



Shire of  
Serpentine  
Jarrahdale

# Special Council Meeting

## Confirmed Minutes

6.30pm

Monday 8 October 2018

- Purpose:**
1. Proposed Service Station, Car Wash, Tyre Centre and Showroom at Lot 104, 3 Larsen Road, Byford;
  2. Proposed Service Station at Lot 12, 1537 Thomas Road and Lot 50 Nicholson Road, Oakford.

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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)



[www.sjshire.wa.gov.au](http://www.sjshire.wa.gov.au)



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The purpose of this Council Meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting. Persons should be aware that the provisions of the *Local Government Act 1995* (Section 5.25(1)(e)) and *Council's Standing Orders Local Law 2002 (as amended)* – Part 14, Implementing Decisions. No person should rely on the resolutions made by Council until formal advice of the Council resolution is received by that person.

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Minutes of the Special Council Meeting of the Shire of Serpentine Jarrahdale held on Monday 8 October 2018 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong.

The Shire President, Cr Rich declared the meeting open at 6.30pm and welcomed Councillors and Staff, and members of the gallery and media, and acknowledged that the meeting was being held on the traditional land of the Noongar People and paid her respects to their Elders past and present.

The Shire President, Cr Rich acknowledged and welcomed Freeman Mr John Kirkpatrick.

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## Minutes

### 1. Attendances and apologies (including leave of absence):

#### In Attendance:

**Councillors:** M Rich .....Presiding Member  
D Atwell  
M Byas  
R Coales  
B Denholm  
D Gossage  
K McConkey  
J See

#### Officers:

Mr K Donohoe ..... Chief Executive Officer  
Ms H Sarcich..... Deputy CEO / Director Community Services  
Mr F Sullivan .....Director Corporate Services  
Mr A Schonfeldt..... Director Development Services  
Mr S Harding ..... Director Infrastructure Services  
Mr A Bowman ..... Manager Governance  
Ms A Liersch ..... Agendas and Minutes Officer (Minute Taker)

#### Leave of Absence:

**Apologies:** Councillor S Piipponen;

#### Observers:

Members of the Public – 2

Members of the Press – 1

Shire Officers – Mr A Nair, Manager Statutory Planning & Compliance;



## 2. Public question time:

### 2.1 Response to previous public questions taken on notice

Nil.

### 2.2 Public questions

Nil.

## 3. Public statement time:

**Public statement time commenced at 6.31pm.**

### **Mr John Kirkpatrick, 77 Mead Street, Byford WA 6122**

Whilst I do not live close to the two items on tonight's agenda I reserve the right as a Resident of the Shire and being a ratepayer to put my point of view to the elected members.

I have read the reports as presented to tonight's meeting.

Having over the last twenty years of reading these documents I appreciate that if land is zoned for a purpose then it is the decision of the owner to make a commercial decision on the projects viability. It is also the duty of the Council to see that it complies with the various legal requirements of the various acts and regulations.

It is also incumbent on the elected members to represent the wishes of the community to see that any development is not to the detriment of the community. It is not the position of the Council to subsidise or prop up financially commercial development to make it viable.

This may not always be possible as the proposal may meet all the legal requirements but do not meet the expectations of community.

Just saying we do not want it is not good enough or that it may affect my lifestyle.

Having said that, I read the report and it has a few anomalies in it.

In item SCM 012/10/18 on page 4 it states that there had been retrospective approval for a transport depot. This statement is correct but it omits to say that there was no alternative site in the Shire for this activity at the time and approval had a Sunset Clause on it to allow it to be relocated when an alternative site would be available in the Shire on industrial land. This was done to keep the employment on this site in the Shire as a lot of it was for unskilled workers who had problems finding work.

This activity had no impact on Larson Road as the entrance was through what had been an old' service Station area and a lot of the trucks could not tum in to George Street.

A number of the vehicle movements were subject to Main Roads permits as they were oversize and had licenced traffic management with them.

The Shire Officers have been very diligent in looking at this proposal as it only includes up to as of right vehicles and does not include any oversize transport.



The Officers have been very mindful and mention that George Street is an access road to the town centre not a through road as it has a dangerous intersection at Abernethy road at present and the intersection of Pitman Way and South Western Highway has no traffic management like traffic lights, so one risks ones neck every time that intersection is used.

The report also mentions loading bays and the problems this may cause. If you have been reading the questions and statements over the last few month you will note that I have raised the issue of there being no loading bay at the Steven White shops in George Street and the problems that this is causing now.

I note that the report mentions an amount of \$210,000.00 towards the road upgrade. That is in today's money. There is no allowance for CPI if the road is not upgraded for a number of years and the costs of building the road increases. Does this mean that the Ratepayers pay the difference and subsidise the developer? Look at how much was paid by the Medical Centre towards George Street; it would not pay for the footpath now.

A lot of us myself included live in one of the new estates and all the internal roads have been paid for by the developer and included in the cost of the blocks. That is the full cost. This excludes a small number of arterial roads which come under Developer Contribution Scheme. This proposal does not come under this scheme and therefore does not contribute to the costs of providing services to the community. They only look for a return on investment with no consideration of their impact on the community in general.

I note that the Shire Officers support this position. One must ask if the Dome Cafe and the units next door paid the full cost of George Street or was it a nominal sum?

Item SCM 013/10/18

The Council decision to delay this construction at OCM082/08/18 showed that if the Elected Members had had a serious look at this issue and did not want to put the cart before the horse and allow this development to go ahead prior to the road issue being sorted out.

Remember that the Main Roads and they control Thomas Road at that intersection have found this intersection very difficult to design. With high pressure water mains, Optic Fibre lines and other services in the immediate vicinity never mind the power lines which are the easiest to deal with.

Federal Government Funding for the upgrade of this intersection was returned to Canberra unspent as the whole project was in the too hard basket a number of years ago. The crashes and fatalities just go on, sort out the road first.

As this is a large project perhaps the two blocks of land should be amalgamated into one prior to deciding what should go on it.

**Public statement time concluded at 6.37pm.**

#### **4. Petitions and deputations:**

Nil.



## 5. Declaration of Councillors and Officers interest:

Councillor Atwell declared a Financial Interest in SCM013/10/18 as Cr Atwell has a contract for firebreaks and slashing for one of the involved parties. Councillor Atwell will leave the Chambers while this item is discussed.

## 6. Receipt of minutes or reports and consideration of adoption of recommendations from Committee meetings held since the previous Council meetings:

<b>SCM012/10/18 – Proposed Service Station, Car Wash, and Showroom at Lot 104, 3 Larsen Road, Byford (PA18/372)</b>	
<b>Responsible Officer:</b>	Manager Statutory Planning and Compliance
<b>Senior Officer/s:</b>	Director Development Services
<b>Disclosure of Officers Interest:</b>	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> .

Proponent:	Peter Webb and Associates
Owner:	Byford Development No 3 Pty Ltd
Date of Receipt:	14 May 2018
Lot Area:	1.16ha
Town Planning Scheme No 2 Zoning:	'Showroom/Warehouse'
Metropolitan Region Scheme Zoning:	'Urban'

### Report Purpose

The purpose of the report is for Council to consider a Responsible Authority Report (RAR) prepared for a development application for a proposed 'Service Station', 'Automotive Vehicle Wash' and 'Showroom' land uses at Lot 104, 3 Larsen Road, Byford.

