



10.1.3 - Proposed ‘Educational Establishment’ - Lot 9 Watkins Road, Mundijong (PA23/388) - AMENDED	
Responsible Officer:	Manager Statutory Planning and Compliance
Senior Officer:	Director Development Services
Disclosure of Officer’s Interest:	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

Authority / Discretion

Quasi-Judicial	When Council determines an application/matter that directly affect a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
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Proponent: Harley Dykstra
 Owner: David and Kristy White
 Date of Receipt: 2 June 2023
 Lot Area: 2.18ha
 Local Planning Scheme No. 3 Zoning: ‘Urban Development’
 Metropolitan Region Scheme Zoning: ‘Urban’

Report Purpose

The purpose of this report is for Council to consider a development application for an ‘Educational Establishment’ (Secondary School) at Lot 9 Watkins Road, Mundijong. The development includes the construction of three classrooms accommodating 50 students and other associated buildings, and tree removal which coincides with where development is proposed. The proposal also includes the use of the existing dwelling as an administration office and caretaker’s residence, car parking and outdoor recreation / play areas.

Seven submissions, including six objections and one letter of support, were received during the advertising process with concerns raised relating to traffic congestion, amenity / environmental impacts and anti-social behaviour. The application is presented to Council as Officers do not have delegated authority to determine development applications where more than two submissions raising either planning objections or planning concerns on an application have been received, in accordance with Delegated Authority 12.1.1 - Determination of Development Applications.

Contact Us

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In Person
 Shire of Serpentine Jarrahdale
 6 Paterson Street, Mundijong WA 6123
 Open Monday to Friday 8.30am-5pm (closed public holidays)





For the reasons discussed in the report, it is considered that the proposal is consistent with the planning framework and the concerns raised in the objections can be mitigated. As such, it is recommended that Council approve the application subject to conditions.

Relevant Previous Decisions of Council

There are no previous Council decisions relating to this application.

Background

Existing Development:

The subject site is a rural residential lot that has an area of 2.18ha. There is an existing dwelling and associated outbuilding sited near the midpoint of the Watkins Road frontage. Vegetation is scattered across the site, however the north-east section is mostly cleared. Canopy trees extend along most of the Watkins Road frontage and along the north-west side boundary. There are two crossovers which are connected by a loop driveway.

The site is located approximately 500m to the south-east of the Mundijong Town Centre and 180m east of the railway line. It has access to local services and facilities, being on the edge of the town centre with direct footpath connectivity and pedestrian rail crossing infrastructure in place. The adjoining property to the west is a garden and landscaping supplies centre, while remaining properties are used predominantly for rural lifestyle purposes.



Figure 1- Subject site and surrounds



Proposed Development

The application seeks approval for the development of an 'Educational Establishment' (Secondary School). Details are as follows:

Buildings and works

- New buildings include three classrooms, kitchen / home goods, three sheds, ablutions, chicken coop, Falai / Samoan hut and five water tanks;
- The existing dwelling is proposed to be used as an administration office and caretaker's dwelling;
- Five sheds with the largest shed to be used as a workshop;
- One water tank is to be retained;
- Parking area including 14 car bays and a 60 seat bus bay;
- Bicycle facilities in front of the administration building;
- Footpath network connecting the various buildings;
- Three gardens, livestock area and compost area;
- Vegetation removal to facilitate the planned development, in the form of 11 trees and shrubs.

Operation and Use

- Maximum of 50 students between the ages of 12 and 20; five staff members and two caretakers that live on-site;
- The school's philosophy is to place a focus on specialized outdoor education and activities, which are not offered in mainstream schools;
- The school aims to engage students with an alternative approach by offering classes in horticulture, cooking, agriculture and sustainability, with linkages and partnerships with the surrounding rural based economy of the Shire;
- The school would operate between 8.30am to 5.00pm from Monday to Friday, with most students arriving by bus or being dropped off by parents and guardians;
- The new secondary school will represent an additional campus, separate from the one operating in Kelmscott. Students would not be travelling between the two campuses during school hours;
- The existing house will be retained and redesigned to accommodate administration and appropriate facilities for two permanent caretakers, who will be responsible for looking after livestock and ensuring vegetation is managed to enable the education pathways associated with rural based uses (horticulture, sustainability, etc.).

