



Shire of Harvey

**DEVELOPMENT
SERVICES COMMITTEE
AGENDA**

15th January 2019

SHIRE OF HARVEY

DEVELOPMENT SERVICES COMMITTEE MEETING

Dear Councillor,

Notice is hereby given that the next meeting of the Development Services Committee will be held on Tuesday, 15th January 2019, in the Council Chamber, Mulgara Street, Australind, commencing at 4:00p.m.

The business to be transacted is shown in the Agenda hereunder.

Yours faithfully,



ANNIE RIORDAN
CHIEF EXECUTIVE OFFICER

10th January 2019.

AGENDA

1. **OFFICIAL OPENING**
2. **RECORD OF APOLOGIES**
3. **DECLARATIONS OF MEMBERS' AND OFFICERS' PERSONAL INTEREST**
4. **RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**
5. **PUBLIC QUESTION TIME**
6. **PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

7. CONFIRMATION OF PREVIOUS MINUTES**7.1 DEVELOPMENT SERVICES COMMITTEE MEETING – Tuesday, 4th December 2018.**

That the Minutes of the meeting held on Tuesday, 4th December 2018, be confirmed.

RECOMMENDATION

That the Minutes of the Meeting, held on Tuesday, 4th December 2018, as printed be confirmed as a true and correct record.

8. REPORTS OF OFFICERS**8.1 PLANNING REPORT**

- | | | |
|-------|---|----|
| 8.1.1 | Expansion to Piggery (Increase in Animal Numbers – Seven (7) Additional Shelters and Evaporation Pond – Aljota Pty Ltd – Lot 4695, 93 Alexander Road, Yarloop (A000166) | 4 |
| 8.1.2 | Eight (8) Grouped Dwellings – Dale Alcock Homes – Lot 390 (No. 1) Aquila Drive, Australind (A015997) | 13 |

8.2 BUILDING REPORT

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| 8.2.1 | Building Permit Applications Received – Building Permits Issued – December 2018 – Shire of Harvey (BSR017(15)) | 20 |
|-------|--|----|

9. MATTERS BEHIND CLOSED DOORS**10. CLOSURE**

8.1 PLANNING REPORT

| | |
|---------------------------|--|
| Item No. | 8.1.1 |
| Subject: | Expansion to Piggery (Increase In Animal Numbers, seven (7) Additional Shelters and Evaporation Pond) |
| Proponent: | Aljota Pty Ltd |
| Location: | Lot 4695 (No. 93) Alexander Road, Yarloop |
| Reporting Officer: | Planning Officer (KB) |
| File No.: | A000166 Attachment Reg. 18/36418 |

Summary

An Application for Development Approval has been received for the expansion of an existing 'piggery' (Peel Pork) at Lot 4695 (No. 93) Alexander Road, Yarloop (refer **Attachment 1**) which includes:

- an increase in animal numbers (from 400 sow to 500 sow farrow-to-finish);
- seven (7) additional shelters; and
- a new evaporation pond for wastewater treatment.

The application is referred to Council as the 'piggery' is an 'SA' use class under Table 29 of the Shire of Harvey District Planning Scheme No. 1 (the Scheme) and Staff do not have delegation to determine this application as objections have been received during the advertising period.

As evidenced by the Officer's report the objections are considered to be issues that referral agencies consider may be resolved through the proper implementation and management of the facility and thus approval subject to conditions is recommended.

Background

Site Description

Lot 4695 (No. 93) Alexander Road is zoned "General Farming" under the Scheme and is within the locality of Yarloop. The site has an area of 132ha and is a relatively flat parcel of land. The existing piggery and proposed works are located in the northern portion of the site (refer **Attachment 2**).

Site History

A Piggery was approved by the Shire on 20th June 1979, issued to Mr G.H. Moore and has consistently been used as such until the present day. The site operates in accord with Licence L4958/1992/12 issued under Schedule 1 of the Environmental Protection Regulations, 1987 and is prescribed as Category 2: Intensive Piggery. The facility is currently licenced for a capacity for 4,000 animals at any one time.

Proposal

The application proposes seven (7) additional shelters and an anaerobic evaporation pond for the disposal of treated wastewater, which will be 90m x 90m with a depth of 1.5m. The evaporation pond will be constructed in accordance with the Department of Water and Environmental Regulation's (DWER) *Water Quality Protection Note 26: Liners for containing pollutants, using synthetic membranes*.

The proposed works are to support intensification in animal numbers from a 400 sow farrow-to-finish to a 500 sow farrow-to-finish facility and also to replace the need for disposal of treated wastewater through irrigation. The increase in numbers is expected to be an annual mean total of 4,514 animals (excluding suckers) and a maximum of 4,695. Staff acknowledge that the proposed numbers exceed the current licence and this will need to be addressed by the applicant through application to DWER.

