

SHIRE OF HARVEY

DEVELOPMENT SERVICES COMMITTEE

MINUTES OF THE MEETING OF THE DEVELOPMENT SERVICES COMMITTEE HELD ON TUESDAY, 9TH AUGUST 2016, IN THE COUNCIL CHAMBER, YOUNG STREET, HARVEY COMMENCING AT 4:01P.M.

ATTENDANCE

Shire President	Cr.	T.G.	Jackson	
Deputy Shire President	Cr.	P.J.	Beech	
	Cr.	F.	Burgoyne	
	Cr.	P.	Giancono	
	Cr.	A.	Shortland	
	Cr.	D.	Simpson	4.01p.m. – 4.31p.m. 4.42p.m. – 5.50p.m.

STAFF

Chief Executive Officer	Mr.	M.	Parker
Executive Manager Corporate Services	Mr.	S.	Collie
Executive Manager Technical Services	Mr.	T.	Naudé
Acting Principal Building Surveyor	Mr.	P.	Gale
Principal Environmental Health Officer	Mr.	S.	Dandridge
Manager Planning Services	Mr.	S.	Hall
Manager Community and Economic Development	Mr.	P.	Quinlivan

OBSERVERS

Cr. J. Sabourne O.A.M. J.P.

GALLERY

Mr.	G.	Barbour	4.01p.m. – 5.10p.m.
Mr.	G.	Cattach	4.01p.m. – 4.32p.m.

1. OPENING

The Shire President opened the meeting at 4.01p.m.

2. PUBLIC QUESTION TIME

Nil.

3. APOLOGIES AND LEAVE OF ABSENCE

Nil.

4. COUNCILLORS' AND OFFICERS' DECLARATION OF PERSONAL INTEREST**• Impartiality Interest**

Cr. Simpson declared an impartiality interest in Planning Item 8.1.2 – Application for Planning Consent – Proposed Chalets (7) at Binningup Beach Caravan Park – Ghasseb Drafting – Lot 70 (No. 31) Portland Drive, Binningup (A000895).

Reason

Cr. Simpson advised that he owns an Accommodation business in Busselton and has had dealings with members of the family of the Proponent. Cr. Simpson declared he would leave the Chamber for the duration of this item.

5. PETITIONS/DEPUTATIONS

ITEM AMENDMENT 115 TO DISTRICT PLANNING SCHEME NO. 1 AND STRUCTURE PLAN – LOT 9000 WATERLOO ROAD, ROELANDS – CALIBRE CONSULTING REPRESENTING TWO HILLS PTY LTD – LOT 9000 WATERLOO ROAD, ROELANDS (P001115 & A005840).

Mr. Gary Barbour addressed the Committee regarding this item and advised of his concern with the Officer's Recommendation, condition 1, regarding the amalgamation of proposed Lots 22 – 24 due to Mines and Petroleum advice. This matter was not previously raised during consideration of the former subdivision application.

6. DELEGATIONS

Nil.

7. CONFIRMATION OF PREVIOUS MINUTES

7.1 DEVELOPMENT SERVICES COMMITTEE MEETING – Tuesday, 19th July 2016.

That the Minutes of the meeting held on Tuesday, 19th July 2016, be confirmed.

RECOMMENDATION

That the Minutes of the Meeting, held on Tuesday, 19th July 2016, as printed be confirmed as a true and correct record.

DS-16/083.

Simpson/Shortland

“That the Minutes of the meeting held on Tuesday, 19th July 2016, as printed be confirmed as a true and correct record.”

CARRIED 6-0

8. REPORTS OF OFFICERS

8.1 PLANNING REPORT (Green)

Item No.	8.1.1	
Subject:	Application for Development Approval – Shopping Centre Expansion (IGA) and Service Station Redevelopment	
Proponent:	Veen’s Design Group (on behalf of Liase Pty Ltd)	
Location:	Lots 96 and 103 Uduc Road, Harvey; and Lots 29, 33 and 97 Newell Street, Harvey	
Reporting Officer:	Planning Officer (EE)	
File No.:	A001880	Attachment Reg.16/23193

Summary

Council has received an Application for Development Approval for a small expansion of the existing IGA shopping centre on Lot 103 Uduc Road and the redevelopment of the existing service station on Lots 33 and 97 Newell Street within the Harvey Town Centre. Refer to **Attachment 1** for the location plan.

This application is referred to Council in relation to the proposed demolition of a place recorded on the Shire’s Municipal Heritage Inventory (MHI) and the redevelopment of the service station as it is a Non-Conforming use. Officers recommend that the proposal be approved subject to conditions. A copy of the Application is contained within **Attachment 2**.

Background

The following table provides a summary of the subject sites:

<i>Lot No.</i>	<i>Size (m²)</i>	<i>Improvements</i>
103	4,047	IGA Shopping Centre with minor commercial tenancies
96	1,011	Commercial building – brick in good external condition. Commercial tenancies include AMP, Harvey Reporter and Chinese Restaurant
97	1,013	Commercial building – brick in good external condition. Service Station with lawnmower sales and service.
33	1,270	Commercial building – brick façade in good external condition. Lawnmower sales and service in conjunction with Lot 97.
29	1,012	Vacant site – gravel hardstand for overflow parking. Rear portion fenced for storage.

Non – Conforming Use Rights

The service station on Lot 97 is classified as a “Non-Conforming Use” as it was in existence prior to the Shire of Harvey’s District Planning Scheme No.1 (the Scheme) coming into effect and a service station within a “Shop” zone is Not Permitted. The relevant clauses of the scheme relating to a “Non-conforming Use” are discussed in the Statutory/Policy Environment section of this report.

Proposal

The application has a number of components relating to the redevelopment of the 5 sites as summarised below:

<i>Lot No.</i>	<i>Existing</i>	<i>Proposed</i>
103	Shopping centre building, car parking	Expanded shopping centre building, car parking, relocation of tenancies from Lot 96 to this site.
97	Service station building, fuel pumps and canopy	Service station fuel pumps and canopy
96	Commercial building, car parking	Car parking
33	Commercial building, vacant heritage building	Service station building, car parking
29	Vacant	Car parking, bin store and plant area for shopping centre

The shopping centre site (Lot 103) was originally developed as a standalone site. However, the development owner has an 'Offer & Acceptance' to purchase Lots 97 and 33 in order to integrate all 5 lots into one overall development site. Officers will recommend that all sites be amalgamated onto one Certificate of Title.

The application proposes to increase the shopping centre floor area by approximately 134m² with proposed new tenancies as shown following:

<i>Tenancy</i>	<i>Occupant</i>	<i>NLA m²</i>	<i>(Net Lettable Area)</i>
1	IGA	1,419	
2	Unknown	89	
3	Hair Dresser	80	
4	Bendigo Bank	80	
5	AMP	200	
6	Accountant	50	
	TOTAL	1,918	

All the car parking and access ways will be integrated as one large area. The service station can be accessed via Uduc Road or Newell Street with all fuel truck supplies being delivered via Newell Street. There is a likelihood that the general public will use the car parking for purposes other than visiting the shopping centre. For this reason, officers will recommend that an Easement in Gross be provided which will allow the general public to use the car park even if they are not visiting the shopping centre. Such an easement will not obligate Council to manage and/or maintain the site but does allow Council the option to enforce standards/controls over the parking area at the owner's request.

Advertising

The proposed redevelopment of the service station site was referred to a number of Government agencies with their comments provided below:

Department Environment Regulation – No referral required.

Department Mines and Petroleum (DMP) – There are no approval requirements from the DMP in relation to the removal of the existing underground storage tanks. The service station owner will need to apply to the DMP for an appropriate approval/licence (this can be included on an approval as an advice note).

Department of Water – Initial contact was made via telephone but formal written comments were not received at the time of writing this report. The development site is not located within a Public Drinking Water Source area but is subject to a high water table. Comments from the Department are likely to be fairly generic in nature such as compliance with their Water Quality Protection Note 64 (Tanks – closure of underground chemical storage). An advice note can be included on an approval advising of the requirement to liaise with the Department of Water.

Comment

Parking

The Scheme requires 1 bay per 15m² of gross floor area (GFA) for a 'Shop' use, 1 bay per 40m² GFA for an 'Office' use and 1 bay per 50m² GFA for a 'Service Station' use. Clause 9.3(b) of TPS 1 requires that all necessary parking spaces be provided on site or in the immediate vicinity with Council approval.

The following provides the required and proposed parking:

'Shop' use	121 bays
'Office' use	9 bays
'Service Station' use	5 bays
Total required	<u>135 bays</u>
Total provided onsite	<u>127 bays</u>
Total provided offsite*	8 bays
Total provided	<u>135 bays</u>

* existing on-street parking bays within the Uduc Road road reserve adjoining the development site.

The 8 offsite bays noted above are existing on-street parking bays located within the Uduc Road road reserve adjoining the development site. Clause 9.3(b) of TPS 1 allows for these bays to be included in the parking calculation. Officers support Council allocating the adjoining 8 on-street parking bays for use by this development.

Traffic

Staff have some concerns on the potential impact of traffic conflict between the proposed development and the adjacent existing shopping centre development and also that vehicles will use the Uduc Road entry/exit points as a shortcut to the service station instead of travelling around to Newell Street. To address these concerns, Staff will recommend a condition be imposed requiring the preparation of a Traffic Impact Study. The Study will need to identify the:

- impacts on traffic volumes and flows on Uduc Road from the proposed entry/exit points and any conflicts with the entry/exit points for the centre on the north directly across the road; and
- internal traffic volumes and flows.

As far as Staff are aware, the Traffic Impact Study has been commenced by the Applicant.

Municipal Heritage Inventory

The building located in the centre of Lot 33 is Place No. 132 (Workshop [fmr]) on the Shire's MHI. The Place Record provides that the "place has historic value as an example of a commercial premises from the early 20th century in original form". The MHI further provides that the place has a 'high' level of integrity, 'low' level of authenticity and 'some/moderate' level of significance.

The building is listed as Management Category '3' meaning "conservation of the place is highly desirable". However, as the building has not been maintained nor has its original function been retained, Staff consider that the current level of integrity to be 'low' and therefore support its removal.

Overall Impact

The proposed extensions to the shopping centre and redevelopment of the existing service station are considered by Staff to be positive for the Harvey Town Centre. The proposal will have a positive impact on the general streetscape of both Uduc Road and Newell Street whilst providing increased exposure of businesses on Newell Street to the shopping centre and service station customers. There is also a possibility that the proposed development may be a catalyst for other businesses and/or sites within the Harvey Town Centre to redevelop.

Statutory/Policy Environment

Shire of Harvey District Planning Scheme No.1

The overall development site is zoned "Shop" under the Scheme with 'Shop' and 'Office' uses being a 'P' use. That is, "the use is permitted provided it complies with the relevant standards and requirements laid down in the Scheme". A 'Service Station' within the "Shop" zone is a 'Not Permitted' use. This is addressed in the following section as Lot 97 has existing non-conforming use rights.

Non-Conforming Uses

Clause 10.1 of the Scheme states that:

"No provision of the Scheme shall prevent:

- (a) *the continued use of any land or building for the purpose for which it was being lawfully used at the time of coming into force of the Scheme".*

Clause 10.2 "Extension of Non-Conforming Use" provides for the alteration or extension of a non-conforming use, or the erection, alteration or extension of a building used in conjunction with a non-conforming use, subject to the applicant having first applied for and obtained the approval of Council. It also provides that such a proposal is to conform to any other provisions and requirements contained in the Scheme. In this regard, the clause specifically provides discretion for the Council to waive these requirements:

- (d) *...if, in its opinion, a better development, within the meaning of this sub-clause, will result".*

It is evident that the proposal complies with the 'Non-Conforming Uses' provisions of the Scheme by:

- Having applied for a planning consent;
- Complying with all relevant requirements for a non-conforming use; and
- Approval will result in a better development than the existing by virtue of a more aesthetically pleasing and modern building that has been relocated to improve general traffic flows throughout the development site.