The application was submitted to the Shire on 14 May 2018 as a Development Assessment Panel (DAP) application. The Joint Development Assessment Panel (JDAP) will replace Council as the decision-making authority for the application in accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011*. The proposal is presented to Council as Officers do not have delegated authority to provide a recommendation to the JDAP.

The attached RAR (SCM012.1/10/18) prepared by Officers recommends that the application be refused due to insufficient information relating to traffic issues being provided.

### Relevant Previous Decisions of Council

There is no previous Council decision relating to this application.



## Background

The subject site is bound by South Western Highway to the east, Larsen Road to the North, and George Street (unconstructed) to the west. An existing passenger and freight railway line is situated further west of the site. The areas to the east and north are predominantly residential. A primary school is located to the north-west of the site.

The subject site is 1.1ha and is currently vacant with vegetation located along South Western Highway. Council granted retrospective development approval on the subject site on 22 December 2014 for a Transport Depot. It is noted that there has previously been a dwelling on the lot, however this has been demolished.



**Aerial Photograph**

### Proposed development

The development application proposes to construct a service station, car wash, vehicle service store/tyre centre, showroom/restricted retail and associated car parking. Full details of the proposal are contained within SCM012.2/10/18.

The proposal comprises of the following:-

- A 432m<sup>2</sup> convenience store incorporating a café, outdoor seating area, cool room, store room, sales area, preparation area and drive through;
- A service station with 8 fuel points for cars and 2 for trucks (open 24 hours a day, seven days a week);
- A 132m<sup>2</sup> self-service car wash with 4 manual wash bays, 1 automatic wash bay and 4 vacuum bays (open 24 hours a day, seven days a week);
- A 365m<sup>2</sup> Tyre and Automotive centre;
- A 630m<sup>2</sup> showroom tenancy/restricted retail operating Monday to Friday between 8:00am – 5:00pm, seven days a week;
- A drive-through coffee operating between 5:00am – 9:00pm;



- Fuel and diesel canopies including and a canopy which links the convenience shop; and
- A car park comprising of 51 standard bays, 4 ACROD bays and 3 loading bays.

## **Legislation and Policy:**

### Legislation

- *Planning and Development Act 2005;*
- *Planning and Development (Development Assessment Panels) Regulations 2011*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Metropolitan Region Scheme*
- *Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2*
- *Environmental Protection (Noise) Regulations 1997.*

### State Planning Policies

- *State Planning Policy 2.1 – The Peel-Harvey Coastal Plain Catchment*

### Local Policies

- Local Planning Policy 4.11 - Advertising (LPP4.11)
- Local Planning Policy 1.6 - Public Art (LPP1.6)
- Local Planning Policy 4.16 - Landscape and Vegetation (LPP4.16)
- Local Planning Policy 1.4 – Public Consultation for Planning Matters (LPP1.4)
- Local Planning Policy 2.4 - Water Sensitive Design (LPP2.4)
- Local Planning Policy 4.15 – Bicycle Facilities Policy (LPP4.15)
- Local Planning Policy 3.7 – George Street Design Guidelines (LPP3.7)

## **Consultation**

### Public Consultation

Advertising has been undertaken to surrounding landowners for a period of 21 days between 22 May 2018 and 12 June 2018, in accordance with Local Planning Policy 1.4 – Public Consultation for Planning Matters.

During this period a total of eleven submissions were received from nearby landowners. Nine submissions raised concerns in relation to the proposal and two provided support.

The concerns raised are outlined and addressed in the table below. A full summary of the submissions and the applicants response can be viewed as SCM012.3/10/18.





### Consultation with other Agencies or Consultants

The Shire received 5 submissions from State Government agencies which have been addressed within the RAR, however for the purposes of this report MRWA's submissions will be discussed.

#### *Main Roads Western Australia (MRWA):*

MRWA raised concerns in relating to the following:

- Use of the existing access driveway located on South Western Highway.
- Increased right turn movements from South Western Highway requiring a right turn pocket in accordance with Austroads Part 4A section 5.2 which requires at least 75m;
- Internal traffic movement and its impacts to vehicle traffic movement onto the site. Specifically, the lengths available for stacking of vehicles during peak times and the impact of queuing impacting on South Western Highway; including queuing at car wash facility and right turn to access the drive through facility.
- The submitted Traffic Impact Assessment (TIA) states that Larsen Road is at capacity and increased traffic volumes on Larsen Road may require dual left and right turn lanes. The TIA takes into account the Shire of Serpentine-Jarrahdale's future plans for closure of Larsen Road, included in the attached Vehicle Access Strategy. Whilst this might offset the capacity issues on Larsen Road in the longer term, the certainty and timing of these concept plans are contingent on multiple factors including rail crossing relocation and broader district wide traffic access. Officers note these concerns have not been addressed and are discussed within the Traffic and Access section of the report.

Following these comments, the applicant submitted a revised site plan, which deleted vehicle access to/from South West Highway, proposed a fuel tanker path entry from George Street, exit on to Larsen Road among other amendments, to address the issues raised by MRWA. The information was sent to MRWA for further assessment where on 31 August 2018 and the Shire received updated comments on 21 September 2018 providing conditional support for the proposal.

Notwithstanding the conditional support, MRWA further reiterated concerns over Larsen Road's capacity to deal with the increase in traffic movements and the need to construct dual left and right lanes with full consultation with the Shire. This matter will be discussed further within the Traffic and Access section of the report.

### **Planning Assessment**

The subject site is zoned 'Showroom/Warehouse' under the Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2). The proposed 'Service Station', 'Automotive Vehicle Wash', and 'Showroom' are land uses that can be considered within the zone.

Officers have been unable to support the proposal due to insufficient information relating to traffic impacts from the proposed development. A full planning assessment is contained within the RAR which is included as attachment (SCM012.1/10/18) and against Clause 67 of the *Planning and Development (Local Planning Schemes) 2015* contained within attachment SCM012.4/10/18. For the purposes of this report, only the matters of concern will be discussed.



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## Traffic and Access

The proposal seeks to cater for both passenger vehicles and commercial vehicles up to 19m in length. The application initially proposed access via an existing crossover on South Western Highway. However, MRWA objected to access being taken from South Western Highway and as such the proposal was amended to provide full access/egress to the site via Larsen Road and George Street.

The applicant submitted a Traffic Impact Assessment (TIA) as part of the proposal as attachment SCM012.5/10/18. This showed that the development will generate an additional 200 vehicle movements during the network peak time between 4-5 pm. However, Officers are not satisfied with the method that was used to determine the pm weekday peak. The method did not include the school collection time of between 3-4 pm and as such the level of service on Larsen road would be further impacted by the development than is currently reflected in the TIA.