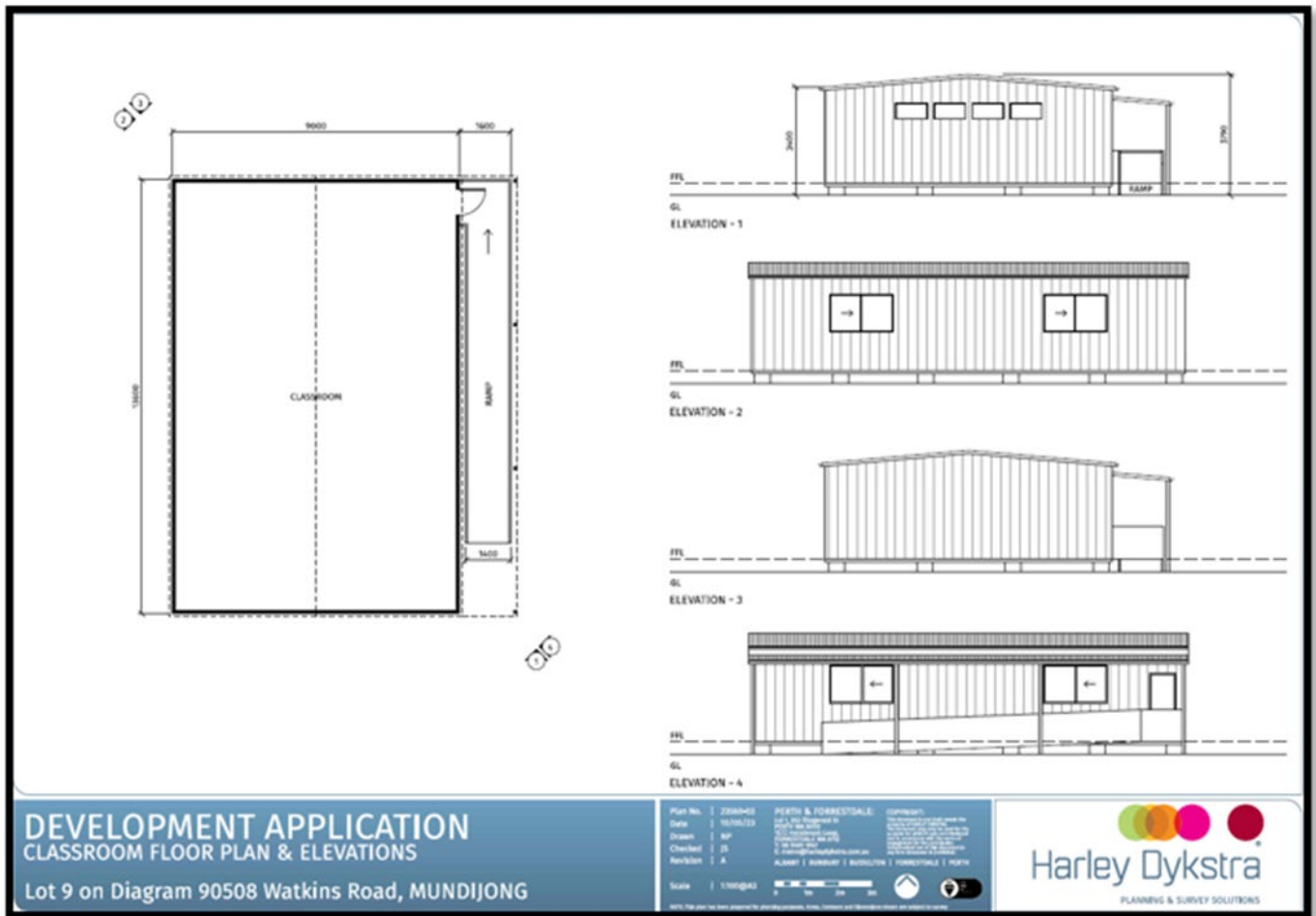


Figure 3- Classroom floor and elevation plans

Community / Stakeholder Consultation

The application was advertised to landowners within a 500m radius of the site for a period of 21 days, in accordance with Local Planning Policy 1.4 - Public Consultation for Planning Matters (LPP1.4). During the advertising period, a total of 14 submissions were received, three supporting the proposed development and ten objecting.

One submission received supported the proposed development, however provided feedback regarding black cockatoo habitats to be protected.

The concerns raised are summarised below. The full submissions along with the applicant's response is contained within **amended attachment 2**.

- Insufficient information in relation to the operation of the school (including student numbers) and location of the site in relation the local road network.

Officer Comment

The submitted planning report states that the maximum number of students will be 50. The report also discusses how the school will operate. This information formed part of the information that was advertised. The broader road network is shown in the submitted Traffic Impact Statement, which assessed the proposed development.

- Increased traffic volumes along Watkins and Mundijong Road and poor vehicle access to the site.



Officer Comment

The Traffic Impact Statement sets out that the road network is capable of accommodating the additional traffic generated by the development and safe access to the site can be achieved.

- Insufficient car parking for students, staff, visitors and maintenance personnel.

Officer Comment

The car parking allocation for the site is consistent with the requirements under Local Planning Scheme No. 3, and is therefore sufficient for a school of the size proposed. The majority of students are not of legal driving age, and therefore will not be driving and parking on the site during the school day.

- The area should be used for housing and not a school.
- The site is not a residential area and a school will impact quiet rural living.

Officer Comment

Schools are located within residential areas, given they provide a service to local student catchments and the broader community. Schools need to therefore be proximate and accessible, with road connectivity to ensure efficient safe management of traffic and pedestrians, in a manner that does not impact amenity. The subject land is designated for Residential under the Mundijong District Structure Plan, therefore making an educational establishment a use that can be considered. Assessment of such takes account of the objectives of the zone, and the degree to which any amenity impacts can be mitigated.

- Lack of infrastructure / essential services including reticulated water and sewage.

Officer Comment

The whole of Mundijong is not serviced by reticulated sewer, so all forms of development must rely on onsite effluent disposal. Officers are satisfied that wastewater can be managed onsite, in accordance with the requirements of the Department of Health. Also, the use of water tanks as a source of drinking water is considered to achieve sustainability objectives.

Given the limits of no more than 50 students plus five staff members and two caretakers, it is noteworthy to compare that to the likes of the Shire Administration Building (110 plus staff) and Court Grammar (in excess of 1,200 students and staff). Both these more intensive uses are able to operate safely using available onsite effluent disposal technologies, which demonstrates the capability of this development to also do the same given its lesser scale.

- Absence of Emergency Management Plan.