Local Planning Policy for Heritage Places

The Local Planning Policy (the Policy) for Heritage Places adopted by Council on 27th October 2015:

- Provides landowners, developers and the community with information and certainty regarding the formal practice involved in heritage identification and protection;
- Establishes development control principles; and
- Provides guidance to staff and Council when assessing development applications for places of heritage significance.

Part 13 provides policy provisions relating to Category 3 and 4 places. In relation to demolition, the Policy provides the following:

- “a) retention of the building or place is encouraged, however demolition may be supported, subject to the consideration of cultural heritage significance together with other relevant planning issues;*
- b) an archival record will be required as a condition of development approval for demolition, and the archival record should be prepared in accordance with the ‘photographic record’ provisions of the Heritage Council of WA guidelines;*
- c) demolition may require the landowner to provide an interpretation plan for the heritage place.”*

Officers will recommend that an archival record be prepared prior to demolition of the building.

Strategic Framework

Within the Shire’s Strategic Community Plan 2013 - 2023, Strategy 2.3.1 (in part) states:

- “Continue to implement integrated environmental, social and land use planning which will:*
 - minimise land use conflict.”*

Budget Implications

Nil.

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/information**. The Consequence could be Financial, Reputational or Compliance if an incorrect approval is given. The risk is mitigated by the report being thoroughly researched, peer reviewed and provided by a qualified Council officer, resulting in LOW risk being present.

Officer’s Recommendation

That Council:

1. Approves the Development Application for the Shopping Centre Expansion (IGA) and Service Station Redevelopment on Lots 96 and 103 Uduc Road, Harvey and Lots 29, 33 and 97 Newell Street, Harvey subject to the following conditions:

- a. The development and/or use shall be generally in accordance with the attached approved plans, subject to modifications required as a consequence of any condition(s) of this approval. The approved plans shall not be modified or altered without the prior written approval of Council;
- b. This approval is valid for a period of two (2) years. If the development is not substantially commenced within this period, a new approval must be obtained before commencing or continuing development;
- c. Any signage, including advertising signs, does not form part of this approval;

Prior to Building / Demolition Permit being issued

- d. A Photographic Archival Record for the Heritage Place No. 132 (known as Workshop [fmr]) on Lot 33 Newell Street, Harvey shall be prepared by a suitably qualified Heritage Consultant in accordance with the State Heritage Office's *Guide to preparing an archival record*. The Photographic Archival Record shall be submitted and approved by the Shire's Manager Planning Services prior to a Demolition Permit being issued;
- e. A Landscape and Reticulation Plan shall be prepared and submitted for approval by the Shire's Manager Planning Services prior to a Building Permit being issued. The Landscape and Reticulation Plan shall include all landscaped and reticulation areas within the development site and adjoining verge and specify details of the vegetation species, number of plants and spacing of plants;
- f. Lots 103 and 96 Uduc Road and Lots 29, 33 and 97 Newell Street shall be amalgamated into one lot prior to a Building Permit being issued;
- g. An "Easement in Gross" under Sections 195 and 196 of the *Land Administration Act 1997* shall be registered on the Certificate/s of Title for the new lot created by the amalgamation of the land (as required by Condition No. 6), providing for reciprocal rights of carriageway and access to parking for the general public to the satisfaction of the Shire's Executive Manager of Technical Services prior to a Building Permit being issued;
- h. A Bank Guarantee or Bond of \$5,000 shall be submitted prior to a Building Permit being issued for the purpose of installation of landscaping and reticulation required by Condition No. 13. Such Bank Guarantee or Bond shall be held by the Shire of Harvey for a minimum period of 12 months after the installation of the landscaping and reticulation;

Prior to Commencement of Works

- i. Prior to the commencement of any works on the development site of the approved service station, a site assessment shall be undertaken to determine whether acid sulphate soils are present on the land, and if present, to what extent and severity. If the soil is found to contain acid sulphate soils, an Acid Sulphate Soils Management Plan shall be submitted to and approved by the Shire's Manager of Planning Services in consultation with the Department of Environment Regulation. All site works shall be undertaken in accordance with the provisions of the approved Acid Sulphate Management Plan to the satisfaction of the Shire's Manager of Planning Services;

- j. A Traffic Impact Study shall be prepared by a suitably qualified traffic consultant and submitted for approval by the Shire's Executive Manager of Technical Services prior to commencement of site works;
- k. Construction management plan shall be submitted to and approved by the Shire's Executive Manager of Technical Services prior to the commencement of any works on the development site. The Construction Management Plan shall detail how the following matters will be managed during the construction phase:
 - i) Access to and from the site;
 - ii) Delivery of materials and equipment to the site;
 - iii) Storage of materials and equipment on the site;
 - iv) Provision of parking for customers, contractors and subcontractors;
 - v) Traffic management within and around the site;
 - vi) Management of construction waste; and
 - vii) Dust mitigation measures.

Prior to Occupation and/or Use

- l. The external walls of all buildings shall be treated with two coats of a non-sacrificial anti-graffiti agent, or other suitable treatment, to the specification and satisfaction of the Shire's Principal Building Surveyor prior to occupation and/or use of the approved development;
- m. All landscaping and reticulation shown on the approved Landscaping and Reticulation Plan (provided by Condition No. 5) shall be installed, and thereafter maintained, to the satisfaction of the Manager Planning Services, prior to occupation and/or use of the approved development;
- n. All stormwater shall be disposed of on-site in accordance with the approved plans, to the satisfaction of the Executive Manager of Technical Services prior to occupation and/or use of the approved development;
- o. All recommendations identified by the Shire's Executive Manager of Technical Services in the approved Traffic Impact Study (provided by Condition No. 10) shall be undertaken to the satisfaction of the Shire's Executive Manager of Technical Services prior to occupation and/or use of the approved development;
- p. Concrete kerbs or other suitable barriers shall be provided to the satisfaction of the Shire's Executive Manager of Technical Services to prevent direct vehicle access to an adjoining road other than by a designated constructed vehicle access way prior to occupation and/or use of the approved development;
- q. A minimum of 127 car parking bays shall be provided on site. Such car parking bays shall be a minimum dimension of 2.5m by 5.5m, with a 6.5m manoeuvring area in accordance with Clause 9.3(c) of the Shire's District Planning Scheme No. 1 to the satisfaction of the Shire's Executive Manager of Technical Services prior to the occupation and/or use of the approved development and thereafter maintained;

- r. A minimum of two (2) disabled access car spaces shall be provided for that exclusive use and shall be located as close as practicable to the front entrance to the two buildings. The bays shall be marked clearly with a sign to indicate their intended use and the minimum width of such a car space shall be 3.6m x 5.4m with 2.4m (length) x 3.6m (width) setback area to the satisfaction of the Shire's Executive Manager of Technical Services prior to occupation and/or use of the approved development;
- s. One (1) parking space in every 10 shall be used for garden and the planting of native plants and trees (including shade trees), and thereafter maintained, to the satisfaction of the Shire's Manager of Planning Services prior to occupation and/or use of the approved development;
- t. Car parking areas, crossovers and access ways (provided by Condition No. 17 and 18) shall be suitably constructed, sealed, drained, kerbed, marked and thereafter maintained, to the specification of the Shire's Executive Manager of Technical Services prior to occupation and/or use of the approved development;
- u. Loading bays and staff parking bays (provided by Condition No. 17 and 18) shall be appropriately marked to the satisfaction of the Shire's Executive Manager of Technical Services prior to occupation and/or use of the approved development;

Other

- v. The loading and unloading of goods from delivery vehicles shall only to be carried out within the boundaries of the site to the satisfaction of the Shire's Executive Manager of Technical Services;
 - w. Parking areas, loading bays and access lanes must be kept available for their intended purposes at all times and should not be used for general storage or any purpose other than the use vehicles for parking, loading/unloading and/or access;
 - x. All waste from the supermarket complex (including individual tenancies) shall be stored within the designated "bin store area" as shown on the approved plans; and
 - y. Goods must not be stored, or left exposed, outside the building so as to be visible from any public road or thoroughfare unless they are within a designated storage area approved for such use.
2. Advises the applicant of the following additional requirements that are not included as conditions of this approval:
- a. In accordance with the *Building Act 2011*, a Building Permit is required to be obtained prior to the commencement of any works on the site. In this regard, the building(s) and internal facilities need to be designed having particular regard to the accessibility and convenience of disabled people in accordance with the *Building Regulations 2012* and the *Building Code of Australia*.
 - b. In accordance with the *Building Act 2011*, a Demolition Permit is required to be obtained prior to the demolition of the buildings and/or structures on Lots 96, 97 and 33.

- c. Due to the internal floor area of the development, it is recommended to liaise with the Department of Fire and Emergency Service in relation to their water supply requirements for firefighting purposes.
- d. The proposed Hairdressing tenancy will be required to comply with the *Hairdressing Establishment Regulations 1972*.
- e. The development is required to comply with the *Health (Public Buildings) Regulations 1992*.
- f. The owner is reminded of their obligation to liaise with the Department of Mines and Petroleum and the Department of Water to obtain the necessary approvals in relation to the approved redevelopment of the service station.

DS-16/084.

Beech/Giancono

“That Council:

1. **Approves the Development Application for the Shopping Centre Expansion (IGA) and Service Station Redevelopment on Lots 96 and 103 Uduc Road, Harvey and Lots 29, 33 and 97 Newell Street, Harvey subject to the following conditions:**
 - a. **The development and/or use shall be generally in accordance with the attached approved plans, subject to modifications required as a consequence of any condition(s) of this approval. The approved plans shall not be modified or altered without the prior written approval of Council;**
 - b. **This approval is valid for a period of two (2) years. If the development is not substantially commenced within this period, a new approval must be obtained before commencing or continuing development;**
 - c. **Any signage, including advertising signs, does not form part of this approval;**

Prior to Building / Demolition Permit being issued

- d. **A Photographic Archival Record for the Heritage Place No. 132 (known as Workshop [fmr]) on Lot 33 Newell Street, Harvey shall be prepared by a suitably qualified Heritage Consultant in accordance with the State Heritage Office’s *Guide to preparing an archival record*. The Photographic Archival Record shall be submitted and approved by the Shire’s Manager Planning Services prior to a Demolition Permit being issued;**

- e. **A Landscape and Reticulation Plan shall be prepared and submitted for approval by the Shire's Manager Planning Services prior to a Building Permit being issued. The Landscape and Reticulation Plan shall include all landscaped and reticulation areas within the development site and adjoining verge and specify details of the vegetation species, number of plants and spacing of plants;**
- f. **Lots 103 and 96 Uduc Road and Lots 29, 33 and 97 Newell Street shall be amalgamated into one lot prior to a Building Permit being issued;**
- g. **An "Easement in Gross" under Sections 195 and 196 of the *Land Administration Act 1997* shall be registered on the Certificate/s of Title for the new lot created by the amalgamation of the land (as required by Condition No. 6), providing for reciprocal rights of carriageway and access to parking for the general public to the satisfaction of the Shire's Executive Manager of Technical Services prior to a Building Permit being issued;**
- h. **A Bank Guarantee or Bond of \$5,000 shall be submitted prior to a Building Permit being issued for the purpose of installation of landscaping and reticulation required by Condition No. 13. Such Bank Guarantee or Bond shall be held by the Shire of Harvey for a minimum period of 12 months after the installation of the landscaping and reticulation;**

Prior to Commencement of Works

- i. **Prior to the commencement of any works on the development site of the approved service station, a site assessment shall be undertaken to determine whether acid sulphate soils are present on the land, and if present, to what extent and severity. If the soil is found to contain acid sulphate soils, an Acid Sulphate Soils Management Plan shall be submitted to and approved by the Shire's Manager of Planning Services in consultation with the Department of Environment Regulation. All site works shall be undertaken in accordance with the provisions of the approved Acid Sulphate Management Plan to the satisfaction of the Shire's Manager of Planning Services;**
- j. **A Traffic Impact Study shall be prepared by a suitably qualified traffic consultant and submitted and approved by the Shire's Executive Manager of Technical Services prior to commencement of site works;**

