

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

Land Use:

a) The aims and provisions of this Scheme and any other local planning scheme operating within the area	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<p>Comment: The land is currently zoned 'rural' under TPS2 the proposed development is not identified as a land use under Table 1 – Zoning Table and is not considered to reasonably fit with any listed use. The proposal therefore is considered a 'use not listed' in accordance with 3.2.5 of the TPS2 and can be approved subject to being consistent with the objective of the zone.</p> <p>The objective of the zone is to accommodate the full range of rural pursuits and associated activities. It is considered that the proposal supports rural living by providing a sustainable energy supply and can be carried out alongside rural pursuits. It is worth noting that the land use has previously been approved and the planning framework has not changed since then in this regard.</p>			

b) The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<p>Comment:</p> <p><u>Draft Local Planning Scheme No. 3</u></p> <p>The site would remain zoned 'Rural' under LPS3. The proposal is considered to fall within the land use of 'renewable energy facility' under LPS3 defined as:</p> <p><i>"premises used to generate 47 facility energy from a renewable energy source and includes any building or other structure used in, or in conjunction with, the generation of energy by a renewable resource, where energy is being produced for commercial gain (i.e. solar farms as opposed to solar panels)."</i></p> <p>This land use in an 'A' use in the 'rural' zone meaning there is discretion to permit the use after advertising has been carried out.</p> <p>The objectives of the 'Rural' zone under LPS3 are:</p> <ul style="list-style-type: none"> • <i>"To provide for the maintenance or enhancement of specific local rural character.</i> • <i>To protect and accommodate broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.</i> • <i>To maintain and enhance the environmental qualities of the landscape, vegetation, soils, and water bodies including groundwater, to protect sensitive areas especially the natural valley and watercourse systems from damage.</i> • <i>To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone.</i> 			

- *To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses."*

Whilst it is likely that the proposal, given its visual appearance, would not enhance the rural character of the area or allow the land to be used for agriculture, it is considered that it is a development that could be carried out without being to the detriment of the locality and be carried out alongside agricultural uses. The existing approval requires that prior to commencement of works, a landscaping plan should be provided and thereafter, the landscaping maintained. It is considered that this condition would allow for additional landscaping to be established to maintain and contribute towards the rural character of the locality whilst protecting the visual amenity of surrounding landowners.

The proposal is considered to be consistent with the objective of a non-rural, beneficial land use in providing a sustainable electricity supply to 30,000 houses and businesses within the local area. The creation of a dedicated renewable energy land use, which is able to be approved within the Rural zone, also demonstrates further aligning of the proposal to the future planning framework.

Local Planning Strategy

The subject site is identified as 'rural land' under the Local Planning Strategy (LPS) which generally seeks to protect larger rural lots for agriculture. The objectives of rural land under the LPS are:

- Protect large rural lots to ensure access to well positioned land for productive use is possible.
- Strengthen agricultural production as a significant economic contributor to the Shire and the broader region, promoting the Shire as a 'food bowl'.
- Promote alternative technologies and sustainable practice in agriculture and food production.
- Manage urban growth boundaries.
- Protect land for agricultural enterprises in proximity to Perth and its markets.
- Minimise or eliminate nutrient (particularly phosphorus) export into the Peel-Harvey Estuarine System.

Whilst the proposal does not provide a rural/agricultural use, it would contribute towards the provision of sustainable energy for rural uses. The LPS recognises the importance in providing infrastructure and utilities to support the rapid growth within the Shire in a timely manner. The LPS encourages *"sustainable practices and the adoption of new resource efficient technologies"*. As previously stated, it is considered that the development could be carried out alongside rural uses and contribute towards a sustainable rural community.

The LPS also considers the capability of land to support agriculture and maps the capacity of soils to support annual horticulture, perennial horticulture, dryland cropping and grazing. The subject site is mapped as having a relatively low capability for horticulture and cropping and a moderate to high capacity for grazing. The proposal therefore is considered to not be utilising high quality agricultural land for an alternative use.

c) any approved State planning policy

YES



NO



N/A



Comment: The intent of State Planning Policy 2.5 (SPP 2.5) is to *"protect and preserve Western Australia's rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values. Ensuring broad compatibility between land*

uses is inherent in this approach." The subject site is not mapped as having important food production or growing capabilities and it is considered that the proposal can be carried out alongside such uses. The SPP has not

d) any environmental protection policy approved under the <i>Environmental Protection Act 1986</i> section 31(d) –	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

e) any policy of the Commission	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

f) any policy of the State	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment:			

g) any local planning policy for the Scheme area	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: A condition on the initial approval requires the contribution towards public art in accordance with the LPP. This condition should remain on the extension of time.			

