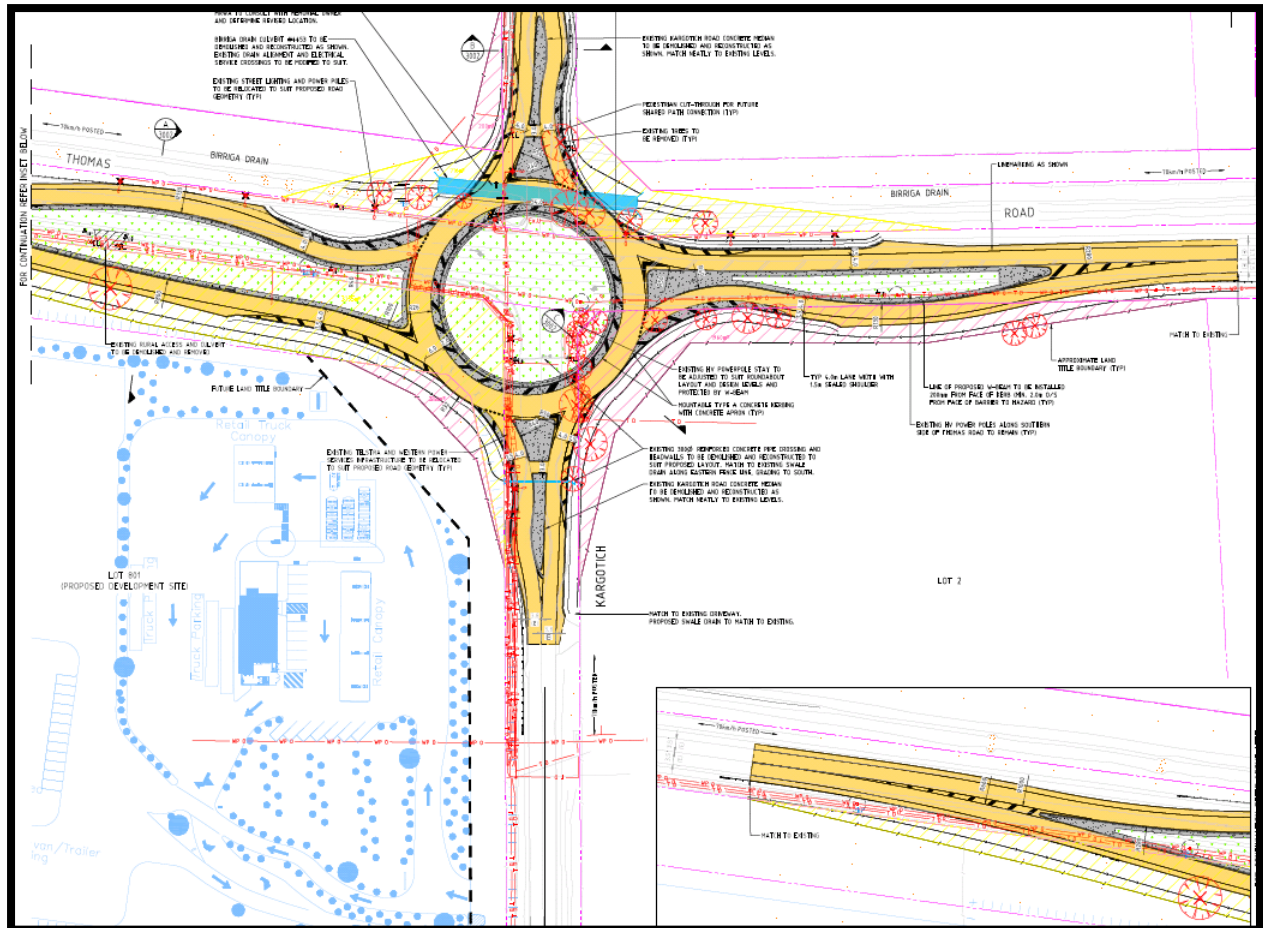
As part of this investigation, Anketell Road and Thomas Road have been identified as a potential freight route to service additional port facilities. These roads would facilitate east-west distribution to Kwinana Freeway and Tonkin Highway. The proposed upgrading of Anketell road is currently at design stage by MRWA.