- k. A Construction Management Plan shall be submitted to and approved by the Shire's Executive Manager of Technical Services prior to the commencement of any works on the development site. The Construction Management Plan shall detail how the following matters will be managed during the construction phase:**
- i) Access to and from the site;**
 - ii) Delivery of materials and equipment to the site;**
 - iii) Storage of materials and equipment on the site;**
 - iv) Provision of parking for customers, contractors and subcontractors;**
 - v) Traffic management within and around the site;**
 - vi) Management of construction waste; and**
 - vii) Dust mitigation measures.**

Prior to Occupation and/or Use

- l. The external walls of all buildings shall be treated with two coats of a non-sacrificial anti-graffiti agent, or other suitable treatment, to the specification and satisfaction of the Shire's Principal Building Surveyor prior to occupation and/or use of the approved development;**
- m. All landscaping and reticulation shown on the approved Landscaping and Reticulation Plan (provided by Condition No. 5) shall be installed, and thereafter maintained, to the satisfaction of the Manager Planning Services, prior to occupation and/or use of the approved development;**
- n. All stormwater shall be disposed of on-site in accordance with the approved plans, to the satisfaction of the Executive Manager of Technical Services prior to occupation and/or use of the approved development;**
- o. All recommendations identified by the Shire's Executive Manager of Technical Services in the approved Traffic Impact Study (provided by Condition No. 10) shall be undertaken to the satisfaction of the Shire's Executive Manager of Technical Services prior to occupation and/or use of the approved development;**

- p. **Concrete kerbs or other suitable barriers shall be provided to the satisfaction of the Shire's Executive Manager of Technical Services to prevent direct vehicle access to an adjoining road other than by a designated constructed vehicle access way prior to occupation and/or use of the approved development;**
- q. **A minimum of 127 car parking bays shall be provided on site. Such car parking bays shall be a minimum dimension of 2.5m by 5.5m, with a 6.5m manoeuvring area in accordance with Clause 9.3(c) of the Shire's District Planning Scheme No. 1 to the satisfaction of the Shire's Executive Manager of Technical Services prior to the occupation and/or use of the approved development and thereafter maintained;**
- r. **A minimum of two (2) disabled access car spaces shall be provided for that exclusive use and shall be located as close as practicable to the front entrance to the two buildings. The bays shall be marked clearly with a sign to indicate their intended use and the minimum width of such a car space shall be 3.6m x 5.4m with 2.4m (length) x 3.6m (width) setback area to the satisfaction of the Shire's Executive Manager of Technical Services prior to occupation and/or use of the approved development;**
- s. **One (1) parking space in every 10 shall have adjacent planting of native plants and trees (including shade trees), and thereafter maintained, to the satisfaction of the Shire's Manager of Planning Services prior to occupation and/or use of the approved development;**
- t. **Car parking areas, crossovers and access ways (provided by Condition No. 17 and 18) shall be suitably constructed, sealed, drained, kerbed, marked and thereafter maintained, to the specification of the Shire's Executive Manager of Technical Services prior to occupation and/or use of the approved development;**
- u. **Loading bays and staff parking bays (provided by Condition No. 17 and 18) shall be appropriately marked to the satisfaction of the Shire's Executive Manager of Technical Services prior to occupation and/or use of the approved development;**

Other

- v. **The loading and unloading of goods from delivery vehicles shall only to be carried out within the boundaries of the site to the satisfaction of the Shire's Executive Manager of Technical Services;**

- w. **Parking areas, loading bays and access lanes must be kept available for their intended purposes at all times and should not be used for general storage or any purpose other than the use vehicles for parking, loading/unloading and/or access;**
 - x. **All waste from the supermarket complex (including individual tenancies) shall be stored within the designated “bin store area” as shown on the approved plans; and**
 - y. **Goods must not be stored, or left exposed, outside the building so as to be visible from any public road or thoroughfare unless they are within a designated storage area approved for such use.**
2. **Advises the Applicant of the following additional requirements that are not included as conditions of this approval:**
- a. **In accordance with the *Building Act 2011*, a Building Permit is required to be obtained prior to the commencement of any works on the site. In this regard, the building(s) and internal facilities need to be designed having particular regard to the accessibility and convenience of disabled people in accordance with the *Building Regulations 2012* and the *Building Code of Australia*.**
 - b. **In accordance with the *Building Act 2011*, a Demolition Permit is required to be obtained prior to the demolition of the buildings and/or structures on Lots 96, 97 and 33.**
 - c. **Due to the internal floor area of the development, it is recommended to liaise with the Department of Fire and Emergency Service in relation to their water supply requirements for firefighting purposes.**
 - d. **The proposed Hairdressing tenancy will be required to comply with the *Hairdressing Establishment Regulations 1972*.**
 - e. **The development is required to comply with the *Health (Public Buildings) Regulations 1992*.**
 - f. **The owner is reminded of their obligation to liaise with the Department of Mines and Petroleum and the Department of Water to obtain the necessary approvals in relation to the approved redevelopment of the service station.”**

CARRIED 6-0

Cr. Simpson, having declared an impartiality interest in the following item, left the Chamber at 4.31p.m.

Mr. Cattach left the meeting at 4.33p.m.

Item No.	8.1.2
Subject:	Application for Planning Consent – Proposed Chalets (7) at Binningup Beach Caravan Park
Proponent:	Ghasseb Drafting
Location:	Lot 70 (No. 31) Portland Drive, Binningup
Reporting Officer:	Planning Officer (ND)
File No.:	A000895
	Attachment Reg. No. 16/17238

Summary

Council has received an application for Development Approval for seven chalets at Lot 70 (No. 31) Portland Drive, Binningup (Binningup Caravan Park). Approval is recommended subject to conditions including an increased rear boundary setback and deletion of a living room window (major opening) overlooking a residential property to the west. The proposal would normally be determined under delegated authority, however it is being referred to Council as there are issues in relation to treatment of effluent disposal and impacts on adjoining properties.

Background

The Binningup Beach Caravan Park (the site) is located on Lot 70 (No.31) Portland Drive, Binningup about 350m north of the Binningup general store (refer to **Attachment 1 - Location Plan**). The site is zoned “*Tourist*” under the Scheme and the land adjoining the site is zoned “*Residential R15/30/50*” (refer **Attachment 2 – zoning of the immediate area**). Under the Shire of Harvey District Planning Scheme No.1 a chalet is a “P” (permitted) use in the “*Tourist*” zone. The site currently accommodates 40 short stay and 6 long stay sites and is owned by Rangebay Pty Ltd.

Planning History since 2006

2006 Redevelopment Proposal

- At its meeting on 28th November 2006, Council resolved to approve the proposed chalet development consisting of 71 short stay accommodation chalets, a food and beverage facility, pool and manager’s accommodation at Lot 70 Portland Drive, Binningup. The conditions included:

“2(b) *The development being connected to the Hon. Ministers Sewer at the property boundary line, and the developer being advised that a private connection is not acceptable;*”
- An application for review was lodged with the State Administrative Tribunal (SAT) on the 12th December 2006, disputing condition 2b (above). The Tribunal determined that the Shire’s condition was reasonable and appropriate, given the scale and value of the development. This related to a proposal for 71 short stay accommodation units and ancillary development whereas the current proposal is for 7 short stay accommodation units/chalets and is less than a tenth of the impact of the 2006 redevelopment proposal. Hence on the 29th March 2007, SAT ruled that the condition 2b be replaced with: “the development to be connected to the Water Corporation sewer”. The proposed redevelopment of the site did not proceed.

- In a letter to the Manager of Planning dated 1st November 2007, the proponents (Rapley Wilson Property) indicated as follows:

“The cost exercise confirms that complying with the sewer condition is relatively expensive but not cost prohibitive at this time. It follows that the development will be connected to the Water Corporation’s infrastructure in accordance with the conditions imposed by the Shire of Harvey.”

- At its meeting on the 11th December 2007, Council approved a planning application for a conference facility (as an amendment to the approved development) subject to conditions including the facility be for the exclusive use of the internal patrons of the caravan park and that this would be secured via a legal agreement between the caravan park owners and the Shire of Harvey (07/21992).

2008 Redevelopment Proposal

- Council at its meeting on the 14th October 2008, resolved to grant planning consent for the redevelopment which consisted of: 54 short stay and 17 long stay accommodation units, conference facility, food and beverage facility, pool and associated recreation facility and incidental development (08/05168).

The approval included the condition: “The development being connected to the Hon. Ministers Sewer at the property line”. The approval was for three years and expired in November 2011 without any development having been undertaken or building permits being issued.

Recent History

- On the 26th May 2016, a planning application for seven chalets, being the current proposal, was received by the Shire (refer **Attachment 3**). Letters were sent to adjoining landowners requesting comment with the closing date being the 25th July 2016.

The Current Proposal

It is proposed to develop 5 x two storey (two bedroom) and 2 x single storey (one bedroom) chalets in the south western corner of the Binningup Beach Caravan Park on Lot 70 (No.31) Portland Drive, Binningup. The roofs are to be colorbond in a light shade, walls - Hardies Primeline and Axon and decking will be reeded timber decking or Modwood.

The vehicular access is proposed via the internal gravel accessway to the east of the chalet site. All chalets are two bedroom, single bathroom units with balconies located at the northern ends. Chalet 1 has been designed to be a wheelchair accessible unit.

Access and Parking

A 4m width gravel driveway is proposed along the northern side of the proposed chalets which provides access to a carport area under the northern first floor of chalets 3 to 7. Chalets 3 to 7 have enough parking space for one vehicle under the deck of each chalet building. Single storey chalets 1 and 2 have a single parallel car bay each alongside the northern side of the building and adjacent to the access way. The Scheme requirement for parking for chalets in the “Tourist” zone is deemed as being “at Council’s discretion”.

Visual Outlook

Chalets 3-7 are two storey and have an outlook across to the north and north east over the caravan park area, to the north west towards the ocean and also over the backyard areas of residential properties being 12,14 and 16 West Coast Drive.

Interference with Views

Given the cut and fill proposal (refer **Attachment 4**) there is minimal impact on the outlook of houses to the south whereby the roofline of the proposal is shown to be 200-300mm above the top of the southern boundary fenceline (unfenced at present). There is no impact on other dwellings surrounding the site in this regard.

Effluent Disposal

The original submitted plans indicated a 2 x 15m septic system under the vehicle access way of the proposed development. Council's Health Department indicated to the applicant that this was unacceptable as leach drains cannot be trafficable. The proponent submitted revised plans showing trafficable septic tanks and soakwells in the landscaping area however Council's Health Department commented that the size of the system in the plan is the size of a normal domestic system which is not acceptable for this many units. It was also commented that onsite effluent disposal cannot be achieved with this design. The Department of Health has also indicated that it is not in support of the original application where leach drains were proposed within the vehicle access area (16/24016).

Rear (western boundary) Setback

The site plan indicates a setback of 1.5m to the rear boundary. It has been indicated that the R-Codes are used as a guide as there is no specified setback for chalets in the Scheme or the Caravan & Camping Regulations. On the assumption of using the R-codes as guidance for setbacks the chalets are considered to correlate with R30 group dwelling development. Given the wall height measuring from natural ground level at 5.2m and the wall length of 10.8m for a wall with a major opening (living room window) the setback according to Table 2b is 2.9m. If there is to be no major opening then the required setback is 1.5m which conforms to the site plan.

Given the above, either the building is setback a minimum of 2.9m or the major opening be deleted (or changed to a minor opening) and then the 1.5m setback as specified is sufficient.

Bushfire Safety Requirements

The proposal and land site referred to is within a designated 'Bush Fire Prone Area' and the proponent is required to demonstrate that the bushfire risk can be managed to the satisfaction of DFES and the Shire of Harvey. The main fire threat is indicated as coming from the coastal vegetation on the western side of West Coast Drive. The proponent was requested on the 27th June 2016, to provide a Bushfire Attack Level (BAL) assessment and this is to be included as a condition of approval. It is dependent on the outcome of the BAL assessment as to what level of application in terms of building material changes will be required and this is prescribed by Australian Standard AS3959.