h) any structure plan, activity centre plan or local development plan that relates to the development	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

i) any report of the review of the local planning scheme that has been published under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			

Development:

k) the built heritage conservation of any place that is of cultural significance	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: The site has not been identified of any cultural significance			

l) the effect of the proposal on the cultural heritage significance of the area in which the development is located	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: The site is considered to have no impact on any cultural heritage significance, in accordance with the Shire's TPS2 the surrounding area has not been identified as of heritage significance.			

m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
<p>Comment: The proposal seeks an extension of time to the substantial commencement date only. It is noted that some minor amendments have been made to the plans through the clearance of condition process, such as increased setbacks, however this does not form part of this process.</p> <p>As assessed previously, the proposed development site of 75.7ha will feature solar panels across a majority of the site. The solar panels will be setback approximately 30.2m from the front setback (Thomas Road) and 8m metres from the side and rear boundaries (Rice Road & Peverett Lane). This 8m setback has been increased to 12m as part of the condition requirements.</p> <p>The operational site facilities inclusive of switchboard rooms, a shed and site offices are proposed to be setback approximately 65.35m from the primary street (Thomas Road), 14m to the eastern boundary, 418m from the western boundary and 1,771m from the rear boundary.</p> <p>The operational facilities will have a maximum building height of 3.9m. The associated structures consisting of an office building (12m x 6m), storage shed (12m x 6m) and three switch rooms (22m x 4.5m) will be constructed of galvanised and painted steel and will be coloured in dark green and a light shade of grey.</p> <p>The initial plans included a preliminary landscaping plan that illustrates a vegetation buffer along the perimeter of the development. It is proposed that the landscaping buffer will include mature trees with a view of screening a majority of the facility. In addition, the proposal includes a 1.2m dear style perimeter fence.</p> <p>As previously stated, the built form has not changed from what was approved and there have been no changes to the planning framework that would impact the assessment of the built form and its compatibility within its setting. The development is therefore considered to not adversely impact upon adjoining land or the locality subject to appropriate landscaping as required though a condition on the previously approved development.</p>			

n) the amenity of the locality including the following – I. Environmental impacts of the development II. The character of the locality	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
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III. Social impacts of the development			
<p>Comment: the proposed tourist facility, solar panels and associated operational facilities are considered to be set back sufficiently from the Primary Street, secondary streets/side and rear boundaries. The proposal has considered the existing vegetation onsite where possible, which results in some existing mature vegetation being retained within the setback areas to supplement the new proposed perimeter landscaping screen.</p> <p>Officers consider that the amenity of the locality will be maintained given the proposals setback distances to the site facilities and solar panels. In addition, the proposed and existing mature vegetation buffer will assist in ameliorating any offsite visual amenity impacts.</p> <p>Furthermore, a condition on the initial approval requires a landscape and vegetation management plan to the satisfaction of the Shire for approval prior to the commencement of any site works.</p> <p>It is expected that during construction there will be vehicle and machinery noise. Hours of construction of the site will be restricted to standard workings hours in which will be form part of the construction management plan that has already been proposed as a condition of approval.</p> <p>A noise impact statement was also recommended to ensure the proposed solar farm does not generate noise exceeding the <i>Environmental Protection (Noise) Regulations 1997 as part of the initial approval.</i></p>			

o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment:			

p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment:			