Advertising

Pursuant to Clause 66 of the Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions), the application was forwarded to the following agencies for their comments, a summary of responses has been provided in Table 1 of **Attachment 3**. The list of agencies consulted is below:

| Consultation with other authorities | Response |
|---|-----------------|
| Department of Water and Environmental Regulation | Yes |
| Department of Health | Yes |
| Department of Primary Industries and Regional Development | Yes |
| Peel-Harvey Catchment Council | No |

Pursuant to Clause 2.1 of the Scheme, nearby landowners were advised of the proposal in the manner set out in cl. 64 (3)(a) of the Deemed Provisions. A total of 30 properties were notified and nine (9) submissions were received.

A summary of submissions is provided in Table 2 of **Attachment 3**.

Comment

The proposal contains two (2) main components i.e: an increase in animal numbers and supporting shelters and wastewater treatment improvements. The proposed evaporation pond will remove the need for disposal of treated wastewater through irrigation, which will assist in improving the environmental performance of the site and also accommodate the increase in production activity. The increase in waste generated by the expansion has been calculated using PigBal v4.094 for a 500 sow operation to finish as per the calculations in Appendix 4 of the Applicant's report.

Wastewater and Drainage

The DWER comments are supportive of the proposal on the provision that the wastewater irrigation servicing the current and proposed expansion will be replaced with lined evaporative and anaerobic ponds. This has potential to reduce the risk of nutrient leaching to the environment.

Further, DWER recognise that replacing the current wastewater irrigation system with lined evaporative and anaerobic ponds should reduce the source of the odours on site and potentially have a positive impact on the Resource Enhancement Wetland (REW) by reducing nutrients leaching into the wetland. The REW is approximately 80m to the north of the proposed lined evaporative and anaerobic ponds and which from a desktop study appear to contain a high level of nutrients.

In the event the ponds reach maximum capacity, irrigating wastewater (consisting of compost and manure) is a contingency plan which needs to be well managed to control nutrient leaching. The property drains into the Peel-Harvey Estuary leading to nutrient loading in the Catchment System. Piggeries within the Peel Harvey Catchment are reported to be the single largest land-use contributor to the elevated nutrient levels in the Estuary. It is therefore prudent that control conditions are imposed on such irrigation to ensure the operation complies with the Environmental Protection Peel Inlet (EEP) – Harvey Estuary Policy (EPA 1992). The Peel-Harvey EPP establishes phosphorous loading targets for the Peel-Harvey System.

Water Balance Calculations (provided under Appendix 5 of the Works Approval Application Report) demonstrate that all water will be able to be held on site without encroaching on the 0.3m freeboard up to a 1:10 Average Recurrence Interval (ARI). The Stormwater Management Plan is to include a method for capturing overflow from storm events greater than 1:20 ARI and to catch hard surface run-off in the form of bio-filtration and/or constructed swales.

Nutrient Export Risks

The assessment of nutrient export risk will be conducted by DWER as part of the *Environmental Protection Act 1986* (the Act) Licence application to assess the proposed wastewater management processes and will include assessment against *Water Quality Protection Note 22: Irrigation with nutrient-rich wastewater (DoW 2008)* (WQPN22), and in this situation would also refer to the Peel Harvey Environmental Protection Plan (EPP) nutrient loading targets. Compost and manure are partial fertiliser replacement materials and therefore require some control mechanism under the Acts licence to ensure appropriate management of compost or manure application to land ensuring that the provisions of the Peel Harvey EPP nutrient loading targets are met.

Taking into consideration the required improvements in operating facilities and wastewater management, an increase in animal numbers should not increase environmental impacts.

Prior to the increase in stock numbers occurring, an increase in the allocation of fresh water is required, and therefore should only be implemented once the increase in fresh water allocation is secured. As stated in the Applicant's report, the expected demand is approximately 19,800kL. The proponent already has a groundwater licence allocation of 18,000kL with the Department of Water and application will be made by the proponent to increase their water allocation.

Carcass Management

Under the existing operations, carcass burials have historically occurred on site. The report states that there will continue to be approximately 75 tonne of pig carcasses that will be disposed of per year in burial pits on site. However, by staff estimation there is only an area of approximately 14ha on the property that would be appropriate to bury the carcasses that conforms to the separation distance required for burial pits.

The practice of using carcass pits could potentially be contributing to nutrient spikes, in particular for nitrogen. However, carcass burial is no longer deemed an appropriate process for deceased animals and the National Environmental Guidelines for Indoor Piggeries (NEGIP) preferred option is to provide purpose built facilities. The DWER has advised the Shire that the ceasing of carcass burials is required and that the preparation of a Carcass Management Plan (Mortality Plan) will be required.

The Guidelines and NEGIP advise that deceased animals and related materials should be buried a minimum of 2m above the maximum seasonal groundwater level. Groundwater data supplied within the documentation (see *Figure A, page 9 Works Approval Application*) and aerial imagery indicates that a two (2) metre vertical separation cannot be achieved.

Vegetation Buffer

Lot 4695 (No. 93) Alexander Road has a substantive buffer along Alexander Road, however additional planting of a vegetation buffer along the farm boundaries would act as a good nutrient trap and noise and odour buffer to adjoining landholders. It is recommended that details should be provided with a Landscaping Plan as a condition of approval, with options for screening vegetation in the areas marked in green on **Attachment 4**.