Consultation

Landowners/residents

Letters were sent to landowners adjoining the site. The close of advertising was on the 25th July 2016, and three submissions were received from landowners (refer **Attachment 5**). Each submission did not object to the proposal but the major concerns that were expressed are as follows:

- The distance of Chalet 7 to western boundary fence is considered to be insufficient, being only 1.5m.
- There is perceived overlooking from Chalet 7 into the backyard of 12 West Coast Drive and this is considered unacceptable.
- It is commented that retaining may be required at the western boundary fence due to the proximity of the fence to the 'cut' area which appears close to the rear (western) boundary.
- The Elevation 4 view (refer **Attachment 3**) did not have the correct fence alignment and there is actually more exposure to the western elevation of the building. This is most notably looking from No. 12 West Coast Drive. The architect was requested to submit a revised elevation and has done so as illustrated in **Attachment 6** – Elevation 4.
- There are concerns regarding the predominant height - this being two storeys and thought to be higher than much of the single storey development in the vicinity of the caravan park.
- There are concerns regarding the ability of the site to handle overall sewerage requirements and in particular – increased onsite effluent disposal and whether this will leach into nearby properties, especially those that are relatively lower in West Coast Drive.
- The clearing of vegetation relating to the proposed chalet area and any potential future clearing of vegetation.
- The previous requirements relating to the whole of site redevelopment proposals of 2006 and 2008 requiring a connection to the Water Corporations sewer.
- It is considered that there should be no detrimental impacts on adjoining residential properties such as overlooking, leaching of effluent disposal or loss of views.

Details of the above concerns are provided in the Table in **Attachment 5** along with staff comments on each issue raised.

Government Agencies

Ten submissions were received from government agencies (refer **Attachment 7**). A brief summary of the significant points from the government agencies is as follows:

- The proposal triggers a requirement for a BAL assessment (DFES and DoP requested).
- A connection to reticulated sewer is recommended by DoW but Water Corporation has not indicated that a sewer connection is mandatory due to the small scale of the proposal (DoW and Water Corp).
- The Department of Health has indicated that it is not in support of the application which proposes the leach drains within the vehicle access area and request further information regarding effluent disposal.
- A clearing permit should be obtained for any clearing of native vegetation on the site (DER).

Comment

Privacy Issues relating to Nearby Properties

The outlook of the two storey chalets 3-7 is mostly over the caravan park, however the backyard areas of residential properties 12, 14 and to a lesser degree, 16 West Coast Drive are overlooked. To avoid adverse impacts on these adjoining lots, an increase in the side setback and removal of the major opening for chalet 7 is recommended.

In the absence of any specific guidance or requirements for chalets in the Tourist Zone, the R-Codes are utilised, given that the surrounding development is residential and controlled under the provisions of the R-Codes.

In relation to visual privacy and overlooking the provisions of 6.4.1 – Visual Privacy is therefore utilised for statutory guidance in this matter. The deemed-to-comply provisions of 6.4.1 state as follows:

“Major openings and unenclosed outdoor active habitable spaces, which have a floor level of more than 0.5m above natural ground level and overlook any part of any other residential property behind its street setback line are:

i. set back, in direct line of sight within the cone of vision, from the lot boundary, a minimum distance as prescribed in the table below (refer Figure Series 10):

Relates to: *“Unenclosed outdoor active habitable spaces in areas coded R50 or lower”*
i.e. 7.5m

The nearest “unenclosed outdoor active habitable space” can be considered to be approximately 17m to the west of the proposed balcony area. This therefore complies with the setback requirement specified in the R-Codes.

Given the cut and fill proposal (refer **Attachment 4**) there is little or no impact on the outlook of houses to the south whereby the roofline of the proposal is shown to be 2-300mm above the top of the southern boundary fenceline (unfenced at present). Also there have been no submissions from any residents/inhabitants on the south side of the caravan park.

Effluent Disposal Issue

It has been established that connection to Water Corporation sewer for a project of this scale is unviable and that there is no time specified in the foreseeable future for the Water Corporation to provide reticulated sewerage to this area. Water Corporation does not specify that connection to reticulated sewer be included as a condition of approval. Discussions with staff confirm that given the scale of the proposal and that there are no plans to sewer the area, Water Corporation do not wish to insist on a sewer connection. It is to be remembered that previous development proposals that attracted the sewer connection condition were total redevelopments initially in excess of 70 units with associated facilities such as a function centre.

The land owner has liaised extensively with Council’s Health Department to determine a suitable location for septic tanks and leach drains on site. It is agreed by Council’s Health Department that two leach drains can be located on the southern side of the bbq area and one on the north side.

Statutory/Policy Environment

Western Australian Planning Commission Planning Bulletin 49 – Caravan Parks

Key planning objectives for caravan parks are to:

- Ensure the development and long term retention of caravan parks as a form of short stay (affordable) accommodation primarily for leisure tourists;
- Recognise that the commercial sustainability of caravan parks requires some flexibility in product mix, site design and risk mitigation approaches;
- Plan for and facilitate growth in the caravan park industry;
- Ensure the compatibility of short stay and long stay uses of caravan parks through appropriate separation;
- Encourage the development and redevelopment of caravan parks in a manner that responds appropriately to the environment, economy and context, and maintains a minimum standard; and
- Ensure any new caravan parks are located appropriately to their intended market, function and context.

It is considered that the proposal is in conformity with the above objectives.

Shire of Harvey District Planning Scheme No. 1

Table 7 – Zoning and Development Standards – Tourist zone

The existing Caravan Park meets the minimum lot area, frontage, setbacks, carparking and landscaping requirements of Table 7. With regard to setbacks for the proposed chalets Table 7 gives reference to the “Local Government Model Bylaws relating to Caravan Parks, Camping Grounds and Holiday Accommodation”. In relation to a “chalet” no setback is stipulated, hence setback distances for Chalets can be at Council’s discretion.

Strategic Framework

Within the Shire’s Strategic Community Plan 2013 - 2023, Strategy 2.3.1 states, in part:

- “Continue to implement integrated environmental, social and land use planning which will:*
- *minimise land use conflict.”*

Risk Management

The Risk Theme Profile identified as part of this report is ***Providing Inaccurate Advice/information***. The Consequence could be Financial, Reputational or Compliance if an incorrect approval is given or a condition is missed. The risk is mitigated by the report being thoroughly researched, reviewed and provided by a qualified Council officer, resulting in LOW risk being present.

Budget Implications

Nil.

Officer's Recommendation

That Council:

1. Grants Development Approval for seven (7) chalets on Lot 70 (No. 31) Portland Drive, Binningup (Reg: 16/17238) subject to the following conditions:
 - a. A person shall not without the written approval of Council, use a building or part of a building in respect of which Council has granted Development Approval subject to conditions, until all of those conditions have been complied with to the satisfaction of Council;
 - b. The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of Council;
 - c. This approval is valid for a period of two (2) years. If development is not substantially commenced within this period, a new approval must be obtained before commencing or continuing development;

Prior to Building Permit Being Issued

- d. The setback to Chalet 7 from the western boundary of the lot to be a minimum of 2.9m and the living room window be converted to a minor opening to the satisfaction of the Manager of Planning Services. Plans to be submitted prior to the application for a Building Permit;
- e. An updated site plan is to be provided demonstrating the leach drains comply with the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974 to the satisfaction of the Principal Environmental Health Officer and the Department of Health;
- f. The site is within a Bushfire Prone Area as designated by the Department of Fire and Emergency Services (DFES) and therefore a Bushfire Attack Level (BAL) Assessment is required. The BAL assessment is to be prepared in accordance with the Guidelines for Planning in Bushfire Prone Areas (WAPC Planning Policy 3.7) to the satisfaction of the Manager of Planning Services and DFES;
- g. Detailed plans and specifications of the proposed method of stormwater disposal being submitted for approval to the satisfaction of the Executive Manager of Technical Services. Such plans should identify invert levels, cover levels and pipe size and grade;
- h. Drainage and/or fill of the site to be to the specification and satisfaction of the Executive Manager of Technical Services and such plans to be submitted and approved prior to the issuance of a Building Permit;

Prior to Occupation of the Chalets

- i. Car parking areas, crossovers and access ways to be suitably constructed, sealed to a minimum bitumen standard, drained, kerbed and line marked and maintained to the satisfaction of the Executive Manager of Technical Services; and

Other (Ongoing) Conditions

- j. Parking areas, loading bays and access lanes must be kept available for these purposes at all times and should not be used for general storage or any purpose other than the use of motor vehicles;
2. Advises the Applicant of the following additional requirements that are not included as conditions of this approval:
- a. This development approval is granted on the condition that a Building Permit will be applied for prior to any work commencing on-site, including earthworks;
 - b. The development is to comply with the Building Code of Australia, Building Regulations 2012 and Health Act 1911 (as amended); and
 - c. No native vegetation is to be removed from the site without prior written consultation from the Shire of Harvey and a vegetation clearing permit from the Department of Environment Regulation being granted or deemed as an exemption.

DS-16/085. **Beech/Burgoyne**
"That Council:

1. **Grants Development Approval for seven (7) chalets on Lot 70 (No. 31) Portland Drive, Binningup (Reg: 16/17238) subject to the following conditions:**
 - a. **A person shall not without the written approval of Council, use a building or part of a building in respect of which Council has granted Development Approval subject to conditions, until all of those conditions have been complied with to the satisfaction of Council;**
 - b. **The layout of the site and the size, design and location of the buildings and works permitted must always accord with the endorsed plan and must not be altered or modified without the further written consent of Council;**
 - c. **This approval is valid for a period of two (2) years. If development is not substantially commenced within this period, a new approval must be obtained before commencing or continuing development;**

Prior to Building Permit Being Issued

- d. The setback to Chalet 7 from the western boundary of the lot to be a minimum of 2.9m and the living room window be converted to a minor opening to the satisfaction of the Manager of Planning Services. Plans to be submitted prior to the application for a Building Permit;
- e. An updated site plan is to be provided demonstrating the leach drains comply with the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974 to the satisfaction of the Principal Environmental Health Officer and the Department of Health;
- f. The site is within a Bushfire Prone Area as designated by the Department of Fire and Emergency Services (DFES) and therefore a Bushfire Attack Level (BAL) Assessment is required. The BAL assessment is to be prepared in accordance with the Guidelines for Planning in Bushfire Prone Areas (WAPC Planning Policy 3.7) to the satisfaction of the Manager of Planning Services and DFES;
- g. Detailed plans and specifications of the proposed method of stormwater disposal being submitted for approval to the satisfaction of the Executive Manager of Technical Services. Such plans should identify invert levels, cover levels and pipe size and grade;
- h. Drainage and/or fill of the site to be to the specification and satisfaction of the Executive Manager of Technical Services and such plans to be submitted and approved prior to the issuance of a Building Permit;

Prior to Occupation of the Chalets

- i. Car parking areas, crossovers and access ways to be suitably constructed, sealed to a minimum bitumen standard, drained, kerbed and line marked and maintained to the satisfaction of the Executive Manager of Technical Services; and

Other (Ongoing) Conditions

- j. Parking areas, loading bays and access lanes must be kept available for these purposes at all times and should not be used for general storage or any purpose other than the use of motor vehicles;

2. Advises the Applicant of the following additional requirements that are not included as conditions of this approval:
- a. A Building Permit is to be applied for prior to any work commencing on-site, including earthworks;
 - b. The development is to comply with the Building Code of Australia, Building Regulations 2012 and Health Act 1911 (as amended); and
 - c. No native vegetation is to be removed from the site without prior written consultation from the Shire of Harvey and a vegetation clearing permit from the Department of Environment Regulation being granted or deemed as an exemption.”

CARRIED 5-0

Cr. Simpson returned to the Chamber at 4.42p.m.