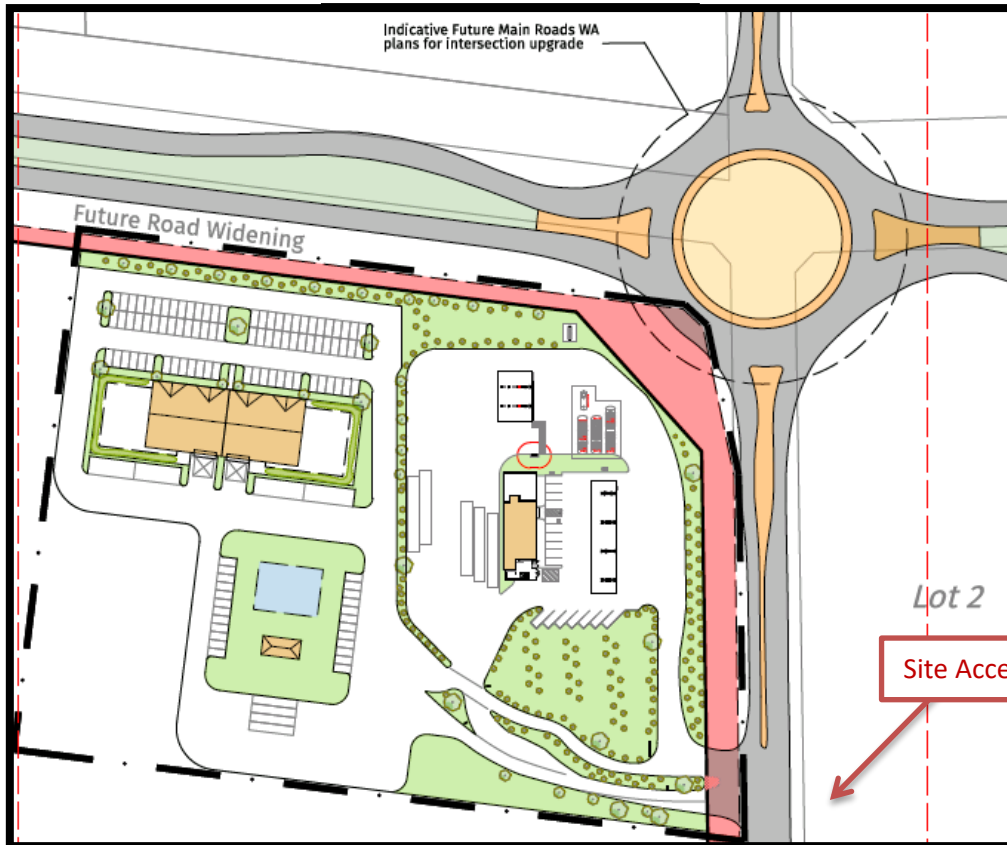
RAV 7 Road Network

The subject site is located within this road network to provide a service for freight and passenger traffic. The proposal has been designed to accommodate access and parking for heavy vehicles up to 36.5m in line with the anticipated increase in traffic volume and size of vehicles.

MRWA are proposing to construct a roundabout at the intersection of Thomas Road and Kargotich Road. This roundabout is planned to be constructed in late 2021 to early 2022, as advised by MRWA. The current design of this intersection is shown on the figure below:



The layout of the site has been designed around the future roundabout. Access and egress to and from the site is proposed from Kargotich Road setback a sufficient distance from the roundabout to ensure traffic safety to the satisfaction of MRWA, as shown in the figure below:



It is considered that the access arrangements and traffic generation are consistent with the road network and can be adequately accommodated.