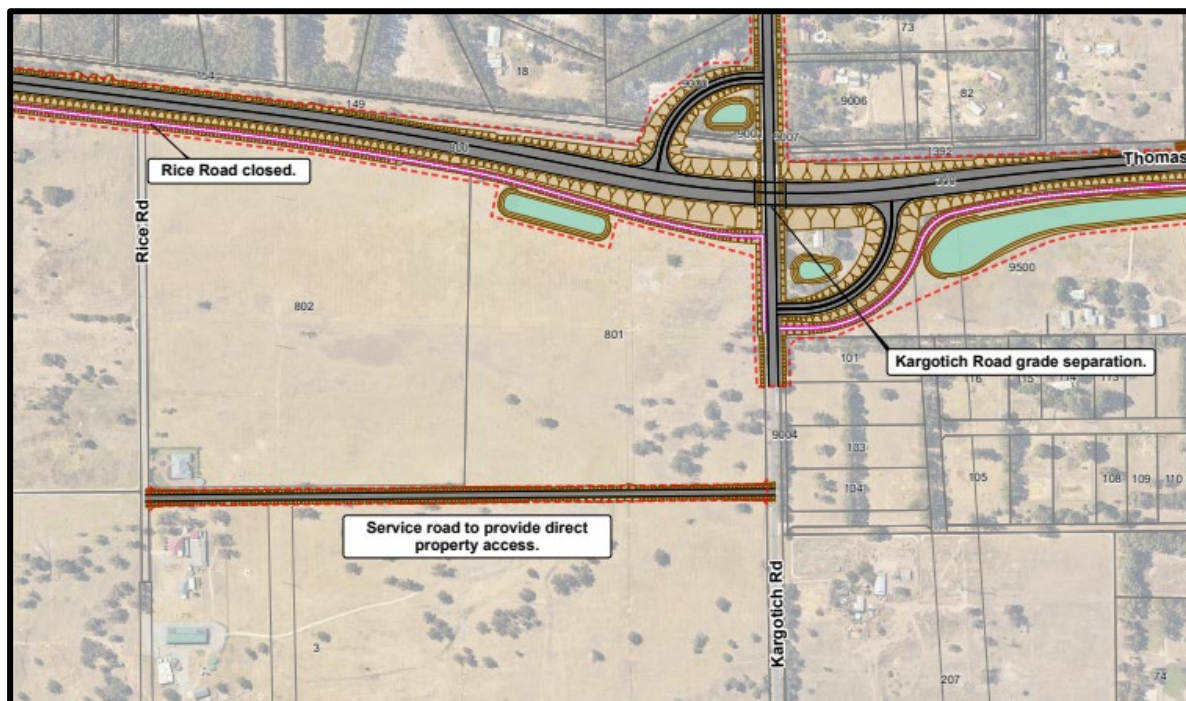
q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bushfire, soil erosion, land degradation or any other risk	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: A Bushfire and Emergency Management Plan is required through a condition on the initial approval to ensure that the development is undertaken in accordance with SPP3.7.			

r) the suitability of the land for the development taking into account the possible risk to human health or safety	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment:			

s) the adequacy of –	YES	NO	N/A
I. The proposed means of access to and egress from the site; and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
II. Arrangements for the loading, unloading, manoeuvring and parking of vehicles			

Comment:

The development, as previously approved, sought to gain access to the site via Rice Road from Thomas Road. Based on the above concept, the access would need to be changed to Kargotich Road and via the service road. Whilst this concept may result in altered access arrangements to the subject site, it is considered that the proposal could be undertaken without prejudicing the project and the access arrangements can be altered in the future without impeding the development.



Furthermore, once the construction of the facility is completed the facility will be managed by a maximum of two (2) employees with occasional additional traffic such as deliveries and maintenance personnel.

Parking:

A total of nine (9) parking bays are proposed to be located to the west of the bus stop drop off and pick up area located between the shed, office buildings and Thomas Road. The proposed tourist area is incidental to the use not listed (solar farm). The predominate use is not listed within TPS 2 which currently guides car parking requirements in accordance with Table V – parking requirements. TPS 2 does not provide guidance on car parking requirements for uses not prescribed within Table V.

Given the nature of the tourist facility, it is considered that nine (9) car bays is sufficient to cater for the incidental use. No amendments are proposed in this regard

The proposal also includes an office area to the south of the tourist area, near the intersection of Rice Road and Thomas Road. The office is proposed to have a total gross floor area of 72sqm. In accordance with Table V of the Shire's TPS 2 an office is required to have "1 space per 40 square metres gross leasable area with a maximum of 2 spaces for each office unit". The proposed plans indicate an area for car parking however have not provided the specifications. As such, the condition requiring a minimum of two (2) car bays for the offices should remain.

A Traffic Management Plan and Operational Management Plan has been conditioned accordingly.

t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity off the road system in the locality and the probable effect on traffic flow and safety	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Refer to section s)			

u) the availability and adequacy for the development of the following – I. Public transport services II. Public utility services III. Storage, management and collection of waste IV. Access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities) V. Access by older people and people with disability	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment:			

v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: The proposed development is considered to contribute to the wider community by providing a tourist area for which the community will be able to utilise as well as energy supply.			

w) the history of the site where the development is to be located	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: The site is considered to have no historical significance.			

x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Refer to the community and stakeholder section of the report			

y) any submissions received on the application	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Refer to section x)			

Za) the comments or submissions received from any authority consulted under clause 66	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	N/A <input type="checkbox"/>
Comment: Refer to section x)			

Zb) any other planning consideration the local government considers appropriate	YES <input type="checkbox"/>	NO <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Comment:			