Officer Comment

A Bushfire Emergency Evacuation Plan has been submitted with the application and is recommended to be endorsed to form part of any approval.

- Insufficient ablution facilities.

Officer Comment

A condition of approval is included to provide the full details of ablution facilities, which are required to be provided in accordance with the National Construction Code.

- Juvenile offenders attending the school and anti-social behaviour.



Officer Comment

The school facilitates alternative teaching pathways which re-engage young people into learning. The student program is intensively staffed and managed, to ensure success for students and positive partnerships with the surrounding community. While noting the concerns about antisocial behaviour, the approach presented in the application (with a focus on small and intensive student teaching), is considered to mitigate risk of this occurring.

- Black cockatoo feeding / breeding areas should be protected at all times.

Officer Comment

The site plan shows areas of native trees with evidence of Black Cockatoo foraging to be protected.

- Reduction in property values.

Officer Comment

This is not a relevant planning matter.

Department of Education

This proposal is noted, and it is not anticipated that it will impact the school site planning currently underway in the area. The Department has no in principle objections to the proposal.

Department of Fire and Emergency Services (DFES)

DFES has provided a submission seeking clarification or modifications to aspects of the Bushfire Management Plan in relation to:

- Vegetation classification;
- The extent of tree removal required for the asset protection zone; and
- The fact that sheds are located in BAL-FZ

DFES Built Environment Branch

- *“BEB has advised that as a number of the buildings appear to be Class 9b, plans will need to be provided to DFES Built Environment Branch for assessment as required by Regulation 18B of the Building Regulations 2012 (as amended).*
- *Recommendation - compliance with Acceptable Solutions not demonstrated - modification required.*
- *It is critical the bushfire management measures within the BMP are refined to ensure they are accurate and can be implemented to reduce the vulnerability of the development to bushfire.*
- *1. The development design has not demonstrated compliance to -*
 - *Element 1: Location; and*
 - *Element 2: Siting and Design.*

Officer comment:

The applicant submitted an amended Bushfire Management Plan to address concerns raised by DFES. The proposed shed located near the east side boundary determined to have a BAL FZ has been relocated to the eastern side of the chicken coop. These submissions are discussed further under the relevant heading of the report.



Statutory Environment

Legislation

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

State Government Policies

- State Planning Policy 7.0 - Design of the Built Environment
- State Planning Policy 3.7 - Planning in Bushfire Prone Areas
- Operational Policy 2.4 - Planning for School Sites

Local Planning Framework

- Local Planning Scheme No. 3
- Local Planning Strategy
- Local Planning Policy 1.4 - Public Consultation on Planning Matters Policy
- Local Planning Policy 1.6 - Public Art for Major Developments
- Local Planning Policy 4.16 - Landscape and Vegetation Policy

Planning Assessment

A comprehensive assessment has been undertaken in accordance with Clause 67 of the *Planning and Development Regulations 2015*. The assessment can be viewed as part of **attachment 3**. For the purpose of this report, discussion is confined to key issues or where Council is required to exercise discretion.

Land Use

The proposed development falls within the 'Educational Establishment' land use under Local Planning Scheme No.3 and is defined as:

'Educational Establishment- means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution.'

The site is located within the 'Urban Development' Zone and an 'Educational Establishment' is a 'D' use which means that the use is only permitted if the local government has exercised its discretion by granting development approval.

Local Planning Scheme No. 3

As stated above, the subject site is located within the 'Urban Development' Zone and the objectives of this zone are as follows:

- *To provide an intention of future land use and a basis for more detailed structure planning in accordance with the provisions of this Scheme.*
- *To provide for a range of residential densities to encourage a variety of residential accommodation.*
- *To provide for the progressive and planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development.*