This however also means that the proposed development could not meet the definition of a 'road house' given a 'road house' means premises that has direct access to a State road other than a freeway

Whether the holder of the development approval has actively and relatively conscientiously pursued the implementation of the development approval

The applicant has advised as part of the application submission that the delay on commencement of the development has resulted from the pending design and construction of the road network upgrades.

Conclusion

The application seeks approval to extend the commencement timeframe of an approved Rural Travel Stop for a further two years. The proposal would require the development to be substantially commenced by through to 26 March 2022 in lieu of 26 March 2020. Since the approval of the development by Council, the Shire has advertised a proposed Local Planning Strategy and proposed Local Planning Scheme No. 3, following a detailed process of receiving consent to advertise from the WAPC. The Shire is seriously considering adopting both, and that both have reached a stage that constitute a seriously entertained planning proposal and are therefore relevant matters for consideration as to orderly and proper planning.

Officers do not hold the opinion that approval of the application would be received now unless the proposal was amended. This is primarily on the basis that the 'Service Station' component of the development is a prohibited use in the 'Rural' zone. As this component also does not meet the definition of 'road house', it would be unable to be considered. For the reasons discussed in the report, the proposal is not supported.

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

Land Use:

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"/>
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Comment: Land use can be considered under TPS2. Although the proposal is not considered a 'rural pursuit' it can be carried out alongside traditional agricultural uses. Clause 5.10 of TPS2 states the objectives of the 'Rural' zone, as follows:

"to allocate land to accommodate the full range of rural pursuits and associated activities conducted in the Scheme Area".

It is considered that the proposed land uses are consistent with the objectives of the 'Rural' zone because the development services the needs of the community and has the provision of rural services at its core. The proposal has Council approval under TPS2.

Parking

Parking is to be located around the north and south of the trafficable area and around the edge of the service station. The proposal requires 67 car bays as per the below table. The application proposes 136 car bays, resulting in a 69 car bay surplus.

Development	Requirement	Total Bays Required
Service Station	1.5 per service bay Plus 1 per staff member	12 x 1.5 + 3 = 21
Veterinary	6 per practitioner	2 x 6 = 12
Rural Stock Feeds	1 per 15m ²	496.23/15 = 33.082
		67 Bays Required

It is noted that the parking spaces have been provided in excess of the requirements. The proposal also includes a number of trailer, caravan and truck bays, allowing for the potential future growth of the uses.

There are no other development standards for development in the Rural zone under TPS2.

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	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
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considering adopting of approving			
<p>Comment: Inconsistent draft LPS3 and draft LPS – refer to LPS3 and LPS section of assessment</p> <p><u>Rural Strategy</u></p> <p>The subject site is identified as being part of the Rural Policy Area under the Rural Strategy Review (2013), which provides the following key objectives of the Rural Policy Area:</p> <p><i>“To retain and maintain traditional agricultural uses in this policy area.”</i></p> <p><i>“To promote alternative agricultural uses, particularly those that have less land degradation and higher commercial viability.”</i></p> <p><i>“To prevent the further fragmentation of land through subdivision and thus retain the remaining large lots of future rural use.”</i></p> <p><i>“To retain and enhance the rural lifestyle and character of the area.”</i></p> <p><i>“To protect Local Natural Areas and encourage revegetation.”</i></p> <p>The proposal received approval previously, the Rural Strategy Review has not changed since the issuing of the approval.</p>			

c) any approved State planning policy	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<p>Comment:</p> <p>SPP2.5 - Rural Planning</p> <p>The purpose of this policy is <i>“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.”</i></p> <p>The policy also recognises the need to provide economic opportunities for rural communities. It is considered that in this case the proposal provides for an economic opportunity whilst maintain a large lot size that would be capable of facilitating rural activities consistent with the objectives of the policy. The proposal has already been granted approval by Council and the proposal seeks an extension of the commencement timeframe only. This policy was in force at the time of the previous approval.</p> <p><u>SPP3.7 – Planning in Bushfire Prone Areas</u></p>			

The intent of SPP3.7 is to *'implement effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.'* The policy requires for a Bushfire Management Plan to be submitted to include a BAL Assessment/BAL Contour Map and an assessment against the criteria under *'The Guidelines for Planning in Bushfire Prone Areas'* to address: Location; Siting and Design of Development; Vehicle Access; and Water. As part of the previous approval this BMP was required through the imposition of a condition. Officers consider that the criteria under the Guidelines and the required BAL can be achieved to result in consistency with the SPP.