Item No.	8.1.3
Subject:	Amendment 115 to District Planning Scheme No. 1 and Structure Plan – Lot 9000 Waterloo Road, Roelands
Proponent:	Calibre Consulting representing Two Hills Pty Ltd
Location:	Lot 9000 Waterloo Road, Roelands
Reporting Officer:	Senior Planning Officer/Manager Planning Services
File No.:	P001115 & A005840 Attachment Reg. No. 15/30729

Summary

At its meeting on 15th December 2015, Council resolved to initiate Amendment No. 115 over Lot 9000 Waterloo Road, Roelands (refer **Attachment 1**) to District Planning Scheme No. 1 and to advertise the Amendment and associated Structure Plan (referred to as Subdivision Guide Plan by the Applicant in **Attachment 2**). The Amendment and structure plan are referred back to Council following the close of the advertising period.

A number of submissions have been received from government agencies raising concern with respect to vegetation protection and development that is proposed inside the 1,000m buffer of the Roelands Quarry. Modifications to the Structure Plan are recommended by Staff to address concerns raised during public advertising.

It is recommended that Council adopt the Amendment and structure plan for final approval, subject to modifications.

Background

Lot 9000 Waterloo Road, Roelands is located immediately east of the Livingstone Heights subdivision and south of the proposed second stage of the Heritage Hills Estate (refer **Attachment 1 – Location Plan**). Lot 9000 has an area of 21.2ha and has a westerly aspect.

Lot 9000 was rezoned from ‘General Farming’ to ‘Special Residential’ by Amendment No. 78 to District Planning Scheme No. 1 gazetted on 11th August 2009. Amendment No. 78 also included Lot 9000 in Special Residential Area 11 - ‘Waterloo Road, Roelands East’, in Schedule 3 ‘Additional Requirements – Special Residential Zone’ of the Scheme. One of the provisions in Schedule 3 of the Scheme states that Council may support a minimum lot size of 2,000m² and a minimum average lot size of 4,000m².

Submitted with Scheme Amendment No. 78 was a Structure Plan which provided for the subdivision of Lot 9000 into 35 special residential lots. At its meeting on 29th May 2012, Council supported a revised Structure Plan proposing to increase the lot yield from 35 to 46 lots. Later in 2012, the revised Structure Plan was endorsed by the Western Australian Planning Commission (refer **Attachment 2 – existing structure plan**). On 18th April 2013, subdivision approval was granted by the Western Australian Planning Commission. Condition 12 of the subdivision approval states:

“12. Arrangements being made with the Water Corporation so that provision of a suitable water supply service will be available to the lots shown on the approved plan of subdivision.”

The Applicant advises that:

- Extensive consultation has taken place with the Water Corporation with regard to the requirement for a reticulated water supply;
- The Water Corporation requires a reticulated water supply to be constructed to a standard that will also accommodate any future expansion of Roelands and Burekup, prefunded by the landowner;
- The infrastructure required includes the provision of a booster station on South Western Highway, requiring a 1km extension of three phase power;
- The booster station will pump water to a water tank to be constructed on the water supply site depicted on the proposed structure plan (refer **Attachment 3**). The lots will then be serviced via a gravity feed system;
- Provision of the water infrastructure will require a considerable investment upfront in addition to the normal subdivision development costs; and
- The additional costs make the subdivision in its current form unviable.

At its meeting on 15th December 2015, Council resolved as follows:

“1. Initiates Amendment No. 115 to District Planning Scheme No. 1 over Lot 9000 Waterloo Road, Roelands for the purpose of:

- 1. Amending the text in Schedule 3 – Additional Requirements Special Residential zone of the Scheme by replacing the following text:*

<i>Area No.</i>	<i>Locality</i>	
<i>Area 11</i>	<i>Waterloo Road, Roelands East</i>	<p><i>3.2.1 Despite the minimum lot size in Table 1, the Local Government may support a minimum average lot size of 3200m² and an absolute minimum lot size of 2000m². The design has been guided by a landscape assessment report to minimise the adverse impacts on the landscape values of the area.</i></p> <p><i>3.12.2 Subdivision to be in accordance with an approved Structure Plan.</i></p>

		<p>3.12.3 No further subdivision of the lots shown on the Structure Plan shall be permitted.</p> <p>3.12.4 Prior to subdivision approval, the subdivider is to prepare an Urban Water Management Plan that reflects the endorsed Structure Plan to the satisfaction of the Local Government and the Department of Water. A condition of subdivision approval will require the plan to be implemented to the satisfaction of the Local Government and the Department of Water.</p>
--	--	---

2. *Forms the opinion that the proposed Amendment is a standard amendment as defined in Part 5 Division 1, Regulation 34 of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:*
 - *The proposal does not conflict with the policy statement of the 'Special Residential' zone which is for primarily single residential housing in a bushland atmosphere;*
 - *The Amendment proposes a minor rewording of 'Schedule 3 – Additional Requirements Special Residential zone' of the Scheme to allow the site to be developed at a slightly higher lot yield; and*
 - *The Amendment will have minimal impact on surrounding land and will not result in significant environmental and landscape impacts.*
3. *Refers the Scheme Amendment to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act 2005;*
4. *Following receipt of comments from the Environmental Protection Authority, proceeds to advertise the Amendment for 42 days in accordance with Regulation 47, in Part 5 Division 3 of the Planning and Development (Local Planning Schemes) Regulations 2015;*
5. *Advises the Applicant that the structure plan complies with Clause 16(1) in Schedule 2 Part 4 of the Planning and Development (Local Planning Schemes) Regulations 2015 and proceeds to advertise the structure plan for 28 days, in accordance with Clause 18 in Schedule 2 Part 4 of the Planning and Development (Local Planning Schemes) Regulations 2015;*
6. *Further considers the Scheme Amendment and structure plan after the close of public advertising; and*
7. *Advises the Applicant that the building envelopes will be further assessed at the subdivision stage to ensure all development, including effluent disposal can be accommodated."*

Proposed Amendment

The proposed Scheme Amendment seeks to amend Schedule 3 of the Scheme as it relates to Lot 9000 Waterloo Road, Roelands. Specifically, it seeks to modify Clauses 3.12.1 to 3.12.4 in Schedule 3 to read as follows:

- “3.12.1 Despite the minimum lot size specified in Table 1, the Local Government may support a minimum average lot size of 3,200m² and an absolute minimum lot size of 2,000m². The design has been guided by a Landscape Assessment report to minimise the adverse impacts on the landscape values of the area.
- 3.12.2 Subdivision to be in accordance with an approved Structure Plan.
- 3.12.3 No further subdivision of the lots shown on the Structure plan shall be permitted.
- 3.12.4 Prior to subdivision approval, the subdivider is to prepare an Urban Water Management Plan that reflects the endorsed Structure Plan to the satisfaction of the Local Government and the Department of Water. A condition of subdivision approval will require the plan to be implemented to the satisfaction of the Local Government and the Department of Water.”

Proposed Structure Plan

The Structure Plan submitted by the Applicant proposes to subdivide Lot 9000 Waterloo Road, Roelands into 55 lots ranging in size from 2,004m² to 8,009m², three drainage reserves and two water supply tank sites (refer **Attachment 4** – Proposed Structure Plan). The previously approved Structure Plan proposed 46 lots representing an increase of 9 lots. The Structure Plan also shows allocated building envelopes on all lots.

Except for the rear setback of Lots 1 to 24 which is defined by the fire boundary setbacks stipulated on the structure plan, the following setbacks define the allocated building envelopes depicted on the structure plan:

Front	10m
Rear	10m
Side	5m
Secondary street	7.5m

The proposed front setback of 10m represents a variation of the 20m setback stipulated in Table 1 of District Planning Scheme No. 1 and has been previously approved by Council.

Comment

Density

The Amendment seeks to amend Schedule 3 ‘Additional Requirements – Special Residential’ zone of the Scheme as it relates to Lot 9000 by stipulating that the minimum average lot size that may be supported is 3,200m² instead of 4,000m². This increase in density will result in Lot 9000 being able to accommodate an additional 9 lots. Staff acknowledge the Applicant’s reasons for the need to increase density which is as follows:

- The Applicant states that the total cost of connecting the original 46 lots to reticulated scheme water cannot be recovered from lot sales. Increasing the lot yield will help make the subdivision viable; and
- The Department of Planning has given its in-principle support to the proposed increase in density.

The increase in density was previously supported by Council for advertising as it was considered appropriate as it will allow the developer to have the opportunity to offset the additional cost to supply water as required by the Shire and the Department of Planning. However, the Council did advise that further consideration of the allocated building envelopes was required and is obligated to consider the comments received during advertising.

The submission from the Department of Parks and Wildlife raises concern over the potential loss of vegetation and that a modification of certain allocated building envelopes is recommended. In response Staff consider that Lots 24, 35, 36 and 53 should be modified to address to the concerns of DPaW. A copy of the revised allocated building envelope for these lots is contained within **Attachment 5**.

Visual Impact

An increase in the density of the subdivision has the potential to increase the visual impact of development from surrounding areas, particularly from the major transport corridors of South Western Highway and Coalfields Road. Visual modelling prepared by the Applicant suggests that the visual impact of the additional development will be minor. Staff are confident that increasing the lot yield by 9 lots will not have a detrimental visual impact on the locality. The additional lots are generally concentrated in the lower, less visible parts of the site with larger lots retained on the more elevated slopes.

Water Corporation Infrastructure

The water tank sites will be transferred to the Water Corporation through the subdivision process which will maintain the water supply infrastructure servicing the proposed lots.

Since the initiation of the Amendment, the Shire has undergone one of the worst fires in Western Australian history. In response the awareness of the need for water supply assets to be protected from fire impact is greatly increased so that water is available for firefighting purposes during a bush fire. The proposed fire management plan needs to include design constraints and provisions to ensure the allocation of water during a bush fire event. This is likely to require the need for specific design to ensure infrastructure is not destroyed in a fire and power supply is maintained at all times.

Building Envelopes

All development including effluent disposal needs to be located inside the allocated building envelopes. As the size of the building envelopes is significantly reduced by the fire setbacks, consideration should be given to allowing effluent disposal inside the fire setback area where nominated on the Structure Plan. Outbuildings should also be supported as long as they are non-habitable structures.

Furthermore, to assist in vegetation protection (as recommended by the Department of Parks and Wildlife) some modification of the building envelopes is recommended. Refer to **Attachment 5** for a plan depicting recommended modifications to the allocated building envelopes on Lots 24, 35, 36 and 53. The modified building envelopes are drawn in red.

It is also noted that the effluent disposal systems on proposed Lots 37 and 38 are to be located at least 30m from the drainage basin on the adjoining lot to ensure an adequate separation. A notation to this effect is to be inserted on the structure plan.

Advertising

The Scheme Amendment and structure plan were advertised from 20th January 2016, to 2nd March 2016, during which time 13 submissions were received (refer to **Attachment 6 – Table of Submissions**). The main issues raised during advertising are discussed below.

Advice from Department of Water

The Department of Water advises that it raises no objection to the proposal subject to the rewording of Clause 3.12.4 to read as follows:

3.12.4 *“Prior to subdivision approval, the subdivider is to prepare an Urban Water Management Plan that reflects the endorsed Structure Plan to the satisfaction of the Local Government, in consultation with the Department of Water. A condition of subdivision approval will require the plan to be implemented to the satisfaction of the Local Government.”*

The above recommended modification has the effect of requiring the urban water management plan to be prepared and implemented to the satisfaction of the Local Government only rather than to the satisfaction of the Local Government and the Department of Water.

Advice from Main Roads WA

Main Roads raises concern with regard to current subdivision and development proposals in the Roelands area which will increase traffic demands at the existing access locations to South Western Highway and Coalfields Highway. Main Roads considers that an overall structure plan is required for the Roelands townsite which could be the precursor to a traffic impact study to determine future intersection and traffic requirements. Main Roads has recommended that the following additional provision be inserted into the Scheme to read as follows:

“At the subdivision stage the proponent will be required to upgrade the intersection of Government Road and South Western Highway including appropriate turning treatments designed and constructed to the specifications and satisfaction of Main Roads.”