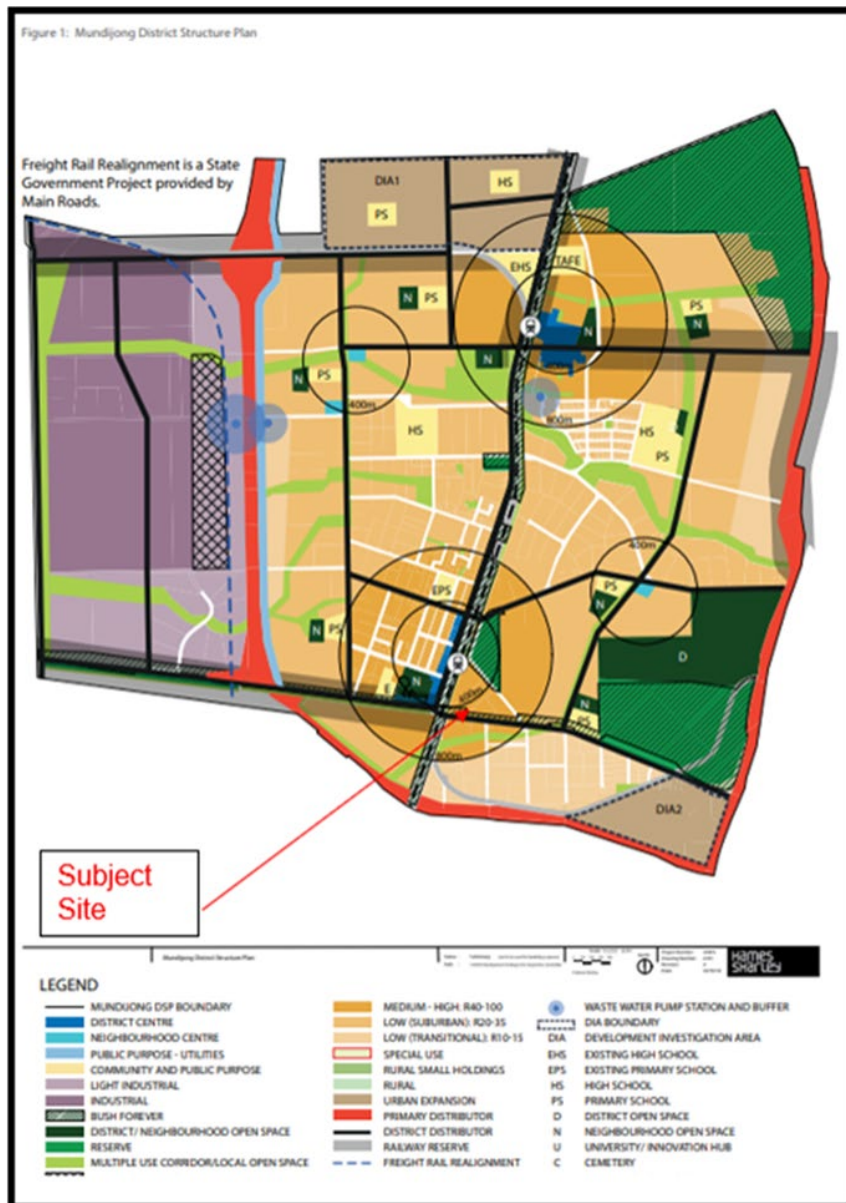


- To provide an intermediate transitional zone following the lifting of an urban deferred zoning within the Metropolitan Region Scheme.

An Educational Establishment is generally consistent with the above objectives and specifically is considered to be a use that is normally associated with residential development. Schools provide a service to local student catchments and the broader community. Schools therefore need to be proximate and accessible, and are designed to be integrated compatibly with residential neighbourhoods. The proposed location, with good road connectivity, ensures efficient safe management of traffic and pedestrians, in a manner that does not impact amenity. It is considered to be aligned to the objectives of the zone.

Mundijong District Structure Plan (DSP)

The subject site is identified as Residential 'Medium-High R40-100' under the DSP and falls within Local Structure Plan Precinct C. Precinct C has been separated into three sub precincts, of which the subject site falls within Precinct C3 which consists of five lots held in separate ownership. This has resulted in more manageable land areas to enable the preparation of future LSPs.





It is important that to acknowledge that the DSP allows discretion to be exercised when considering development applications prior to the preparation and approval of a LSP. In this case, it is considered that the proposed school with only 50 students is not a major educational facility that would likely prejudice the future preparation of an LSP for the precinct. The LSP would also be prepared on the basis of the DSP designation, which (as previously stated) allows for the subject land use to occur subject to approval being granted. Further, the subject site is located on a main road (Watkins Road) within easy walking distance of the town centre and public transport along Paterson Street, and is considered a suitable location for a small secondary school.

Operational Policy 2.4 – Planning for School Sites

The objectives of this operational policy seek to:

- *To make provision for school sites and other education facilities and services related to community needs;*
- *To establish the preferred location and design elements for school sites and other education facilities;*
- *To ensure that school sites are developable, serviceable and have suitable and safe access;*
- *To ensure that the design and layout of the movement network around school sites provides for the safety of pedestrians, cyclists and road users, and encourages active transport;*
- *To achieve efficient use of land, facilitate supplementary and complementary land uses on site, encourage appropriate adjacent and surrounding land uses and encourage the co-location of community infrastructure where feasible;*
- *To promote adaptable re-use of government school sites as a key response to fluctuating population and demographic demands, and facilitate the retention of school sites (assets) for re-use in the longer term in lieu of short-term disposal.*

In respect of the policy, it is noted that:

- While the site has an area below that usually associated with a public high school, the intended development is for a small private high school, with a focus on alternative rural and outdoor based curriculum. Whereas Byford Secondary College, for example, requires 10ha in order to accommodate its 1,500 student and staff community, this proposal is for a maximum of 50 students plus staff (five staff members and two caretakers), with a bespoke curriculum that aligns with the natural setting which the 2.18ha land size provides. Further, the development will retain pockets of native vegetation, while small scale rural pursuits (livestock) will provide for practical agricultural lessons in an outdoor setting.
- The site is level and therefore minimal earthworks are required to construct the development. A network of pathways have been incorporated into the design of the development that links the various classrooms with other buildings and facilities. The school layout also includes a playground, horticultural gardens and bushland.
- The site has a wide frontage along Watkins Road which provides direct access in opposite directions to Paterson Street to the west and South Western Highway to the east. An onsite car parking area has been provided in close proximity to the Watkins Road frontage. The car parking area also includes a bus bay located near the administration building. While the submitted plans do not show a designated drop off area for students, a condition of approval is recommended to require amended plans showing such facility.



- The site abuts three properties including large rural living properties to the north-east and north-west and a landscaping garden supplies business to the west. While the site does not currently abut a residential area, the adjoining land is designated 'Residential' under the DSP and will overtime transition to this opportunity. The classrooms, administration building and workshop are also well set back from lot boundaries, and protective of amenity in this regard.

Car Parking and Vehicle Access

Under LPS3 an 'Educational Establishment' is required to provide 14 parking bays per 100 students. The proposal seeks approval for a maximum of 50 students which requires seven bays, including the provision for staff parking. The proposed development would provide a total of 14 car parking bays resulting in a large surplus of parking.