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 checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: The proposal achieves the required separation distances subject to the restriction of hours of operation.			

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"/>
Comment: <i>Shire of Serpentine Jarrahdale Local Planning Policy 24 – Designing Out Crime</i> Local Planning Policy 24 – Designing Out Crime aims to encourage development within the Shire to incorporate designing out crime principles which when applied effectively are likely to support the reduction in actual and perceived crime and anti-social behaviour. The Shire's Policy approach to designing out crime includes the following five elements:			

- Surveillance;
- Access Control;
- Territorial reinforcement;
- Target hardening (security); and
- Management and maintenance.

The surveillance element is based on people being less likely to engage in anti-social and crime behaviour when they can be seen. A key to providing surveillance is to ensure clear sightlines to public realm areas from adjacent buildings. The relevant public realm is the nearby Thomas Road and Kargotich Road reserves. The proposed development is likely to provide for passive surveillance in the form of vehicle traffic.

Access control refers to using built form to mark borders and transitional zones to deter movement of illegitimate users into a protected space. Shire Officers do not consider this element to be relevant to this development as there is no area which could be considered a protected space.

Territorial reinforcement is the use of physical features designed to express ownership and control of the environment and delineate semi-private and public spaces. Shire Officers consider this element to have little relevance to the proposed development as it is more appropriate for a development which includes residential development with private, communal and public spaces.

The objective of target hardening is to ensure that buildings are secure and access is denied to offenders. Shire Officers do not consider this element to be relevant to the proposed development. Designing out crime principles have been applied to the development and should reduce the need for target hardening to occur.

Management and maintenance seeks to remove indicators of crime and the use of lighting, painting and vegetation management to create a cared-for environment that can reduce the fear of crime and encourage legitimate behaviour. This element is likely to be achieved by tenants of the site as damage or graffiti would have to be removed for commercial reasons. The site will be required to be well lit to facilitate safe vehicle circulation.

Shire Officers are satisfied that the proposed development addresses the five elements of crime prevention, predominantly due to considerate building design.

Shire of Serpentine Jarrahdale Local Planning Policy 58 – Bicycle Facilities in Urban Developments

This Policy applies to all land use development applications for planning approval including change of use applications, particularly in urban areas. Although the subject site is not within an urban area, as a development application has been submitted, this policy applies.

As the proposed land uses are not listed in Schedule 1 of this Policy, clause 7.8 states that Applicants shall consult with Council in regards to the required provision of Bicycle Facilities.

Shire Officers consider there to be a low demand for bicycle parking facilities generated by the proposed development, due to its isolated location and tendency to be frequented by motor vehicles. For example the service station will be utilised by motorists to refuel, animals are likely to be transported in vehicles to the vet, and the collection of rural supplies is likely to involve motor vehicles due to the predominantly bulky nature of the goods being purchased.

Shire Officers therefore consider the provision of ten short term bicycle facilities to be appropriate, given the significant majority of visitors to the site will be travelling in motor vehicles.

Local Planning Policy 1.6 – Public Art for Major Developments

A monetary contribution was conditioned as part of the previous approval for the establishment of public art in accordance with Council's Local Planning Policy No.59 - Public Art Policy for Major Developments to the satisfaction of the Shire prior to occupation of the development.

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: The proposal is inconstant with draft LPS3 - refer to assessment.			