To facilitate increased traffic movements to the site from South Western Highway, the applicant has proposed a number of upgrades to be undertaken to South Western Highway. A proposed right turning pocket for vehicles travelling south and a left turning pocket proposed for vehicles travelling north on South Western Highway. Additionally, a median strip on the Larsen Road/South Western Highway intersection has been proposed. The upgrades have been assessed by MRWA who have provided conditional support for the proposal.

The TIA also states that the Larsen Road/South Western Highway intersection is at full capacity and will require upgrades to facilitate the movement of additional vehicles. The upgrades would also prevent potential queuing over the railway crossing to the north. Although the PTA did not raise concerns regarding this, it is a major concern of Shire Officers that has not been adequately addressed within the proposal or further discussed with the PTA due to time constraints. As such, Shire Officers require the intersection to be upgraded to a dual left and right turn carriageway which will also need to be discussed with MRWA; however, as no treatments other than a median strip is being proposed, the application is not supported by Shire Officers in its current form. It should be noted, Shire Officers previously requested an extension of time from the applicant to discuss and potentially negotiate an outcome for this issue, however, as a one week extension was all that was granted to the Shire, the additional time was not enough to address the issue.

Given that the development also proposes an increase in large vehicle use of the Larsen Road and George Street intersection, the Shire reasonably expects that this intersection should safely service the largest category of vehicles using it. As such, the applicant is required to demonstrate that the 19m semi-trailer can move through this intersection whilst remaining lane compliant. However the TIA has not presented swept path analysis for the Larsen/George Street intersection and it is unknown if the semi-trailers can remain lane compliant whilst turning through here.

Drawings presented show that large vehicles entering and exiting the site cannot remain lane compliant. George Street is anticipated to host significant numbers of short passenger vehicle trips. Larsen Road is a local connector, which provides access to the South Western Highway and the town centre. Given the nature of both George Street and Larsen Road, the Shire does not consider it to be a safe arrangement to have 19m semi-trailers crossing the centre line of the road. Given the capacity of Larsen Road and its proximity to the South Western Highway, it may also be necessary to have a left turn filter off Larsen Road into the



premises. Until such time that the documentation can demonstrate lane compliance at the entrance and exits, the Shire is unable to support this development.

The development proposes loading bays fronting George Street, accessed immediately off the driveway. The Shire does not support the proposed loading bay arrangements and does not consider them safe. Sufficient swept path analysis has not been provided to demonstrate they can be accessed safely. The loading bays should be relocated to avoid manoeuvres across the main driveway and reversing of large vehicles. In addition, the location of the loading bays fronting on to George Street, which is an access road to the Byford Town centre, does not represent a development consistent with the good urban design principles. Until such time that the safety of the loading bays and access driveway can be demonstrated the Shire is unable to support the development.

George Street as previously advised is currently unconstructed, LPP3.7 requires a contribution to be made by developers for the construction of George Street for adjoining lots. The contribution required is based on the length of frontage of the development site and the overall length of George Street, which then forms the percentage of the estimated cost to construct George Street that the developer is liable for. The subject lot forms 10% of the overall length of George Street and are therefore liable for 10% of the estimate cost to construct George Street. The current estimate cost to construct George Street is \$2.1 million, which means the developer is liable for a contribution of \$210,000.

The Shire does not currently have an ultimate design for George Street, if the development is to commence in the short term the developer will have to construct part of George Street to enable access to the lot. LPP3.7 allows for construction by the developer as an alternative to making a contribution subject to the works not preventing the construction of the remainder of George Street in a coordinated manner, the entirety of works being undertaken i.e intersections as well as frontage, and the materials and landscaping being consistent with Council requirements and proposed works for George Street. As such, if the development was approved by JDAP, a condition requiring the construction of George Street and the associated intersections and cross overs at the developer's cost will be recommended by Shire Officers.

## **Options and Implications**

### **Option 1:**

That Council endorse the Responsible Authority Report contained within the attachments, which recommends that the Metropolitan East Joint Assessment Panel refuse the application for proposed 'Service Station', 'Automated Car Wash' and 'Showroom' at Lot 104, 3 Larsen Road, Byford.

### **Option 2:**

That Council does not endorse the Responsible Authority Report contained within the attachments, which recommends that the Metropolitan East Joint Assessment Panel refuse the application for proposed 'Service Station', 'Automated Car Wash' and 'Showroom' at Lot 104, 3 Larsen Road, Byford.



## Conclusion

For the reason outlined and discussed within the report, the proposal in its current form cannot be recommended for approval. Insufficient information has been provided to demonstrate the proposal will create a safe environment. There are a number of outstanding traffic issues that would need to be addressed for this development to represent a safe development. Approval of such an application would be contrary to the principles of orderly and proper planning.

The applicant agreed only to a one week extension to the timeframe for when the RAR had to be provided to the JDAP. As such officers understand that the applicant wants the application to be determined on the information at hand and based on the application its current form the proposal cannot be recommended for approval. Officers therefore recommend that the application be refused.

## Attachments

- [SCM012.1/10/18](#) – Responsible Authority Report (E18/10629)
- [SCM012.2/10/18](#) - Development Plans (E18/10959)
- [SCM012.3/10/18](#) - Summary of Submissions (E18/22797)
- [SCM012.4/10/18](#) – Clause 67 Checklist (E18/10978)
- [SCM012.5/10/18](#) – Traffic Impact Assessment (E18/10980)

## Alignment with our Strategic Community Plan

<b>Outcome 3.1</b>	A commercially diverse and prosperous economy
<b>Strategy 3.1.1</b>	Actively support new and existing local business within the district.

## Financial Implications

Nil

## Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
<b>Council not endorsing the RAR</b>	Possible (3)	Moderate (3)	Moderate (5-9)	Financial Impact - 1 Insignificant - Less than \$50,000	Accept Officer Recommendation



## Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
<b>Almost Certain</b>	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
<b>Likely</b>	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
<b>Possible</b>	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
<b>Unlikely</b>	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
<b>Rare</b>	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 9 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

**Voting Requirements:** Simple Majority

### SCM012/10/18 COUNCIL RESOLUTION / Officer Recommendation:

Moved Cr See, seconded Cr Atwell

1. That Council endorses the Responsible Authority Report contained within attachment SCM012.1/10/18 which recommends that the Metropolitan East Joint Development Assessment Panel refuse the 'Service Station', 'Automated Car Wash', and 'Showroom' land uses at Lot 104, 3 Larsen Road, Byford as contained within attachment SCM012.2/10/18 for the following reasons:

a. The proposal is contrary to Clause 67(t) of the Planning and Development (Local Planning Schemes) Regulations 2015 which indicates that due regard should be given to the amount of traffic likely to be generated by the development particularly in relation to the capacity of the road network in the locality and probable effect on traffic flow and safety for the following reasons:

i. Larsen Road is a primary distributor and is currently at full capacity. Insufficient information regarding upgrading of this road to cater for increased traffic including trucks has been provided.

ii. Insufficient information has been provided to demonstrate that the Larsen Road and South Western Highway intersection will be treated and upgraded to a satisfactory standard to address safety on Larsen Road by way of commitment to build the median on South Western Highway



intersection with right out from Larsen turn pocket based on increased traffic volumes.