From a Scheme perspective, the parking is more than sufficient to serve both staff parking (five) and student drop offs in the morning and pick-ups in the afternoon. A bus bay has also been provided that will assist with the transportation of students to and from the school and for school excursions. The two caretakers will be able to park their vehicles in the double carport that forms part of the existing dwelling / proposed administration office.

Notwithstanding the above, there may be times which the school could host an event, and therefore provision for overflow parking may need to be made. This is a common informalised feature of schools, and in this case the following area would be available for overflow:



Overflow parking area available



Additionally, the siting of a workshop (or any structure for that matter) in the middle of a car parking area is not an effective or safe design approach, due to the potential for compromising safety. Further, the siting of the bus bay and the anti-clockwise vehicle circulation does not provide a safe and convenient area for students to onboard and disembark the bus. It is considered safer and more efficient for vehicles to enter the site using a left hand turn when approaching from the west along Watkins Road, and likewise for vehicles to exit the site from the eastern crossover.

Given the surplus of car parking and flexible space in which to address a minor car park redesign, it is recommended that a condition of approval be imposed to require the following plan changes:

1. Relocation of the workshop from the car parking area;
2. One way traffic flow in a clockwise direction;
3. Provision of a designated student drop off / pick point;
4. Relocating of the bus bay to ensure students can enter / exit the bus directly from a pedestrian pathway without having to cross the car park / vehicle accessway;
5. Appropriate entry and exit signage;
6. Car park / vehicle accessway designed in accordance with AS/NZS 2890.1 Parking facilities - Off street car parking;
7. Designation of an overflow parking area.

Traffic

The application was submitted with an accompanying Traffic Impact Statement (TIS), prepared by Stantec Australia Pty Ltd. The TIS indicates the development would generate approximately 110 trips per day, comprising 55 trips during the peak hour periods. Watkins Road is designated as a 'Regional Distributor' road under the MRWA hierarchy and has a capacity of 18,000 to 20,000 vehicles per day. The traffic generated from the development is therefore less than 10% of its capacity and unlikely to have a material impact in accordance with the WAPC's Guidelines.

Overall, the TIS concludes that the proposed development of the educational establishment is unlikely to result in any substantial impact on the surrounding road network; where the background traffic is relatively low when compared with the overall road and intersection capacity. School zone signalling, will also assist in safe movement through the bend of Watkins Road that occurs in proximity of the railway crossing, which is considered to improve general safety at the peak time of drop off and pick up.

Officers are satisfied that the traffic impacts of the proposed development are not unreasonable and will not impact upon the functionality of the local road network in the short or long term.

State Planning Policy 3.7 - Planning in Bushfire Prone Areas

The subject site is located within a Bushfire Prone Area and subject to assessment under SPP3.7, which classifies Educational Establishments as 'vulnerable' land uses requiring the submission of a Bushfire Management Plan (BMP) to be jointly endorsed by the local government and the Department of Fire and Emergency Services (DFES). The BMP is required to achieve consistency with the Guidelines for Planning in Bushfire Prone Areas (Guidelines). As previously stated, DFES has provided a submission requiring modifications to be made to



the submitted BMP. An assessment against the elements of the Guidelines for Planning in Bushfire Prone Areas (Guidelines) in relation to DFES submission follows.

Location, Siting and Design:

The BMP identifies that the development would be in an area with a BAL rating of BAL-12.5 subject to the maintenance of an asset protection zone (APZ), with the exception of the Folai / Samoan Hut (BAL 29). DFES has queried the classification of vegetation within Plot 3 of the BMP, stating that the photographic evidence provided requires substantiating. DFES has commented that the entire lot (including areas of significant vegetation protected for Black Cockatoo foraging) has been included in the APZ however the applicant has confirmed that management of foraging areas will be completed in accordance with the BMP and Clause 2.2.3.2 of AS3959. Officers have undertaken further assessment of the vegetation including the canopy cover and foliage and are satisfied that the correct classification has been used within the BMP. No further modifications are therefore recommended in this regard.

Further, DFES has commented that the vegetation within the verge along the southern boundary of the site has been classified as Class A Forest however this area has been excluded as per AS3959. The applicant has responded by stating that this vegetation is a single line of trees and once internal management / maintenance has been complete then the trees will be considered to be low threat vegetation under Clause 2.2.3.2 of AS3959 and therefore excluded. A condition is recommended to ensure the development is consistent with the BMP to ensure this is this case.

Vehicular Access:

The Guidelines require for development to have two-way access from a site in case of a bushfire. The subject site has direct access to Watkins Road which is constructed of bitumen, not less than 6m wide and provides vehicle access to Wright Road and Paterson Street to the west and South Western Highway to the east. Therefore, the location of the site and existing road network permit suitable access and egress for the community and emergency services personnel in the event of a bushfire.

Provision of Water:

An existing water tank is present on the site and five additional tanks are proposed. The water tank adjacent to the administration building will be dedicated for firefighting purposes and constructed and maintained to meet the requirements outlined in the Guidelines.

Local Planning Policy 1.6 - (LPP 1.6) - Public Art for Major Developments

The objective of LPP1.6 is to facilitate public art to enhance public enjoyment, engagement and understanding of places through the integration of public art. The policy sets out the requirements for physical or financial contributions for public art for any development valued at \$1 million or greater. The Officer recommendation includes a condition of approval for the provision public art.