Council has previously considered the issue of intersection upgrading in the Roelands townsite and determined that existing developments including Heritage Hills and Livingstone Heights do not need to make a contribution. However, any future expansion of the Roelands townsite which may be contemplated in the Shire’s local planning strategy or townsite strategy would need to contribute towards the upgrading of the intersection of Government Road with Coalfields Highway and South Western Highway.

Advice from the Department of Fire and Emergency Services

The Department recommends that provision be inserted into the Scheme to require a bushfire management plan to be prepared, approved and implemented by the developer to the specifications of the Shire and the Department of Fire and Emergency Services. It is recommended that the following additional provision be inserted into the Scheme:

“3.12.5 *A bushfire management plan is to be prepared, approved and implemented to the specifications of the Shire of Harvey and the Department of Fire and Emergency Services. The bushfire management plan shall address the following:*

- *Confirm second access through property;*

- *Protection of water tank infrastructure (and supported power supply during a fire event); and*
- *Location of effluent disposal units and the fire break network required for lots.”*

Advice from Department of Mines and Petroleum

The Department of Mines and Petroleum has advised that Lots 22-24 of the proposed amendment fall within the 1,000m buffer to the Roelands quarry, a Strategic Basic Raw Material for rock aggregate under the Greater Bunbury Region Scheme (refer **Attachment 7**). It is recommended that the Structure Plan be modified to remove Lots 22-24 which are located inside the 1,000m buffer. Proposed Lots 22-24 should be amalgamated with proposed Lot 21. Amalgamating and ensuring that a building envelope is located outside the buffer zone is in line with the structure plan prepared for the second stage of the adjoining Heritage Hills subdivision.

Advice from Department of Parks and Wildlife

The Department of Parks and Wildlife has recommended that locating mature trees inside building envelopes be avoided as the trees provide habitat for the black cockatoo. The Department has recommended that a provision is inserted into the Scheme requiring the Applicant to prepare and implement a Black Cockatoo Habitat Management Plan, to the satisfaction of the Department of Parks and Wildlife.

The Department of Parks and Wildlife has also recommended that:

- Lots 22 and 23 be combined to make a single lot; and
- Lots 47 and 48 be reoriented to assist with vegetation protection.

In relation to the amalgamation of Lots 22 and 23, these lots are located inside the buffer to the nearby granite quarry and are to be deleted along with Lot 24. Therefore no vegetation will be removed from this area. Regarding Lots 47 and 48, the realignment of these lots will help protect existing trees in this location and should be supported.

Statutory/Policy Environment

Greater Bunbury Region Scheme

Lot 9000 is zoned ‘Urban’ by the Greater Bunbury Region Scheme.

District Planning Scheme No. 1

Lot 9000 is zoned ‘Special Residential’ by District Planning Scheme No. 1. Provisions which relate to Lot 9000 appear in Schedule 3 of the Scheme.

Planning and Development (Local Planning Schemes) Regulations 2015

Regulation 50 in Part 5 Division 3 of the Planning and Development (Local Planning Schemes) Regulations 2015 states that the local government is to decide whether to support the Amendment with or without modifications or to not support the Amendment.

Clause 19 in Schedule 2 Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* states that the local government is to consider all submissions received on a proposed structure plan. Clause 20 stipulates that the local government is to forward to the WAPC its recommendation on whether the structure plan should be approved by the WAPC.

Strategic Framework

Within the Shire's Strategic Community Plan 2013 - 2023, Strategy 3.5.2 states:

"Provide a planning framework that accommodates diverse living and commercial opportunities."

Risk Management

The Risk Theme Profile identified as part of this report is ***Providing Inaccurate Advice/information***. The Consequence could be Financial, Reputational or Compliance if an incorrect approval is given or a condition is missed. The risk is mitigated by the report being thoroughly researched, reviewed and provided by a qualified Council officer, resulting in LOW risk being present.

Budget Implications

Nil

Officer's Recommendation

That Council in regard to Lot 9000 Waterloo Road, Roelands:

1. In accordance with Regulation 50 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, notes the submissions received during the public advertising period;
2. In accordance with Regulation 50 (3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, adopts Amendment No. 115 to District Planning Scheme No.1 for final approval subject to the following modifications:

No.	Modification	Reason
1.	Provision 3.12.4 of the Scheme Amendment being reworded to read as follows: <i>"3.12.4 Prior to subdivision approval, the subdivider is to prepare an Urban Water Management Plan that reflects the endorsed Structure Plan to the satisfaction of the Local Government, in consultation with the Department of Water. A condition of subdivision approval will require the plan to be implemented to the satisfaction of the Local Government."</i>	The minor rewording of Provision 3.12.4 has been requested by the Department of Water.
2.	A New Provision 3.12.5 being added to read as follows:	To reflect advice provided by the Department of Fire and Emergency Services and the Department of Parks and Wildlife.

No.	Modification	Reason
	<p>“3.12.5 A bushfire management plan is to be prepared, approved and implemented to the specifications of the Shire of Harvey and the Department of Fire and Emergency Services in consultation with the Department of Parks and Wildlife. The bushfire management plan shall address the following:</p> <ul style="list-style-type: none"> • Confirm second access through property; • Protection of water tank infrastructure (and supported power supply during a fire event); and • Location of effluent disposal units and the fire break network required for lots.” 	
3.	<p>A New Provision 3.12.6 being added to read as follows:</p> <p>“3.12.6 As a condition of subdivision, the Applicant is to prepare and implement a Black Cockatoo Habitat Management Plan, to the satisfaction of the Department of Parks and Wildlife.</p>	To reflect advice provided by the Department of Parks and Wildlife.

3. In accordance with Regulation 53 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, refers the Scheme Amendment to the Western Australian Planning Commission with a recommendation that final approval be granted subject to the Applicant carrying out the above modifications;
4. In accordance with Clause 19 (1) in Schedule 2 Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, notes the submissions received during the public advertising period of the proposed structure plan; and
5. Refers the structure plan to the Western Australian Planning Commission in accordance with Clause 20 in Schedule 2 Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, with a recommendation that final approval be granted subject to the Applicant carrying out the following modifications:

No.	Modification	Reason
1.	Proposed Lots 22-24 being amalgamated with proposed Lot 21.	The amalgamation of Lots 22-24 with Lot 21 is to reflect advice received from the Department of Mines and Petroleum that these lots are inside the buffer to a nearby granite quarry.

No.	Modification	Reason
2.	Lots 47 and 48 being re-orientated at right angles to the current proposed alignment, so that the proposed subdivision boundaries avoid impacting several mature trees.	Protection of habitat trees for the Black Cockatoo, as recommended by the Department of Parks and Wildlife.
3.	The allocated building envelopes on Lots 24, 35, 36 and 53 being modified in accordance with the modified building envelopes shown in red on Attachment 7.	In the interest of vegetation protection.
4.	A notation being inserted on the Structure Plan advising that effluent disposal may be permitted inside the fire setback areas nominated on the Structure Plan.	In recognition that some of the allocated building envelopes are quite small making it difficult to accommodate a dwelling, outbuildings and effluent disposal system inside the allocated building envelope.
5.	A notation being inserted on the Structure Plan prohibiting habitable structures in the fire setback area which shall be used for effluent disposal and outbuildings only.	To clearly indicate that habitable structures are not permitted in the fire setback area.
6.	A notation being inserted on the Structure Plan to state that effluent disposal systems on Lots 37 and 38 are to be no closer than 30m from the adjoining drainage basin.	To ensure an adequate setback between effluent disposal systems and the drainage basin.

DS-16/086.

Giancono/Burgoyne

“That Planning Item 8.1.3 lay on the table until its Council Meeting to be held Tuesday, 16th August 2016, to clarify the attachments provided.”

CARRIED 6-0

Mr. Barbour left the meeting at 5.10p.m.

Item No.	8.1.4
Subject:	Proposed Revocation of Local Planning Policy for the Yarloop Heritage Area
Proponent:	Shire of Harvey
Location:	Shire of Harvey
Reporting Officer:	Planning Officer (RD)
File No.:	B000028
	Attachment Reg. No.

Summary

Staff seek Council approval to revoke the Local Planning Policy for the Yarloop Heritage Area (YHA) and remove the designation for Yarloop as a heritage area. The YHA contains design criteria and planning provisions that require landowners to build dwellings in a particular sympathetic to the heritage character of the area. As a result of the January 2016 Yarloop/Harvey/Waroono Fire, many buildings of heritage value that contributed to the YHA were destroyed or severely damaged.

SIGNED _____ DATED 30th August 2016.

Staff therefore considered it appropriate to revoke the policy and remove Yarloop's designation as a heritage area. The revocation of the YHA would allow landowners affected to have greater flexibility in building new dwellings. The proposed revocation of the YHA has been advertised and all affected landowners written too. Council has received thirteen (13) submissions supporting the YHA be revoked. No submissions seeking the retention of the policy have been received.

Background

Prior to the January 2016 Yarloop/Harvey/Waroona Fire, Yarloop contained a number of buildings and places that reflected the town early 20th century timber mill industry. These individual places contributed to the built environment and cumulatively provided an insight into the historic industrial activities of the town. The YHA was written as part of the Shire's review of its local heritage planning framework and formally adopted in October 2015.

The purpose and intent of the YHA is to protect Yarloop's heritage character. The YHA outlined design criteria that would require any works to existing dwellings and new dwellings to be built sympathetic to its heritage character. Unfortunately, the January 2016 Yarloop/ Harvey/ Waroona Fire destroyed or severely damaged 75% of the buildings located within the YHA.

At its Ordinary Meeting held 24th May 2016, Council adopted the recommendation of the Heritage Advisory Committee which supported the removal of the YHA.

On 29th June 2016, staff consulted with the Yarloop community with a proposal to revoke the YHA. In addition, the proposal was advertised in accordance with Clause 9 of Schedule 2 (deemed provisions) of the *Planning and Development (Local Planning Scheme) Regulations 2015 (Regulations)*. Council has received thirteen (13) submissions supporting the YHA be revoked. No submissions seeking the retention of the YHA have been received.

Comment

As previously stated, the YHA outlined design criteria for existing and new dwellings to be sympathetic to the heritage character of the area. These design provisions included incorporating architecture features (building facades and window shapes) that reflected early 20th century timber mill style housing and the use of original building materials (such as Jarrah) wherever possible. In addition to a building permit, landowners would be required to obtain development approval for any works on the property with the exception of general maintenance.

On 22nd March 2016, at its previous Ordinary Meeting, Council resolved to amend the YHA to include a provision that would exempt the requirement for development approval for the any demolition and clean-up of buildings that were destroyed or severely damaged by the January 2016 Yarloop/Harvey/Waroona Fire. The purpose of this amendment was to allow the State Government to proceed with clean-up operations without any additional delays. At the time of the decision, Council resolved not to revoke the policy until it had further consulted with the community.

Since then, Staff have consulted extensively with the Yarloop community to consider the future built form of Yarloop including whether to retain the YHA and the design requirements contained within the policy. At the meeting, many residents expressed their interest in having the YHA policy revoked. The proposal was then formally advertised and landowners notified of the Shire's proposal to revoke the policy. During the advertising period, Council received thirteen (13) submissions supporting the YHA to be revoked (refer **Attachment 1**).

From a planning and heritage perspective, enforcing the YHA on new dwellings and structures would result in a 'mock' heritage built form outcome. This would not restore Yarloop's lost heritage value and character but rather undermine the purpose and intent of the YHA policy. Instead the removal of the policy would allow greater flexibility in the housing design and allow landowners to build to today's health and building standards thereby reducing any costs and delays. On this basis it is considered that the YHA should be revoked.

Local Planning Heritage Framework and Shire of Harvey Municipal Heritage Inventory 2014

The Shire of Harvey Municipal Heritage Inventory 2014 (MHI) has listed sixty five (65) total places in Yarloop, which comprise of:

- Fifty two (52) individual places located within the YHA;
- Five (5) Precincts which comprise a collective number of individual places; and
- Eight (8) individual places not located within the YHA.