- iii. Insufficient information has been provided to demonstrate that Larsen Road and George Street intersection is capable of accommodating increased traffic including trucks. There is no swept path analysis and limited information on vehicle stacking along George Street and Larsen Road.
  - iv. Insufficient information has been provided to determine the risk of vehicles stacking up to the PTA rail crossing on Larsen Road.
- b. The proposal is contrary to Clause 67(s) for the Planning and Development (Local Planning Schemes) Regulations 2015 which indicates that due regard should be given in relevant cases to the proposed means of access to and egress from the site and arrangements for the loading, unloading manoeuvring of vehicles for the following reasons:
- i. Swept path analysis has not been provided for large vehicles manoeuvring to and from the loading bay
  - ii. Insufficient information has been provided to demonstrate lane compliance at the access driveways.

**CARRIED UNANIMOUSLY 8/0**



**Councillor Atwell declared a Financial Interest in SCM013/10/18 and left the Chambers at 6.40pm prior to this item being discussed.**

<b>SCM013/10/18 - Proposed Service Station at Lot 12, 1537 Thomas Road and Lot 50 Nicholson Road, Oakford (PA18/193)</b>	
<b>Responsible Officer:</b>	Manager Statutory Planning and Compliance
<b>Senior Officer/s:</b>	Director Development Services
<b>Disclosure of Officers Interest:</b>	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> .

Proponent:	Planning Solutions
Owner:	S L McMullen and D A Riley (Lot 12) S and J Piipponen (Lot 50)
Date of Receipt:	28 March 2018
Lot Area:	Lot 12 – 1.36ha, Lot 50 – 1.4ha
Town Planning Scheme No 2 Zoning:	'Rural'
Metropolitan Region Scheme Zoning:	'Rural'

### **Report Purpose**

The purpose of the report is for Council to consider an amended Responsible Authority Report (RAR) prepared for a development application for a proposed 'Service Station' at Lot 12, 1537 Thomas Road and Lot 50 Nicholson Road, Oakford.

The application was submitted to the Shire on 28 March 2018 as a Development Assessment Panel (DAP) application. The Joint Development Assessment Panel (JDAP) will replace Council as the decision-making authority for the application in accordance with the *Planning and Development (Development Assessment Panels) Regulations 2011*. The proposal is presented to Council as Officers do not have delegated authority to provide a recommendation to the JDAP.

The application was presented to the JDAP on 11 September 2018 where deputations were made raising concerns in relation to the proposed access on Thomas Road conflicting with an approved access on the adjacent lot to the south, Lot 196 Thomas Road. The applicant and the JDAP also requested for amendments to be made to the conditions that were previously endorsed by Council.

Subsequently, the JDAP deferred the application to allow further time for the access arrangements and conditions to be considered by Officers, the relevant landowners and Main Roads Western Australia (MRWA).

The attached amended RAR (SCM013.1/10/18) prepared by Officers recommends that the application be approved subject to amended conditions recommended by both Officers and Main Roads Western Australia (MRWA). Attachment SCM013.2/10/18 contains the RAR as previously presented to Council with track changes showing the amendments.



A list of the original conditions with track changes showing the amendments forms attachment SCM013.3/10/18 with attachment SCM013.4/10/18 containing the amended conditions to be endorsed by Council and forwarded to the JDAP.

### Relevant Previous Decisions of Council

OCM082/08/18 – Council endorsed the RAR recommending approval of the proposal subject to conditions recommended by the Officer and added the following condition:-

*“The service station is not to be operational before the Main Roads Roundabout is constructed.”*

### Background

#### Existing Development

The subject site is located within a rural area of Oakford and comprises of two lots. Lot 12 Thomas Road is currently developed with a dog training facility, approved under delegation on 12 November 2013. Lot 50 Nicholson Road comprises of an easement and contains power lines. Approval has recently been granted on this lot for a ‘Restaurant’/’Stall Wayside’.

Thomas Road runs along the southern boundary of the site and Nicholson Road to the west. The surrounding area consists of rural and rural residential lots with Oakford Traders Liquor Store located opposite, on the southern side of Thomas Road.







### Proposed Development

The application seeks approval for a ‘Service Station’ that would operate 24 hours a day, 7 days a week. Full details of the initial proposal are contained within attachment SCM013.5/10/18.

The proposal comprises of the following:-

- Retail building 220m<sup>2</sup>;
- Four light vehicle fuel bowsers with eight refuelling bays;
- Three heavy vehicle fuel bowsers with two refuelling bays;
- An enclosed plant yard;
- One left in/left out crossover to Thomas Road;
- One left in/left out crossover to Nicolson Road;
- Eleven standard car parking bays;
- Three caravan parking bays;
- Three truck parking bays;
- Landscaping; and
- Signage.

### **Community / Stakeholder Consultation**

Advertising was undertaken to adjoining landowners for a period of 21 days between 5 April 2018 and 26 April 2018. During this period a total of nine submissions were received from nearby landowners. Seven submissions raised concerns in relation to the proposal and two provided in principle support.

The concerns raised are outlined and addressed in the table below. A full summary of the submissions can be viewed as Attachment SCM013.6/08/18.

<b>Issue Raised</b>	<b>Officer’s comments</b>
<b>Increase in Traffic</b>	Noted – Refer to Traffic section of report
<b>Safety of intersection</b>	Noted – Refer to Traffic section of report
<b>Noise From Traffic</b>	<p>Noted. It is considered that the majority of customers to the proposal would be generated from existing passing by traffic. It is acknowledged that the proposal would result in some additional traffic however Thomas Road is a primary regional road. The applicant has commented that Main Roads are intending to upgrade the road from a RAV4 to a RAV6. This upgrade would result in additional heavy vehicles. It is considered that due to the nature of the road network in this area, the proposal would not result in an undue level of traffic noise.</p> <p>With regard to other noise types from the proposal refer to Amenity section of report.</p>



Issue Raised	Officer's comments
<b>Light Spill</b>  <b>Impact on access for Oakford Liquor Store</b>	A lighting plan has not been submitted as part of the application. This will be recommended as a condition to ensure compliance with the Australian Standard.  It will be for Main Roads to determine if they are satisfied with the access and egress on Thomas Road. MRWA have provided support for the proposal subject to conditions – Refer to Traffic, Access and Safety

### Consultation with other Agencies

#### Department of Planning Lands and Heritage

The Department of Planning, Lands and Heritage advised they have no objections to the proposed access arrangements, subject to adequate separation being achieved between the Thomas Road access point and the service road. However, they have also advised that final endorsement regarding access should be sought from MRWA.

#### Main Roads WA (MRWA)

The application was referred to MRWA. Initially, objections were raised in relation to the ultimate access arrangements as the crossover on Nicholson Road would have been located within the pre-deflection area of the future roundabout.

Following this submission, negotiations have taken place between the applicant and MRWA. The proposal was amended to take into account these comments. The applicant subsequently submitted amended plans incorporating diagonal pavement markings to the road shoulders of Nicholson Road to give the impression of a narrowing carriageway. This is intended to encourage drivers to slow down. This mechanism would replace the requirement for a pre-deflection area.