Local Planning Policy 4.16 - Tree Retention and Planting

The proposed development is subject to landscaping requirements under the provisions of LPP4.16. A Tree Removal Plan has been submitted which shows the removal of 11 trees and shrubs however no Landscaping Plan has been submitted. A condition requiring a Landscaping Plan has been recommended, which will allow the detailed design of landscape areas to be refined prior to operation and to replace the trees lost through the development.



Development Contributions (DCA1)

This development falls within the development contribution area DCA3 (the Mundijong-Whitby). Private education establishments are liable for development contributions as a non-residential development.

Under a development application (as opposed to a subdivision), contributions are calculated on the current lot area on which the development is situated, giving a lot "yield" for the site. The liability to pay the contribution is triggered at the building permit stage, and thus the DCP payment will be applied as a condition needing to be met prior to the issue of a Building Permit.

Amenity

Visual

State Planning Policy 7.0 - Design of the Built Environment provides design principles for development context and character; landscape quality; built form and scale; functionality and build quality; sustainability; amenity; legibility; safety; community; and aesthetics.

In terms of the visual impacts of the development, the majority of the buildings are concentrated in the south west corner of the site. These buildings are mostly separated by open space, patches of canopy tree vegetation and pedestrian pathways. The administration / caretaker building will occupy the existing dwelling while the proposed classrooms / ablution block are relocatable structures that are modest in height and scale. Likewise, the proposed sheds and hut are also relatively modest structures. Further, views of the development from Watkins Road and adjoining properties will be mostly screened by vegetation both within and external to the site. It is considered that the design of the buildings would not adversely impact upon the existing rural character of the area or the future expected character.

A condition of approval is also recommended to require a schedule of colours and materials for external wall cladding and roof that enhance the rural and natural character of the Shire.

Noise:

The application was submitted with an accompanying Environmental Acoustic Assessment which states that the Educational Facilities Schedule 2 - Community Noise section of *Environmental Protection (Noise) Regulations 1997* allows for the emission of noise from the premises other than mechanical equipment (excluding musical instruments). However, if the community noise is increased and has a detrimental effect on the environment that exceeds the benefit to the community of the activity that gives rise to that noise, then the DWER may serve a noise control notice on the owner or occupier in respect of the community noise.

Notwithstanding the above, mechanical services associated with the educational facility would need to comply with the regulations or the assigned levels. The closest neighbouring residences are located at Lot 443 to the west, Lot 2 to the north-west and Lot 10 to the north east as shown in the aerial image following:



Figure 5- Plan Showing Nearest Sensitive Noise Receptors



The tables following demonstrates that emissions associated with the proposed education facility are compliant during operational hours.

TABLE 4.3 – ASSESMENT OF WORKSHOP NOISE LEVELS

Location	Assessable Noise Level, dB(A)	Assigned Noise Level, L _{A10} dB		Exceedance to Assigned Noise Level
		Time of Day	L _{A10} dB	
A – Lot 443	13	Day Period	45	Complies
B – Lot 2	12	Day Period	45	Complies
C – Lot 10	17	Day Period	45	Complies

TABLE 4.4 – ASSESMENT OF AQUAPONICS NOISE LEVELS

Location	Assessable Noise Level, dB(A)	Assigned Noise Level, L _{A10} dB		Exceedance to Assigned Noise Level
		Time of Day	L _{A10} dB	
A – Lot 443	5	Day Period	45	Complies
B – Lot 2	6	Day Period	45	Complies
C – Lot 10	17	Day Period	45	Complies

TABLE 4.5 – ASSESMENT OF MECHANICAL PLANT NOISE LEVELS

Location	Assessable Noise Level, dB(A)	Assigned Noise Level, L _{A10} dB		Exceedance to Assigned Noise Level
		Time of Day	L _{A10} dB	
A – Lot 443	19	Day Period	45	Complies
B – Lot 2	19	Day Period	45	Complies
C – Lot 10	25	Day Period	45	Complies

Further to the above, a Noise Management Plan (NMP) was submitted with the application to demonstrate compliance with 'State Planning Policy 5.4 - Road and Rail Noise' given that the subject site is located within 200m of the freight rail line. The results of the acoustic assessment concludes that noise received at the development from future traffic would not exceed noise level criteria and therefore there are no upgraded construction requirements.

Tree Removal

'Clause '4.7 Vegetation Removal' of LPS3 states that '*All vegetation removal requires the prior development approval of the local government ...*'. The proposal requires the removal of 11 trees and shrubs and therefore development approval is required for tree removal. The school layout seeks to retain the majority of onsite vegetation including native trees with evidence of Black Cockatoo foraging, however some buildings / vehicle access will require the removal of some trees and shrubs. The trees with evidence of Black Cockatoo foraging is depicted below:



The proposed tree removal is considered to be acceptable given the site is designated 'Residential' under the MDSP which anticipates a higher intensity of residential development that will inevitably require more extensive tree removal. Nonetheless, it is recommended that a condition of approval require the submission of a landscaping plan to maintain visual amenity and replace the lost trees.