As a result of the January 2016 Yarloop/Harvey/Waroonna Fire, only seven (7) individual places located within the YHA completely survived or were slightly damaged which include:

Place 183 – Commercial Premise, Lot 1 (37) Station St, Yarloop (MC3).

Place 214 – Palace Hotel (fmr), Lot 2 (10) McDowell St, Yarloop (MC4).

Place 216 – Significant Moreton Bay Fig Tree, Lot 19 Railway Parade (cnr School Rd), Yarloop (MC3).

Place 219 – Dwelling 8 Teesdale St, Lot 42 (8) Teesdale St, Yarloop (MC3).

Place 226 – Dwelling 18 Teesdale St, Lot 50 (18) Teesdale St, Yarloop (MC3).

Place 230 – Yarloop Post Office (fmr) – First, Lot 123 (16) McDowell St, Yarloop (MC2).

Place 235 – Yarloop War Memorial, Railway Reserve Railway Parade, Yarloop (MC2).

Each place listed in the MHI has its own individual management category status reflecting its heritage value and level of protection. The YHA provides another layer of heritage protection that identified the collective contribution of those places in context of an overall precinct and allocated a management category for heritage areas to them. The revocation of the YHA would not remove the individual heritage status for each of the above places and only the management category for heritage area.

Staff have been working with the Heritage Advisory Committee to update the thematic history section, individual places and other relevant parts of the MHI in light of the January 2016 Yarloop/Harvey/Waroonna Fire. The individual management categories of the remaining properties will need to be reviewed with further consultation with individual landowners.

Statutory/Policy Environment

Planning and Development (Local Planning Scheme) Regulations 2016

Subclauses (9)(8) and (9)(9) of Part 2 – Local Planning Framework of Schedule 2 – Deemed Provisions for Local Planning Scheme within the Planning and Development (Local Planning Schemes) Regulations 2015, provides the framework to revoke the designation of heritage areas and reads as:

9. Designation of heritage areas

(8) The local government may modify or revoke a designation of a heritage area.

(9) Subclauses (3) to (7) apply, with any necessary changes, to the amendment to a designation of a heritage area or the revocation of a designation of a heritage area.

Strategic Framework

Within the Shire's Strategic Community Plan 2013 - 2023, Strategy 4.4.3 states:

"Promote a positive public image for the Council through appropriate marketing activities and high standards of customer service."

Budget Implications

An estimate of lost revenue in not requiring a development application for approximately 78 properties at \$147 each is \$11,466.

Risk Management

The Risk Theme Profile identified as part of this report is ***Inaccurate Engagement Practices***. The Consequence could be ***Reputational*** and ***Property*** should Council make a decision not consistent with the community's expectations. The consequence rating is ***Moderate (3)*** and the likelihood is ***Rare (1)*** resulting in a LOW risk being present.

Officer's Recommendation

That Council:

1. Revokes the Local Planning Policy for the Yarloop Heritage Area and the designation of Yarloop as a Heritage Area; and
2. Advises the Heritage Council of Western Australia and each landowner affected that the Local Planning Policy for the Yarloop Heritage Area and the designation of Yarloop as a Heritage Area has been revoked.

DS-16/087.

Beech/Burgoyne

"That Council:

1. **Revokes the Local Planning Policy for the Yarloop Heritage Area and the designation of Yarloop as a Heritage Area;**
2. **Advises the Heritage Council of Western Australia and each landowner affected that the Local Planning Policy for the Yarloop Heritage Area and the designation of Yarloop as a Heritage Area has been revoked; and**
3. **Notes that legislation relating to State Heritage listed properties still applies to the Yarloop Workshops and the Catholic Church site on Johnson Road."**

CARRIED 5-1

8.2 HEALTH REPORT (Caramel)

Item No. 8.2.1

Subject:	Mosquito Borne Disease Control – 2015/2016
Proponent:	Principal Environmental Health Officer
Location:	Shire of Harvey
Reporting Officer:	Principal Environmental Health Officer
File No.:	SHH005

Summary

This report provides a summary of the mosquito borne disease control activities undertaken by Council's Health Department for the 2015/16 threat season, and the confirmed cases of Ross River virus (RRv) and Barmah Forest virus (BFv) throughout this Shire. The mosquito borne disease threat season usually occurs from September to May of each year.

Background

Mosquito control continues to be the major public health issue for the Local Governments of Harvey, Bunbury and Dardanup.

The aforementioned Local Governments have been co-operating since 1990 as the Leschenault Mosquito Control Group or CLAG (Contiguous Local Authority Group). Forming a CLAG allows access to funding, with 50% of larvicide costs and 100% of the helicopter hire costs being provided by the State Department of Health (DoH).

The purpose of the group, which formally meets biannually, is to control mosquito borne diseases on a sub-regional basis by undertaking control methods in unison, sharing expertise and equipment. Furthermore, in recent years the Leschenault CLAG and the Geographe CLAG (Capel and Busselton Local Governments) have also co-operated to deliver a common health education message more effectively.

The CLAG arrangement continues to operate effectively within the revised Memorandum of Understanding signed by all CLAG local governments in early 2014.

Comment

The 2015/16 season resulted in considerable less effort by Environmental Health staff to achieve successful mosquito control than in previous years. This is qualified by stating that the weather conditions were not conducive to an active mosquito season and that control relied on aerial treatments more so than manual applications. Aerial treatments were preferred over manual treatments when control was required due to the extensive flooding of tidal wetlands.

This season's mosquito control activities commenced in September 2015 with two (2) aerial treatments being (September and October) undertaken due to high tides. The Shire of Harvey undertook two (2) aerial treatments in 2015/2016 compared to five (5) in the previous season. The CLAG however totalled six (6) aerial treatments from September 2015 to March 2016 in response to tidal events of which four (4) affected the Leschenault Inlet not the estuary.

The following control activates statistics illustrate the low level of response required for the mosquito season. This was fortunate due to demand made upon EHOs for the Yarloop fire emergency in January 2016, however as a contingency EHOs from within the CLAG were willing to assist if mosquito control was required.

SIGNED _____ DATED 30th August 2016.

Control Activities

For the period of August 2015, to April 2016, the following control activities were undertaken within this Shire:

Nineteen (19) on ground surveys were undertaken at larval sites following conditions conducive to egg hatching. This compares with eighty six (86) in the 2014/15 season.

These surveys resulted in eight (8) treatments comprising of six (6) manual and two (2) aerial applications being undertaken for the Shire of Harvey with an additional treatment for Bunbury which made a total of six (6) CLAG treatments, as compared to last season, with twelve (12) treatments, including five (5) aerial applications.

The larvicide usage is shown below in Table 1.

TABLE 1

LARVICIDE USAGE		
Larvicide	2014/15	2015/16
Abate 10 SG	0 kg	0 kg
Abate 50 SG (aerial)	0 kg	0 kg
Bti (As)	2.7 litres	0 litres
Bti (vectobac G)	0.3 kg	112 kg
Barmac (Bti)	5 kg	0 kg
Briquettes (s-methoprene)	8	59
Prosand (s-methoprene)	614 kgs	614 kgs

Aerial treatments were undertaken on the following dates and resulted in an approximately 27 ha (compared to 137 ha 2014/2015), being treated. *It is to be noted that the Table 1 data is for the Shire of Harvey only, not the CLAG inclusive.*

1. Wednesday, 16th September 2015.
2. Monday, 5th October 2015.

Application rates for the larvicides are:

- Prosand (S-methoprene) at 4 kgs per hectare
- Bacillus thuringiensis var israelensis (Bti)
 - (Bti, As), at 1.2 litres (concentrate) per hectare
 - (Bti vectobac G) at 7kg per hectare
- Barmac (Bti) at 7kg per hectare
- Prolink (S-methoprene) Briquettes at 1 per 10sqm.

Five of the six aerial treatments were undertaken with the larvicide S-methoprene (granules) with the other being Bti corn granules. To assess the effectiveness of the aerial treatment, post aerial surveys continued for about 7-10 days revealing that the S-methoprene treatment was very successful. Post aerial surveys are required as part of the CLAG agreement, with all pre and post survey data being forwarded to the DOH.

The application of semi-permanent briquettes stations was minimal due to the coincidental timing of aerial treatments which treated the same sites. Furthermore, the tidal patterns and weather conditions throughout the season were conducive to a single aerial treatment as sites were significantly inundated which generally negated the requirements for manual applications.

Bti and S-methoprene are used as alternative larvicides which is a useful technique to reduce possible mosquito resistance. Both larvicides only target mosquito larvae.

The runnels at Crimp Crescent wetland which were installed in 2000 continue to function effectively due to the maintenance that was undertaken last year as a result of severe winter storms. Runnels allow the ingress of predators and the egress of impounded water thereby reducing mosquito larvae populations and thus reducing the use of chemical control. Repairs to the perimeter fencing and gate protecting the wetland from unauthorised vehicles have been successful to date in preventing unauthorised access.

Approximately 400m of runnels located on Lot 131 Clifton Park also required maintenance due to vegetation growth impairing function. Unauthorised access to this reserve by 4 wheel drives and motorbikes is becoming more common with damage to the runnels and delicate vegetation. The severe wheel rutting creates further larvae sites and destroys the runnels.

The 4km of runnels at Point Douro (private property) continue to be destroyed due to unlawful vehicle access, with large sections of the system now rendered inoperable. The owner in the past has replaced the perimeter fence on at least three (3) occasions only to have these breached within days.

The boat was not required to undertake surveys and treatments on Bar Island and the Collie River environs due to tides exceeding the known inundation levels and confirmation by aerial reconnaissance.

The quad bike was utilised twice to assist in the application of larvicides and survey work. This piece of equipment has proved extremely useful by allowing Staff to cover considerable distances quickly, to carry equipment, survey work and instigate treatments, particularly Bti applications.

Adulticiding (fogging) was not undertaken due to the low numbers of adult mosquitoes and the lack of complaints. If required these applications target specific locations and do not involve broad area fogging.

Ross River virus and Barmah Forest virus Notifications July 2015 – June 2016

TABLE 2

Monthly Breakdowns are at Date of Notification (Not Onset)

Monthly Onset Date	Ross River Virus	Barmah Forest Virus
July	0	1
August	0	0
September	1	0
October	3	0
November	1	0
December	0	0
January	0	0
February	2	0
March	1	0
April	1	0
May	3	0
June	0	0
TOTAL	12	1

Notified Cases of Ross River Virus for the Shire of Harvey 1987 to June 2016

TABLE 3

Note prior to 2009 reporting period was September to May each year:

Years	88/89	89/90	90/91	91/92	92/93	93/94	94/95	95/96	96/97	97/98	98/99
Cases	45	1	1	25	4	3	2	71	13	14	23
Years	99/00	00/01	01/02	02/03	03/04	04/05	05/06	06/07	07/08	08/09/	09/10
Cases	33	3	1	1	56	2	17	14	13	19	4
Years	10/11	11/12	12/13	13/14	14/15	15/16					
Cases	14	29	62	23	30	12					

To date the following cases of RRv have been recorded to the 30th June 2016, inclusive:

- State – 502 (previous year 540)
- South West – 154 (previous year 181)
- Leschenault CLAG – 30 (previous year 62)
- Shire of Harvey – 12 (previous year 30)

For the Shire of Harvey this equates to 2.4% (previous year 5.5%) of total Western Australia cases and 7.8%, (previous year 16%) of South West cases and 40% (previous year 48%) of the Leschenault CLAG.

Notified Cases of Barmah Forest virus for the Shire of Harvey 1987 to June 2016

TABLE 4

Note: Prior to 2009 reporting period was September to May each year.

Years	88/89	89/90	90/91	91/92	92/93	93/94	94/95	95/96	96/97	97/98	98/99	99/00	00/01
Cases	0	0	0	0	0	0	0	0	2	0	0	0	8
Years	01/02	02/03	03/04	04/05	05/06	06/07	07/08	08/09	09/10	10/11	11/12	12/13	13/14
Cases	3	1	0	0	3	4	1	3	1	2	0	No data	No data
Years	14/15	15/16											
Cases	2	1											

Note: due to the reliability of data collected throughout 2012 to 2014 no information can be provided.