MRWA have advised that the amendments are to their satisfaction and have provided support for the proposal subject to conditions as outlined in the original RAR. MRWA have also advised that the revised conditions are to their satisfaction.

Following the deferral by the JDAP, discussions have taken place with MRWA with regard to the potential conflict between the proposed access arrangements and the approved access at Lot 196 Thomas Road. This is discussed in the Traffic, Access and Safety section of the report.

#### Western Power

Western Power have advised that as the proposal is located near to energised electrical installations and powerlines, the person in control of the work site must ensure that no person, plant or material enters the "Danger Zone" of an overhead powerline or other electrical network assets. These comments have been referred to the applicant for information purposes.



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## Statutory Environment

### Legislation

- *Planning and Development Act 2005;*
- *Planning and Development (Development Assessment Panels) Regulations 2011*  
Part 2, Regulation 8 (1) states “*Despite any other provision of the Act or a planning instrument, any DAP application for approval of development within a district for which a DAP is established-*  
(a) *Must be determined by the DAP as if the DAP were the responsible authority under the relevant planning instrument in relation to the development; and*  
(b) *Cannot be determined by the local government for the district or the Commission*”.  
Therefore JDAP replaces the Shire and the WAPC.
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- Metropolitan Region Scheme  
Instrument of Delegation 2017/02 - Powers of Local Governments and Department of Transport Metropolitan Region Scheme – Section 4 (b) states “*Where the recommendation provided by the public authority specified in the delegation notice is not acceptable to local government the application, together with the recommendations provided by all public authorities consulted and the reasons why the recommendations is not acceptable to the local government, shall be referred immediately to the WAPC for determination*”.  
In this case, MRWA have provided support for the proposal however this support is subject to conditions. Therefore, it is a requirement for MRWA to be in support of any modifications to the conditions they proposed, alternatively referral to the WAPC is required.
- Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2
- *Environmental Protection (Noise) Regulations 1997.*

### State Government Policies

- State Planning Policy 2.5 Rural Planning (SPP2.5)
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP3.7)
- Environmental Protection Authority Guidance for the Assessment of Environmental Factors Separation Distances between Industrial and Sensitive Land Uses (2005) (page 45)

### Local Policies

- Shire of Serpentine Jarrahdale Rural Strategy Review 2013
- Local Planning Policy 4.11 - Advertising (LPP4.11)
- Local Planning Policy 1.6 - Public Art (LPP1.6)
- Local Planning Policy - Landscape and Vegetation (LPP67)

## Planning Assessment

A full assessment was carried out against the current planning framework as part of the RAR (SCM013.1/10/18) and the Clause 67 Checklist (SCM013.7/10/18) as previously presented to Council. For the purposes of this report, matters arising from the access arrangements and the conditions will be discussed.



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## Traffic, Access and Safety

Thomas Road is identified as a Primary Regional Road and designated freight route. Nicholson Road is identified as an Other Regional Road. Both of these classes of roads are designed to carry larger volumes of traffic.

Access and egress to the site is proposed to be taken from both Thomas Road and Nicholson Road. Access from Thomas Road is to be left in for both light and heavy vehicles and left out for light vehicles only. All heavy vehicles would be required to access the site via Thomas Road. The access from Nicholson Road will be left-in for light vehicles only and left-out for light and heavy vehicles. The applicant states that the site has been designed to accommodate access and parking for heavy vehicles up to 36.5m B-double standard (RAV 6).

A Transport Impact Assessment has been submitted as part of the application. This shows that the majority of trade would be from existing passing traffic through Thomas and Nicholson Road. The assessment findings conclude that the proposal is estimated to result in an additional 16 and 22 trips during the AM and PM peak periods respectively. It is noted that currently traffic experiences delays at the intersection during peak periods, however once upgraded with a roundabout, as proposed, this will be addressed.

The applicant has acknowledged that the Thomas Road and Nicholson Road intersection is subject to a future upgrade. Consultation has been undertaken with MRWA to ensure the upgrades would not prevent or prejudice the access arrangements for the proposal. The proposal has been designed to accommodate the future upgrades to the Thomas Road and Nicholson Road intersection and a concept plan has been provided for what potentially will be the ultimate access arrangements and for the interim arrangements. Although the future plans are not yet in place it is envisaged by MRWA that a two lane roundabout will be constructed at the intersection.

Initially, concerns were raised by MRWA in relation to the ultimate access arrangements due to the crossover on Nicholson Road located within the pre-deflection area of the future roundabout. Subsequently, further discussions have been undertaken with MRWA and the access arrangements have been amended accordingly, to the satisfaction of MRWA. The access arrangements are proposed to be over the following three phases (attachment SCM013.3/10/18.).

Phase 1 is based on the current configuration prior to any road upgrades. It involves provision of a left-in slip lane for the Nicholson Road access and a left-in slip lane for the access on Thomas Road to ensure all vehicles are able to safely manoeuvre into the subject site without impacting the movements of traffic along Thomas and Nicholson Road. Median islands are also included opposite both crossovers to prevent right-turn traffic movements. There would be small paved islands in the centre of both crossovers to delineate the flow of traffic. In addition, a signage strategy and road markings are proposed to ensure safe and correct movement of all vehicles.

Phase 2 consists of an interim roundabout estimated to be completed by MRWA within 12-18 months. To maintain a safe approach to the intersection following construction of the roundabout, Nicholson Road would incorporate diagonal pavement markings to the road shoulders to give the impression of a narrowing carriageway, encouraging drivers to slow down. This is the proposed alternative to a pre-deflection area satisfying the initial concerns of MRWA.



Phase 2 is provided as a concept only to demonstrate that safe access to the subject site can be maintained following road upgrades. The detailed design and construction of the roundabouts will be the responsibility of MRWA. Modifications to the access and egress of the proposal are not required to facilitate the Phase 2 interim roundabout upgrades.

Phase 3 provides an ultimate roundabout arrangement for the long-term plans for the road network. This is anticipated to be carried out during the next 15 to 20 years. This ultimate scenario is therefore a long-term consideration which is understood to still be undergoing design and funding arrangements.

It is considered that the applicant has demonstrated the proposal would not adversely impact on traffic safety and MRWA have confirmed that their initial concerns have been addressed.

Following the initial JDAP meeting held on 11 September 2018, further discussions took place in relation to the proposed access arrangements to Thomas Road. The proposed left in/left out access arrangements includes a median strip constructed in the centre of the Thomas Road carriageway. This is to ensure vehicles do not undertake illegal right turn movements. The location of this median strip would prevent full movement access for Lot 196 Thomas Road, which is permitted under a current development approval for the site.

Given the above concerns, the JDAP deferred the application at its initial meeting to allow for Officers, MRWA and the relevant landowners to discuss alternative access arrangements to suit both parties.

Officers undertook discussions with MRWA to determine if a full movement access for Lot 196 Thomas Road could be achieved in an alternate location to overcome this conflict. MRWA advised that traffic volumes have significantly increased since the application for Lot 196 Thomas Road was considered in 2013. Regardless of the location of the access, MRWA advised that a full movement access would not be supported in order to ensure the road network and intersection do not become more unsafe.