Options and Implications

Option 1

That Council APPROVES the development application for an 'Educational Establishment' (including associated tree removal) at Lot 9 Watkins Road, Mundijong as contained in **attachment 1**, subject to the following conditions:

- The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent:

Plans and Specifications	Plans P1 to P8 received at the Shire's offices on 22 May 2023 and 8 September 2023 Traffic Impact Statement prepared by Stantec Australia Pty Ltd, dated 15 May 2023 Environmental Acoustic Assessment prepared by Herring Storer Acoustics, dated May 2023 SPP5.4 Noise Management Plan prepared by Herring Storer Acoustics, dated May 2023 Bushfire Management Plan prepared by Eco Logical Australia,
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dated 8 September 2023

Bushfire Emergency Evacuation Plan prepared by Eco Logical
Australia, dated 22 May 2023

2. The maximum number of students on the premises at any one time shall not exceed 50.
3. Operating hours are restricted to 8.30am to 5:30pm, Monday to Friday.
4. Plans submitted for a building permit are to demonstrate the following design changes to the satisfaction of the Shire of Serpentine Jarrahdale:
 - (a) Removal or relocation of the workshop from the car parking area;
 - (b) One way traffic flow in a clockwise direction;
 - (c) Provision of a designated student drop off / pick up point;
 - (d) Relocate of bus bay to ensure students can enter / exit the bus directly from a pedestrian pathway without having to cross the car park / vehicle accessway;
 - (e) Appropriate entry and exit signage;
 - (f) Car park / vehicle accessway designed in accordance with AS/NZS 2890.1 Parking facilities - Off street car parking;
 - (g) Car parking to incorporate landscaping consisting of low shrubs and groundcovers;
 - (h) Change room and shower facilities including a floor and elevation plans;
 - (i) Bin store appropriately screened from public areas;
 - (j) Schedule of colours and materials for each building that enhances the rural and natural character of the Shire;
 - (k) Designation of an overflow parking area.
5. Prior to the occupation of the development, vehicle parking areas, access ways and crossovers shall be designed, constructed, sealed, kerbed, drained, line marked in accordance with the approved plans and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale.
6. A minimum of one (1) car parking bay is to be provided and marked for the exclusive use of vehicles displaying government issued disabled parking permits. Such bays shall be located conveniently to the principal building entrance and designed in accordance with the relevant Australian Standard.
7. Prior to occupation of the development, a Landscaping Plan, showing all areas of retained vegetation and additional planting shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the Landscaping Plan shall be implemented in its entirety and maintained thereafter to the Shire's satisfaction.
8. Existing trees identified on the approved site plan to be retained, shall be otherwise protected in accordance with AS 4970-2009 unless otherwise approved by the Shire of Serpentine Jarrahdale.
9. Prior to issue of a Building Permit, a Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved development shall be in accordance with the approved Stormwater Management Plan.



10. Prior to issue of a Building Permit, an application to construct or install an apparatus for the treatment of sewage and the disposal of effluent and liquid wastes must be submitted and approved by the Shire of Serpentine Jarrahdale, in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.
11. Prior to issuing of a Building Permit, a Signage Strategy must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Strategy shall demonstrate compliance with Local Planning Policy No 4.11 - Advertising Signs. Once approved, signage shall be displayed and maintained in accordance with the strategy.
12. Prior to occupation, the provision of public art being provided in accordance with Local Planning Policy 1.6 - Public Art for Major Developments to the satisfaction of the Shire.
13. Prior to issuing of a Building Permit or commencement of works (whichever comes first), the landowner/applicant contributing towards development infrastructure provisions, pursuant to the Shire of Serpentine Jarrahdale Local Planning Scheme No. 3 (Local Government).
14. Arrangements being made with the Shire of Serpentine Jarrahdale for the landowner/applicant to contribute towards the costs of providing community and/or common infrastructure, as established through the Shire of Serpentine Jarrahdale Local Planning Scheme No. 3.
15. Prior to the commencement of the development, a Waste Management Plan must be submitted and approved by the Shire. Once approved, development must be in accordance with the approval Waste Management Plan.
16. Prior to the commencement of the development, a Construction Management Plan must be submitted and approved by the Shire. The Construction Management Plan must be prepared to address dust and noise from construction and traffic management during the peak periods. Once approved, the Construction Management Plan shall be adhered to in its entirety.
17. The keeping of animals shall not exceed the stocking rate guidelines recommended by the Department of Primary Industries and Regional Development for the applicable pasture types.

Option 2

That Council REFUSES the development application for an 'Educational Establishment' at Lot 9 Watkins Road, Mundijong as contained in **attachment 1** for the following reasons:

1. The proposed development may prejudice future structure planning of the associated sub-precinct, which may prevent certain planning outcomes being properly planned for.

Option 1 is recommended.

Conclusion

The proposed Educational Establishment and associated tree removal is considered to align with the current planning framework and would be capable of approval. Notwithstanding the objections, the proposed development is considered to be appropriate within the context in which its proposed. Officers support the proposed development and recommend Council approve the application.



Attachments (available under separate cover)

- 10.1.3 - attachment 1 - Development Plans (E23/12532)
- 10.1.3 - attachment 2 - Summary of Submissions (E23/7409)
- 10.1.3 – AMENDED attachment 2 – Amended Summary of Submissions (E23/13513)
- 10.1.3 - attachment 3 - Technical Assessment (E23/12487)

Alignment with our Strategic Community Plan

Outcome 3.1	A commercially diverse and prosperous economy
Strategy 3.1.1	Actively support new and existing local business within the district.
Outcome 4.2	A strategically focused Council
Strategy 4.2.1	Build and promote strategic relationships in the Shire's interest.

Financial Implications

Nil.