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:			

Development:

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"/>
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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"/>
<p>Comment: The proponent is seeking to develop a service station located 52.1m from Kargotich Road. The proposed station will comprise of standard vehicle and truck bowzers including four bowzers servicing up to eight vehicles and three truck fuel bowzers. A convenience store will be attached to the service station and measures 33.42m in length and 11.87m in width which comprises of a sales area, kitchen, office, feed storage areas and associated service yard.</p> <p>Two rural outlets are proposed as part of the application and are located to the west of the proposed service station. The proposed produce store and veterinary establishment are aimed at providing services to the surrounding rural area in rural supplies and animal health care. The opening hours of both facilities will occur from 5.00am to 9.00pm seven days a week and this was conditioned on the latest approval. The built form was approved as is proposed under the previous approval.</p>			

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"/>
<p>Comment: The <i>Environmental Protection Authority, Guidance for the Assessment of Environmental Factors, Separation Distance between Industrial and Sensitive land Uses</i>, recommends a generic buffer of 50 metres for service stations that operate during normal hours, i.e. Monday – Saturday from 0700-1900 hours. It should be noted that for 24 hour operations a generic buffer of 200m is required.</p> <p>The applicant has not provided any site specific technical studies for known impacts such as noise, odour and gaseous emissions. It was therefore recommended that operating hours restrictions are placed on the service station. Had the proposal been supported, that condition would have been recommended to remain.</p>			

Dust is only a consideration during the construction phase of this development, as surfaces will be sealed or landscaped as shown on the development plans. A condition of planning approval requiring a dust management plan would be an appropriate measure to ensure the development does not impact on visitors to the site or neighbouring properties had the application been able to be supported.

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



NO



N/A



Comment: The applicant had undertaken an investigation into the services available to the site. It is proposed that a reticulated water supply will be extended from the nearby rural-residential subdivision development located along Thomas Road approximately 1km to the east of the subject land. The reticulated water supply will service all the buildings within the proposed development and provide supplementary supply for fire management and landscape reticulation.

The site is not currently connected to reticulated sewerage supply and as a result, the proposal would have to adopt onsite effluent disposal or methods with the installation of alternative treatment unit systems.

Drainage

It is proposed that drainage from the proposed building within the surrounding landscape garden areas of the proposed buildings will be via a combination of soakwell systems and sub-soil drainage shallow swales. It is noted that the system will include inline pollutant traps so that any driveway pollutants will be captured and disposed of appropriately off-site. A requirement of any development approval would be that all stormwater drainage is captured and treated on-site and that prior to the commencement of development a drainage management plan would be required to be submitted for approval if the proposal were supported.

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



NO



N/A



The site plan illustrates revegetation in the form of a garden along the northern and eastern boundaries of the lot with an approximate total length and width of 733m and 5m.

While this landscaping is considered to be appropriate, further specific detail is required, to ensure that landscaping is provided to a satisfactory standard.

q) the suitability of the land for the development taking into

YES

NO

N/A

account the possible risk of flooding, tidal inundation, subsidence, landslip, bushfire, soil erosion, land degradation or any other risk	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comment: The proposal is considered capable of being consistent with SPP3.7 – Planning in Bushfire Prone Areas.			

r) the suitability of the land for the development taking into account the possible risk to human health or safety	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" 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, manouvering and parking of vehicles	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Access arrangements are to the satisfaction of Officers subject to the consent of Main Roads Western Australia.			

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: The road network is considered capable of accommodating generated traffic subject to the intersection/road upgrades to be carried out by MRWA.			

u) the availability and adequacy fir 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 checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: the proposal would provide additional retail use for the local community.			

w) the history of the site where the development is to be	YES	NO	N/A
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located	<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 <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment:			

y) any submissions received on the application	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment: The application was not advertised however previous community concerns are considered to have been addressed as part of the 2018 approval.			

Za) the comments or submissions received from any authority consulted under clause 66	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: MRWA has no objections			

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:			