MRWA also advised that if the median strip was not constructed as part of the subject development, it would likely occur in any case as part of future Thomas Road upgrades.

While the development approval for Lot 196 Thomas Road permits full movement access to Thomas Road, a works approval from MRWA has not yet been issued. Works approval is a requirement prior to any construction works within Thomas Road. Furthermore, an advice note on the development approval for Lot 196 Thomas Road states that the full movement access is temporary only and will revert to left in/left out as part of future Thomas Road upgrades.

Therefore, whilst approval of the subject application would prevent full movement access for Lot 196 Thomas Road, MRWA have advised that full movement access to Lot 196 is no longer supported in any case and unlikely to receive works approval. This advice was also provided in response to a current application to amend the JDAP approval for Lot 196 Thomas Road.

Based on this advice, it is reasonable to expect that access to Lot 196 Thomas Road will be restricted regardless of the outcomes of this development application.



## Conditions

Following the Officers recommendation, the applicant requested that some of the conditions be modified, deleted, or become advice notes. In addition, the JDAP have also requested the conditions to be reconsidered. The requested modifications and justification for this provided by the applicant are outlined in a table forming attachment SCM013.8/10/18. Officers have addressed the modifications to conditions 6, 10, 11 and 21 in the table forming attachment SCM013.9/10/18. Conditions proposed or requested to be deleted are discussed in more detail below.

It is worth noting that under regulation 12(2) of the *Planning and Development (Development Assessment Panel Regulations) 2011*, Officers and Council are to comply with the appropriate responsible authority form, approved by the Director General, which specifies that the Officer recommendation be provided and that any decision of Council is to be provided separately to the recommendation. As such, any amendments made to the officer recommendation as part of this item will be forwarded to the JDAP together with the original officer recommendation.

In 2016, the Western Australian Court of Appeal unanimously allowed an appeal against the decisions of the Supreme Court and State Administrative Tribunal (SAT) to uphold certain subdivision conditions. Although the particulars of this case are not relevant in this instance, the case emphasises the three elements used to legally test planning conditions and their validity.

A condition of planning approval will not be valid unless it can comply with the following three tests summarised as planning purpose, nexus and reasonableness:-

1. The condition is for a planning purpose that implements a planning policy through planning legislation;
2. The condition reasonably and fairly relates to the development permitted; and
3. The condition is not so unreasonable that no reasonable planning authority could have imposed it.

In reconsidering the conditions from the initial RAR, these tests have been used for the assessment.

### Condition 7

This condition states *“The pylon sign shall be no higher than 7m unless otherwise approved by the Shire of Serpentine Jarrahdale.”*

The applicant initially requested this condition to be deleted to enable for a 20m high pylon sign to be constructed. The applicant advised that due to the high volumes of traffic and the requirement for early identification of the site, the 20m high pylon sign should be allowed. The applicant also referred to the photomontages (SCM013.10/10/18), that were previously presented to Council.

For the reasons outlined in the RAR (SCM013.1/10/18), Officers remain of the opinion that this sign, due to its scale and appearance, would adversely impact on the rural character of the area and therefore do not support the removal of this condition.



On 3 October 2018, the applicant submitted a drawing of a pylon sign, amended to have a height of 12m (SCM013.11/10/18). The applicant states that this sign would not have an undue impact on the streetscape or amenity of the locality. It is argued that the sign is the only freestanding sign forming part of the proposal and that service stations typically have several. The applicant considers that the branding and imagery features earthy colour tones and materials such as cladding which is of a rural nature. Reference is also made to an approved 12m high sign in Forrestfield with a similar context.

Officers acknowledge that the sign has been significantly reduced in height, however the sign would still be 5.5m higher than the canopy for the truck fueling. Officers remain of the opinion that the height of this sign would appear at odds with the scale of the development on the site and the surrounding area.

With regard to the appearance of the sign, the amended drawing does not indicate the materials used or demonstrate that earthy tones and colours have been incorporated. Officers also remain of the opinion that the scale and appearance of the sign would have an adverse impact on the rural character of the area and are not in support of the policy variation.

Officers therefore consider that condition 7 should remain as previously recommended. This condition is considered to be for a planning purpose with regard to preserving the rural character of the area enforced through both LPP4.1 – Advertising and the Rural Strategy Review 2013.

The condition also reasonably and fairly relates to the development proposed and is considered to be reasonable given the amenity arguments as set out above and in the Officers RAR.

#### Condition 9

Condition 9 states “*The service station is not to be operational before the Main Roads Roundabout is constructed*”. The applicant has argued that this condition is invalid and warrants deletion stating it has no planning purpose, it does not reasonably relate to the development and is uncertain.

With regard to planning purpose, Schedule 2, Part 9, Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations* sets out all the matters that are to be considered when assessing a development application including the following:-

“(s) the adequacy of –

(i) *the proposed means of access to and egress from the site” and*

“(t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety”*

Officers consider that the intent of the condition is to address concerns in relation to traffic safety, therefore considers it to have planning purpose.

It is considered that the condition fairly relates to the development as it is acknowledged that the intersection of Thomas Road and Nicholson Road is a recognised black spot and that the future roundabout would improve the safety of the this road network. The access and egress arrangements would impact on traffic safety within a blackspot area and can reasonably be conditioned to require improvements.



It is however, considered that the condition does not pass the test of 'reasonableness'. As the construction of the roundabout will be carried out by MRWA who have advised it is not in their four-year plan, it is not considered reasonable to issue an approval that cannot be commenced for a minimum of four years and where no timeframe is available for the applicant. Furthermore, unless otherwise stated, a development approval has to be commenced within two years of approval or it lapses and a further application would be required to extend the timeframe.

It is considered that imposing a condition restricting commencement of development is not reasonable unless a timeframe can be given which in this case it cannot. The application sought approval for the development based on the existing road network and the plans provided for the future were concept plans only to demonstrate that access arrangements would not prejudice any future road upgrades by MRWA.

In this instance, the interim access arrangements with the road treatment, prior to the roundabout, are to the satisfaction of both Officers and MRWA, being the ultimate decision maker for works to this road network. However, it is acknowledged that the proposal will generate additional traffic using the blackspot intersection. Officers recommend that condition 9 be revised to require the applicant to provide a contribution towards the upgrading of the intersection. As this intersection is controlled by MRWA, Officers consider that suitable arrangements should be made between the applicant, MRWA and the Shire to determine what the contribution should be.

As amended, this condition could potentially expedite the intersection upgrade process and is considered by Officers to meet the intent of Council's previous condition.

#### Condition 12

Condition 12 states *"Any services, infrastructure or roadside furniture that requires relocation as a result of the applicant's works will be at the cost of the applicant"*.

The applicant has requested that this condition be deleted as the intent is provided in the rewording of conditions 10 and 11. Officers are satisfied with the deletion of this condition subject to the content being included in conditions 10 and 11.

As the condition was one requested by MRWA, this has been referred for comments who have provided support for this amendment.