Risk Implications

Risk has been assessed on the Officer Options and Implications:

Officer Option	Risk Description	Controls	Principal Consequence Category	Risk Assessment			Risk Mitigation Strategies (to further lower the risk rating if required)
				Likelihood	Consequence	Risk Rating	
1	There are no significant risks associated with Option 1, and conditions are imposed to suitably manage the development and its ongoing operations.						
2	That Council refuses the application, and an appeal is lodged with the State Administrative Tribunal which requires independent planning representation in order to defend the decision.	Reasons for refusal reflecting valid planning concerns or variations.	Financial	Possible	Minor	MODERATE	Ensure that reasons for refusal are based on valid planning reasons.



Voting Requirements: Simple Majority

Officer Recommendation

That Council **APPROVES** the development application for an 'Educational Establishment' (including associated tree removal) at Lot 9 Watkins Road, Mundijong as contained in attachment 1, subject to the following conditions:

1. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of this consent:

Plans Specifications	and	Plans P1 to P8 received at the Shire's offices on 22 May 2023 and 8 September 2023 Traffic Impact Statement prepared by Stantec Australia Pty Ltd, dated 15 May 2023 Environmental Acoustic Assessment prepared by Herring Storer Acoustics, dated May 2023 SPP5.4 Noise Management Plan prepared by Herring Storer Acoustics, dated May 2023 Bushfire Management Plan prepared by Eco Logical Australia, dated 8 September 2023 Bushfire Emergency Evacuation Plan prepared by Eco Logical Australia, dated 22 May 2023
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2. The maximum number of students on the premises at any one time shall not exceed 50.
3. Operating hours are restricted to 8.30am to 5:30pm, Monday to Friday.
4. Plans submitted for a building permit are to demonstrate the following design changes to the satisfaction of the Shire of Serpentine Jarrahdale:
 - (a) Removal or relocation of the workshop from the car parking area;
 - (b) One way traffic flow in a clockwise direction;
 - (c) Provision of a designated student drop off / pick up point;
 - (d) Relocate of bus bay to ensure students can enter / exit the bus directly from a pedestrian pathway without having to cross the car park / vehicle accessway;
 - (e) Appropriate entry and exit signage;
 - (f) Car park / vehicle accessway designed in accordance with AS/NZS 2890.1 Parking facilities - Off street car parking;
 - (g) Car parking to incorporate landscaping consisting of low shrubs and groundcovers;
 - (h) Change room and shower facilities including a floor and elevation plans;
 - (i) Bin store appropriately screened from public areas;



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- (j) Schedule of colours and materials for each building that enhances the rural and natural character of the Shire;
- (k) Designation of an overflow parking area.
5. Prior to the occupation of the development, vehicle parking areas, access ways and crossovers shall be designed, constructed, sealed, kerbed, drained, line marked in accordance with the approved plans and thereafter maintained to the satisfaction of the Shire of Serpentine Jarrahdale.
 6. A minimum of one (1) car parking bay is to be provided and marked for the exclusive use of vehicles displaying government issued disabled parking permits. Such bays shall be located conveniently to the principal building entrance and designed in accordance with the relevant Australian Standard.
 7. Prior to occupation of the development, a Landscaping Plan, showing all areas of retained vegetation and additional planting shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the Landscaping Plan shall be implemented in its entirety and maintained thereafter to the Shire's satisfaction.
 8. Existing trees identified on the approved site plan to be retained, shall be otherwise protected in accordance with AS 4970-2009 unless otherwise approved by the Shire of Serpentine Jarrahdale.
 9. Prior to issue of a Building Permit, a Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved development shall be in accordance with the approved Stormwater Management Plan.
 10. Prior to issue of a Building Permit, an application to construct or install an apparatus for the treatment of sewage and the disposal of effluent and liquid wastes must be submitted and approved by the Shire of Serpentine Jarrahdale, in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.
 11. Prior to issuing of a Building Permit, a Signage Strategy must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Strategy shall demonstrate compliance with Local Planning Policy No 4.11 - Advertising Signs. Once approved, signage shall be displayed and maintained in accordance with the strategy.
 12. Prior to occupation, the provision of public art being provided in accordance with Local Planning Policy 1.6 - Public Art for Major Developments to the satisfaction of the Shire.
 13. Prior to issuing of a Building Permit or commencement of works (whichever comes first), the landowner/applicant contributing towards development infrastructure provisions, pursuant to the Shire of Serpentine Jarrahdale Local Planning Scheme No. 3 (Local Government).
 14. Arrangements being made with the Shire of Serpentine Jarrahdale for the landowner/ applicant to contribute towards the costs of providing community and/or common infrastructure, as established through the Shire of Serpentine Jarrahdale Local Planning Scheme No. 3.
 15. Prior to the commencement of the development, a Waste Management Plan must be submitted and approved by the Shire. Once approved, development must be in accordance with the approval Waste Management Plan.



Continued

**Ordinary Council Meeting – 16 October 2023 - 10.1.3 -
Proposed 'Educational Establishment' - Lot 9 Watkins
Road, Mundijong (PA23/388) - AMENDED**

- 16. Prior to the commencement of the development, a Construction Management Plan must be submitted and approved by the Shire. The Construction Management Plan must be prepared to address dust and noise from construction and traffic management during the peak periods. Once approved, the Construction Management Plan shall be adhered to in its entirety.**
- 17. The keeping of animals shall not exceed the stocking rate guidelines recommended by the Department of Primary Industries and Regional Development for the applicable pasture types.**