SIGNED _____ DATED 30th August 2016.

To date the following cases of BFv have been recorded to the 30th June 2016, inclusive:

- State – 29 (previous year 29)
- South West – 6 (previous year refer to 1)
- Leschenault CLAG – 1 (previous year refer to 6)
- Shire of Harvey – 1 (previous year refer to 1)

For the Shire of Harvey this equates to 3.5% (previous year 4.5%) of total Western Australia cases and 16% (previous year 100%), of South West cases and 100% (previous year 17%) of the Leschenault CLAG.

Case Investigations

Each case of RRv notified is investigated where possible to ascertain the probable source of infection.

The demographics established that generally most people were infected within 1 kilometre of the environs of the Leschenault Estuary. This is very significant when considering the potential future intrusions of human populations to the north of the Leschenault Estuary. However it needs to be recognised that generally the residential areas do not extend much further than 1 kilometre from the estuary. Scientific research locally and within the South West has established that the *Ae camptorhynchus* mosquito is quite capable of travelling up to 1 kilometre per night into the wind and at least 6 kilometres from a release site.

Virus Activity

The DoH undertakes the trapping, identification and analyse adult mosquitoes from four locations on a fortnightly basis throughout this Shire.

For the period July 2015, to June 2016, fourteen (10) RRv and no BFv isolates were recovered from the trap sites within the Shire (TABLE 5).

TABLE 5

Trap Site	Number of Isolates	Virus ID	Mosquito Species	MIR Minimum infection rate/1000 mosq
Point Douro	10 29 th March 2015	RRv	<i>Ae. camptorhynchus</i> <i>Ae vigilax</i> <i>Ae alboannulatus</i> <i>Cx annulirostris</i> <i>Cx globocoxitus</i>	

Public Education

In response to the previous year's market research the Leschenault and Geographe CLAG's reviewed and modified its communication strategy which resulted in the following:

- TV advertising through GWN7 was initiated at the start of the risk season commencing 4th October 2015, for an 8 week period with a further two week campaign, commencing 26/12/15.
- Radio West/Hot FM radio campaign commenced from October 2015 and ceased in January 2016.

SIGNED _____ DATED 30th August 2016.

- The Leschenault CLAG also plan to have a joint staffed display stand promoting mosquito control and awareness at the Bunbury Caravan and Four Wheel Drive Expo in November 2016. The DoH has provided mosquito awareness merchandise through the Fight the Bite campaign to be given away at the stand. The promotional merchandise includes free repellents, caps, dry bags for promotional purposes.

- Radio Interviews

The Principal Environmental Health Officer undertook several live interviews on the local ABC radio station commencing September to November 2015. Staff were able to communicate the control actions being undertaken by this Shire and the CLAG as well as the disease risk as the season progressed.

- Signage

The large interpretive sign at Knapp's Channel wetland, describing Council's mosquito control measures at that site remains undamaged and continues to be of interest to the public. The dilapidated mosquito awareness sign located on Buffalo Road was replaced with a new sign which included the awareness of helicopter operations.

Mosquito Shed Extensions

State funding allocated through the DoH was acquired by the CLAG for the expansion of the mosquito control shed located at the Australind depot. The project included all costs as well as the provision of industrial storage racking and chemical spill kits. This has doubled the area of the existing facility as the shed was approaching its capacity.

Helicopter Safety Training

Council's Environmental Health Officers successfully completed the induction training required to be undertaken prior to helicopter operations. This is mandatory annual training and is provided free of cost.

The DoH several years ago reviewed its Occupational Health and Safety policy which determined that local government officers should no longer be permitted to fly, due to risk. This approach resulted in mixed treatment outcomes with the mapping system failing to deliver the anticipated results and causing confusion between pilots and Staff. Modifications to mapping and navigation equipment resolved most issues however difficulties were still encountered with aerial applications.

The difficulties were primarily due to obsolete and fatigued application equipment. This has been largely overcome with state of the art application and navigation equipment resulting in more efficient operations.

Shire Staff can however still fly for the purposes of reconnaissance to ensure that sites are correctly identified.

Shire Staff are required to:

- Inform the Australind Police of aerial activities;
- Ensure a safe landing zone;
- Calculate quantities of larvicides and area required for treatment;
- Load and calibrate the larvicide hoppers on both sides of the helicopter pre and post treatment;

- Act as the initial Search and Rescue (SAR) co-ordinator; and
- Provide treatment reports to the DoH.

Principal EHO Activities

Mosquito Control Advisory Committee

The PEHO continues to be the WALGA non metropolitan representative on the Mosquito Control Advisory Committee (MCAC) under the governance of the DoH. The MCAC can meet up to four times per year with its purpose being to:

- Scrutinise and approve CLAG budgets. state wide;
- Scrutinise and approve scientific research grant applications; and
- Provide a conduit to provide advice to various other state agencies concerning mosquito control.

Mosquito Legislative Working Group

The PEHO was invited to participate on the Mosquito Legislative Working Group to draft a Mosquito Management Code of Practice to support the new Public Health Act. The Code will include the specifics of management actions and the basis for decision-making, and to determine whether regulations would be an improvement for mosquito management in WA, or if there is an alternative option. The process will include feedback from local government and other agency stakeholders,

Albany Mosquito Control Course

The City of Albany and the DoH requested the services of the PEHO to assist in a regional training short course held in Albany in from the 24th to 26th February 2016. The course was attended by approximately 50 participants and cover topics of; identification, biology, disease risk and vector control. The PEHO presented the Shire's mosquito control programme, instructed in field training, application of control chemicals, and demonstrated the use/maintenance of equipment. All costs were covered by the DoH and the Shire of Albany.

Statutory/Policy Environment

Health Act 1911 – Obligates the Local Government to undertake control of disease carrying vectors.

CLAG MOU 2014 - This MOU clarifies the roles and responsibilities of the signatories to the document. This was endorsed by this Council at its meeting dated 25th February 2014.

Strategic Framework

Within the Shire's Strategic Community Plan 2013 – 2023, Strategy 2.7.4 states:

“Partner with other government agencies to implement an integrated approach to mosquito management.”

Risk Management

The Risk Theme Profile identified as part of this report is **Providing Inaccurate Advice/Information**. There is no Consequence associated as Council has the full authority under State Government legislation and MOU to undertake mosquito control. There could be a reputational consequence if Council is seen not take remedial action to control a disease risk.

Budget Implications

The activities described in this report were undertaken within the 2015/16 financial year:

- Council's mosquito control budget.
- Leschenault CLAG budget, which includes Department of Health funding.

Officer's Recommendations:

That Council receives the report entitled "*Mosquito Borne Disease Control 2015/2016*" and acknowledges the action taken by Staff in an effort to reduce the impacts and associated risks of mosquitoes on the residents of the Shire.

DS-16/088.

Simpson/Giancono

"That the Officer's Recommendation be adopted."

CARRIED 6-0

8.3 BUILDING REPORT (Gold)

Item No.	8.3.1		
Subject:	Building Activity Report – July 2016		
Location:	Shire of Harvey		
Reporting Officer:	Principal Building Surveyor		
File No.:	BSR017 (15)	Attachment Reg. No. 16/24909	

71 building applications have been received and 70 building permits issued for the month of July 2016. Details of building permits approved are attached.

ATTACHMENT

Officer's Recommendation

That Council receives the report on building activity over the month of July 2016.

DS-16/089. **Beech/Burgoyne**
"That the Officer's Recommendation be adopted."

CARRIED 6-0

Item No.	8.3.2		
Subject:	Shire Entry Signs		
Proponent:	Shire of Harvey		
Location:	South Western Highway, Forrest Highway and Coalfields Highway		
Reporting Officer:	Manager Community and Economic Development		
File No.:	ES/L/002	Attachment Reg. No.	

Summary

This report presents design options and quotations for new entry signs to be located at the main entrance points to the Shire and recommends that Council approve the preferred design.

Background

Funds were allocated in Council's 2015/16 Budget and have been carried forward to 2016/17 to replace the old Shire entry signs on South Western Highway and Forrest Highway. Over the past few months Staff have invited sign companies to submit draft designs and quotations to supply and install the signs.

A copy of the draft designs is provided as an attachment to this report (refer **Attachments 1, 2 and 3**) for consideration by Council.

Comment

The brief to the sign companies was to produce some design options that were attractive and eye catching for visitors entering the Shire on South Western Highway and Forrest Highway. Given that vehicles would be travelling at speeds up to 110km per hour, it was considered appropriate for the designs to have a simple message that included the Shire's "A Breath of Fresh Air" logo, and the words "Shire of Harvey" and "Welcome".

In order to achieve the desired outcome of presenting a highly visible and welcoming sign to people entering the Shire, it is proposed that the sign dimensions be 4m in height and approximately 1.7m in width.

SIGNED _____ DATED 30th August 2016.

A summary of the quotes received is provided as follows:

- Riverside Signs - \$15,838 (plus GST) to supply and install four signs.
- Amity Signs - \$16,200 (plus GST) to supply and install four signs.
- Danthonia Signs - \$49,716 (plus GST) to supply four signs.

In addition to the quoted prices from each of the sign companies there is likely to be some extra costs for traffic management due to the new signs being installed on major Highways.

Riverside Signs and Amity Signs are based in Bunbury and have previously produced signs for the Shire. Danthonia Signs is based in the Eastern States and specialise in entry statement signs. Danthonia has produced many entry signs for Local Governments throughout the country including Bunbury, Waroona and the Heritage Precinct signs in Yarloop.

Although Danthonia has submitted a suitable design for the Shire's entry statement signs, its quote is significantly higher than the two local companies and does not include installation which would be an additional cost. A revised quote of \$34,064 (plus GST) was received from Danthonia to supply four signs however this is still substantially higher than the other two quotes.

Given that there is little difference in the quotes from Riverside Signs and Amity Signs, the decision becomes somewhat subjective as to which design best achieves the objective of creating an attractive and eye catching sign to welcome people as they enter our Shire. On balance it is recommended that Council approves the design submitted by Riverside Signs as attached for entry signs to be installed at the Shire's boundaries.

The Budget for this project was allocated on the basis of providing four new signs to replace the existing signs at the northern and southern boundaries of the Shire on South Western Highway and Forrest Highway. The rationale was that the majority of people entering the Shire would be via these main Highways. If Council is supportive of the recommendation to approve the design submitted by Riverside Signs, there would be scope within the Budget to provide a fifth sign at the Coalfields Highway entry to the Shire. A revised quote of \$19,708 (plus GST) has been received to supply and install five signs which is still within the Budget allocation.

Statutory/Policy Environment

The proposed Shire entry signs would be located with the road reserves for South Western, Forrest and Coalfields Highways and would therefore require approval from Main Roads WA.

Strategic Framework

Within the Shire's Strategic Community Plan 2013 – 2023, Strategy 1.2.5 states:

“Complete the Entry Statement program for the Shire”.

Risk Management

The Risk Theme Profile identified as part of this report is ***Ineffective Engagement Practices***. The Consequence could be Reputational if the community was not supportive of the proposed Shire entry signs. The Risk Consequence is considered to be “Minor” (2) and the Likelihood “Unlikely” (2) resulting in a “Low” (4) level of risk.

Budget Implications

An allocation of \$40,000 has been included in Council's 2016/17 Budget for this project.

Officer's Recommendation

That Council:

1. Approves the design submitted by Riverside Signs as attached for entry signs to be installed at the boundaries of the Shire on South Western Highway, Forrest Highway and Coalfields Highway; and
2. Staff seek approval from Main Roads WA to install the entry signs in suitable locations at the Shire's boundaries on South Western Highway, Forrest Highway and Coalfields Highway.

DS-16/090. **Simpson/Beech**
"That the Officer's Recommendation be adopted."

CARRIED 6-0

9. **MATTERS BEHIND CLOSED DOORS (Under Section 5.23 (2) of the Local Government Act, 1995)**

Nil.

10. **CLOSURE**

There being no further business to discuss, the meeting was declared closed at 5.50p.m.