#### Condition 13

Condition 13 states *"Lot 50 is affected by land reserved in the Metropolitan Region Scheme for "Other Regional Road" and no development will be permitted within this land required for road purposes at some time in the future. The applicant is advised to contact the Department Planning, Lands & Heritage - Infrastructure Land Use Co-Ordinating Branch (ILUC) for further details in this regard."*

The applicant has requested for this condition to be deleted. Officers consider that this does not directly relate to the development applied for and is advisory in nature. For this reason, Officers consider this should become an advice note as agreed by MRWA.





#### Condition 16

Condition 16 states *“The applicant must obtain approval from Main Roads before all works are undertaken within the Thomas Road reserve. The applicant seeking access to the Main Roads network will be required to submit an Application as outlined in the "Application Kit and Guidelines" for State Roads. Application Kits can be found on the Main Roads website >"Our Roads" "Conducting Works on Roads >"Applications to Undertake Works on State Roads" >Application Kit and Guidelines for Complex Works OR Application Form for Low Complexity Works”.*

The applicant has requested for this condition to be reverted an advice note. Officers agree that this condition is advisory in nature and does not meet the test of ‘planning purpose’ as it relates to the Main Roads Act 1930. It does not implement a planning policy through planning legislation.

The requirement to obtain approval from Main Roads is contained within other legislation so is still enforceable however not through planning legislation. Officers, with the agreement of MRWA, have removed this condition and added it as an advice note.

#### Condition 17

Condition 17 states *“The type of sign, size, content and location must comply with all relevant by-laws and planning schemes made by Council”.* Officers consider that this condition should be deleted as it has no planning purpose. The signage proposed has already been assessed against the relevant planning framework and other than the pylon sign is considered consistent.

Any further signage proposed would require a separate approval to the Shire who would refer the proposal to MRWA. It is therefore considered that this condition is unnecessary and has been removed with the agreement of MRWA.

#### Condition 18

Condition 18 states *“The sign and sign structure is to be placed on private property and shall not over hang or encroach upon the road reserve”.* This condition was initially proposed by MRWA. As previously stated, the proposed signage has already undergone a development assessment process. None of the signage proposed would be located within or encroach upon the road reserve as shown on the plans. For this reason the condition is considered unnecessary and has no planning purpose. As such, it has been deleted with the agreement of MRWA.

#### Condition 22

This condition states *“Main Roads agreement is to be obtained prior to any future modifications.”* The applicant argues that it is not clear what modifications this condition refers to. It is also noted that the Metropolitan Region Scheme (MRS) delegation instrument sets out the development types that are required to be referred to MRWA.

As this condition was requested by MRWA, it has been referred for comments. Officers consider that this condition is not reasonable as it does not clearly advise the applicant what



their obligations are. It is also unclear what the planning purpose is. This condition has therefore been removed with the agreement of MRWA.

#### Condition 23

Condition 23 states *“Vegetation within the state road reserve shall not be removed or trimmed to improve the visibility of the proposed advertising sign”*. No works related to vegetation within the state road reserve has been proposed as part of the application. Any works on the road reserve would require an approval from MRWA and not through the planning process. It is therefore considered that this condition has no planning purpose and should be an advice note so the applicant is aware. MRWA have agreed to this.

#### *New Condition:*

At the request of the JDAP, an additional condition has been added, which now forms condition 9 as renumbered, stating:-

*“Prior to occupation, Lot 12 Thomas Road and Lot 50 Nicholson Road, Oakford shall be amalgamated into a single lot. Alternatively, a right of carriageway easement shall be registered on the Certificate of Title over the land subject of this approval to secure reciprocal access across the lots as illustrated on the approved plans at the expense of the applicant and to the satisfaction of the Shire of Serpentine Jarrahdale”*.

This condition is required to ensure access from Lot 50 Nicholson Road is provided in perpetuity in case ownership of the lots changes.

### **Options and Implications**

#### Option 1:

That Council endorse the Responsible Authority Report contained within the attachments, which recommends that the Metropolitan East Joint Assessment Panel approve the application for proposed ‘Service Station’ at Lot 12, 1537 Thomas Road and Lot 50 Nicholson Road, Oakford.

#### Option 2:

That Council does not endorse the Responsible Authority Report contained within the attachments, which recommends that the Metropolitan East Joint Assessment Panel approve the application for ‘Service Station’ at Lot 12, 1537 Thomas Road and Lot 50 Nicholson Road, Oakford.

Option 1 is recommended.



## Conclusion

The application seeks approval for a 'Service Station'. The proposal would be located on the corner of a Primary Regional Road and an Other Regional Road providing goods and petroleum for passing traffic. The proposal would also provide for a retail service for residents of the local area.

The application is considered consistent with the planning framework and the principles of orderly and proper planning. The applicant has demonstrated that the future access arrangements will not prejudice the future planned road upgrades. The proposal is therefore recommended for approval by Officers.

## Attachments

- [SCM013.1/10/18](#) – Amended Responsible Authority Report (E18/10838)
- [SCM013.2/10/18](#) – Amended Responsible Authority Report with track changes (E18/10837)
- [SCM013.3/10/18](#) – List of Conditions with proposed track changes (E18/10836)
- [SCM013.4/10/18](#) – List of Amended Conditions (E18/10835)
- [SCM013.5/10/18](#) – Application Details (E18/8084)
- [SCM013.6/10/18](#) – Summary of Submissions (E18/3713)
- [SCM013.7/10/18](#) – Clause 67 Checklist (E18/7964)
- [SCM013.8/10/18](#) – Applicants table of proposed modifications to conditions (E18/9882)
- [SCM013.9/10/18](#) – Officers Table on proposed modifications to conditions (E18/10850)
- [SCM013.10/10/18](#) – Photomontages (E18/8083)
- [SCM013.11/10/18](#) – Amended Pylon Sign (E18/10940)

## Alignment with our Strategic Community Plan

<b>Outcome 3.1</b>	A commercially diverse and prosperous economy
<b>Strategy 3.1.1</b>	Actively support new and existing local business within the district.

## Financial Implications

Nil



## Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
<b>Council not endorsing the RAR</b>	Possible (3)	Moderate (3)	Moderate (5-9)	Financial Impact - 1 Insignificant - Less than \$50,000	Accept Officer Recommendation

## Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
<b>Almost Certain</b>	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
<b>Likely</b>	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
<b>Possible</b>	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
<b>Unlikely</b>	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
<b>Rare</b>	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 9 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.



**Voting Requirements:** Simple Majority

**SCM013/10/18 COUNCIL RESOLUTION / Officer Recommendation:**

**Moved Cr Coales, seconded Cr See**

**That Council endorses the Responsible Authority Report contained within attachment SCM013.1/10/18 which recommends that the Metropolitan East Joint Development Assessment Panel approve the ‘Service Station’ Lot 12, 1537 Thomas Road and Lot 50 Nicholson Road, Oakford as contained within attachment SCM013.3/10/18 subject to the following amended 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.**

<b>Plans and Specifications</b>	<b>P1 – P22 received at the Shire Offices on 28 March 2018 and 24 July 2018 and Bushfire Management Plan and Risk Management Plans dated 19 March 2018</b>
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- 2. Prior to commencement of works, a landscaping/revegetation plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Within 60 days of occupation, the approved landscaping/revegetation plan shall be implemented and maintained thereafter by the proponent and their cost.**

- 3. Prior to commencement of works, a detailed Stormwater Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The approved Stormwater Plan shall be implemented and maintained thereafter by the proponent and their cost.**

- 4. Prior to the commencement of works, a Construction Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale in consultation with Main Roads Western Australia. The Construction Management Plan shall include but not be limited to the following information:-**

- Dust management**
- Traffic management**

**These approved plans shall be implemented and maintained throughout the construction of the development by the proponent and their cost.**

- 5. Prior to occupation, a lighting plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale in consultation with Main Roads Western Australia. The approved lighting plan shall be implemented and maintained thereafter by the proponent and their cost.**



6. Prior to occupation, an agreed monetary contribution shall be paid to the Shire of Serpentine Jarrahdale for the establishment of public art in accordance with Council's Local Planning Policy 1.6 - Public Art to the satisfaction of the Shire of Serpentine Jarrahdale.
7. The pylon sign shall be no higher than 7m unless otherwise approved by the Shire of Serpentine Jarrahdale.
8. Prior to commencement of works, a Noise Assessment and Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, the plans shall be implemented and maintained thereafter.
9. Prior to occupation, the applicant shall enter into satisfactory arrangements with Main Roads Western Australia and the Shire of Serpentine Jarrahdale in relation to a contribution towards the upgrading of the intersection of Thomas Road and Nicholson Road, Oakford.
10. Prior to occupation, Lot 12 Thomas Road and Lot 50 Nicholson Road, Oakford shall be amalgamated into a single lot. Alternatively, a right of carriageway easement shall be registered on the Certificate of Title over the land subject of this approval to secure reciprocal access across the lots as illustrated on the approved plans at the expense of the applicant and to the satisfaction of the Shire of Serpentine Jarrahdale.

### Main Roads

#### Nicholson Road Access

11. Prior to occupation, one 11m wide crossover, located within Lot 50 and positioned where possible near the northernmost cadastral boundary of Lot 50, shall be designed and constructed to the satisfaction of the Shire of Serpentine Jarrahdale on the advice of the Department of Planning Lands and Heritage and Main Roads Western Australia. This requirement is to protect the functional area of this intersection in accordance with Austroads 2017 Guide to Road Design Part 4 Intersections and Crossings General, section 7.2 Property Access.

This access shall operate as left in/left out turning movements for light vehicles and left out only turning movements for heavy vehicles and shall have suitable signage advising motorists of these restricted movements. No right in or right out turning movements shall be made from or to Nicholson Road.

The developer shall be responsible for all costs involved in the land acquisition, design and construction of the left turning pocket and solid median to prevent right in and right out turning movements onto Nicholson Road. This includes signage, road markings, relocation of services and street lighting on the advice of Main Roads Western Australia to the satisfaction of the Shire of Serpentine Jarrahdale.



### **Thomas Road Access**

- 12. Prior to occupation, one 11m wide crossover, located within Lot 12 and positioned where possible near the easternmost cadastral boundary of Lot 12, shall be designed and constructed to the satisfaction of the Shire of Serpentine Jarrahdale on the advice of Main Roads Western Australia. This requirement is to protect the functional area of this intersection in accordance with Austroads 2017 Guide to Road Design Part 4 Intersections and Crossings General, section 7.2 Property Access.**

**This access shall operate as left in/left out turning movements for light vehicles and left in only turning movements for heavy vehicles and shall have suitable signage advising motorists of these restricted movements. No right in or right out turning movements shall be made from or to Thomas Road.**

**The developer shall be responsible for all costs involved in the land acquisition, design and construction of the left turning pocket and solid median to prevent right in and right out movements onto Thomas Road. This includes signage, road markings, relocation of services and street lighting on the advice of Main Roads Western Australia to the satisfaction of the Shire of Serpentine Jarrahdale.**

- 13. No earthworks shall encroach onto the Nicholson and Thomas Road road reserve.**
- 14. No stormwater drainage shall be discharged onto the Nicholson and Thomas Road road reserve.**
- 15. The applicant shall make good any damage to the existing verge vegetation within the Nicholson and Thomas Road road reserve.**

### **Advertising Signage**

- 16. Signage illumination shall not exceed 300cd/m<sup>2</sup>, and shall not flash, pulsate or chase.**
- 17. Signage shall not contain fluorescent, reflective or retro reflective colours or materials.**
- 18. No unauthorised signage is to be displayed without prior approval from the Shire of Serpentine Jarrahdale in consultation with Main Roads Western Australia.**

### **Advice Notes**

- 1. As you are aware, this intersection is recognised as a dangerous black spot and has received funding from the Road Trauma Fund account to undertake preliminary planning design concepts. At this point in time, the traffic modelling depicts that the preferred intersection treatment at this location is a roundabout treatment, for both interim and ultimate stage.**



The applicant is reminded that upon the roundabout being constructed to its ultimate configuration, the existing access on Nicholson Road will be removed and all access into the petrol station development will be achieved via a dedicated service road accessed from the north of Lot 50.

Please be aware that the timing of the construction of the roundabout {both interim and ultimate stages} including the preferred type of intersection treatment for this intersection is subject to change and that Main Roads assumes no liability whatsoever for the information provided.

2. An internal 15% design review has been undertaken for the submitted drawings for this development proposal. The attached design review comments are not to be considered a comprehensive design verification and may not pick-up all the issues. Therefore it is not an approval of the presented design.
3. Lot 50 is affected by land reserved in the Metropolitan Region Scheme for "Other Regional Road" and no development will be permitted within this land required for road purposes at some time in the future.

The applicant is advised to contact the Department Planning, Lands & Heritage - Infrastructure Land Use Co-Ordinating Branch (ILUC) for further details in this regard.

4. The applicant must obtain approval from Main Roads before all works are undertaken within the Thomas Road reserve. The applicant seeking access to the Main Roads network will be required to submit an Application as outlined in the "Application Kit and Guidelines" for State Roads.

Application Kits can be found on the Main Roads website >"Our Roads" >"Conducting Works on Roads >"Applications to Undertake Works on State Roads" >Application Kit and Guidelines for Complex Works OR Application Form for Low Complexity Works.

5. Main Roads agreement is to be obtained prior to any future modifications to signage.
6. Vegetation within the State road reserve shall not be removed or trimmed to improve the visibility of the proposed advertising sign.

**CARRIED 6/1**

Councillor See, in accordance with Section 5.21(4)(b), *Local Government Act 1995* requested the votes be recorded.

Councillors Coales, Denholm, Gossage, McConkey, Rich & See voted FOR the motion.  
Councillors Byas voted AGAINST the motion.

Councillor Atwell returned to the Chambers at 6.58pm.

Shire President, Councillor Rich advised Councillor Atwell that the Officers Recommendation for SCM013/10/18 was carried 6/1.





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**7. Motions of which notice has been given:**

Nil.

**8. Urgent business:**

Nil.

**9. Closure:**

There being no further business, the Presiding Member declared the meeting closed at 6.59pm.

I certify that these minutes were confirmed at the Ordinary Council Meeting held on the 22 October 2018.

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Presiding Member

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Date