Outcomes from Neighbouring Consultation

A total of nine (9) adjoining landowner submissions were received during the consultation process. Three (3) of the submissions were in support, three (3) were neutral providing comments and three (3) were objections. The main issues raised as concerns to nearby landowners in the submissions were:

- offensive odour;
- heavy traffic;
- dust from Meredith Road – upgrade and sealing required;
- dumping of solid wastes;
- diminished living quality of residents; and
- potential de-valuation of surrounding properties, including diminished saleability.

Separation Distances

The Environmental Protection Authority's *Guidance for the Assessment of Environmental Factors – Separation Distance between Industrial and Sensitive Land Uses* stipulates a buffer of 3,500m from sensitive land uses for new piggeries with between 500 and 5,000 pigs in indoor pens. The Impacts assessed in relation to piggeries are primarily noise and odour. This buffer has been used to determine the affected properties for the purpose of neighbour's consultation.

Odour Management

The applicant's report states that the following measures will be implemented to reduce the risk of odour within the facility and these actions should be provided in the form of an Odour Management Plan to be provided as a part of the approval.

Piggery Modules:

- Keeping the pigs clean and dry. Maintaining pig health to minimize loose stools, and providing clean and hygienic conditions within the sheds;
- Frequently and regularly clean flooring and other dirty and dusty surfaces;
- Regularly emptying flushing pits. Use of sufficient water to clean pits and remove manure solids; and
- Collecting mortalities, afterbirth and foreign materials promptly.

Drainage Lines:

- Peel Pork will use enclosed PVC pipes for transport of effluent, design and management controls which are required to minimise the possibility of blockages in the pipes and if they occur to allow them to be easily cleared. This will be achieved by designing the pipes to have a 'Y' piece at regular intervals along the length of the pipe to facilitate the clearance of blockages. Any blockage will be removed by rodding or high pressure jetting.

In respect of separation distances for the purpose of community amenity protection the NEGIP assesses the issue of effluent and manure reuse areas as a separate matter from the assessment of the piggery complex. This is because reuse may occur infrequently and the risks can be managed by choosing the timing of irrigation or spreading and by considering weather conditions, particularly wind direction, when selecting which paddock to spread.

The piggery operators are encouraged to adopt best practice methods in relation to the above, and the applicant's report states that the majority of solid waste will be collected by third parties for use off site (which will only be required infrequently) with the remaining to be used as soil improver. The spreading of solid waste will comply with:

- Solids are applied evenly by means of mechanical spreader;
- Solids are only applied to areas of the premises where the soils have been amended by the addition of bauxite residue;
- No runoff or spread of piggery solids beyond the boundaries of the premises; and
- No additional fertiliser is applied to the areas where solids are applied.

DWER will apply management conditions to the Works Approval regarding the management of nutrient loading due to compost and manure fertiliser replacement.

Traffic Volumes

Traffic volumes and dust generated by truck movements to and from the site have been raised as an issue during the public consultation process.

The applicant has supplied the following details of truck movements on site under the current operations and a predicted volume including the increase in stock numbers.

The current traffic generation is infrequent to and from the site and this will only marginally increase as a result of the proposal.

| Current traffic volumes on site | | |
|---|--|-----------------------------------|
| Purpose | Frequency | Comments |
| Feed delivery | Twice per week (max) | Nil |
| Animals – Outbound | Once per week | Nil |
| Straw delivery | Once per month | Nil |
| Projected traffic volumes with stock number increase | | |
| Feed Delivery | Twice per week (larger delivery truck) | No increase in volume |
| Animals – Outbound | Once per week | Consistent volume |
| Straw delivery | Once every three (3) weeks | One (1) additional trip per month |

Using the above figures for guidance, the development constitutes a Low Impact land use in accordance with the Western Australian Planning Commission's *Traffic Impact Assessment Guidelines: Volume 4, Individual Developments* and therefore does not require a Traffic Impact Assessment.

Dust Management

Alexander Road is an unsealed limestone road and the private accessway for Lot 4695 is located approximately 950m from the intersection of Meredith Road which is also limestone. Alexander Road is unconstructed and fenced beyond this point.

The traffic movements are infrequent and therefore it is not a reasonable requirement to request that the road network is upgraded as part of this application. The piggery is the only property accessing this portion of Alexander Road and the nearest dwelling to the Meredith Road intersection is approximately 450m to the south-east, followed by a dwelling approximately 950m to the north of the intersection.

Quality of Living

The importance of communication between the piggery operators and their immediate neighbours is highlighted under the Guidelines (NEGIP) because the impacts on the amenity i.e. including odour and dust can be reduced with good management practices.

It is the responsibility of the operator to maintain a Complaints Register at all times and to address the concerns raised. This should form part of the auditing process that is submitted annually to DWER.

The proposed improved wastewater treatment facilities, reduced practice of manure spreading and ceasing of burials on site will contribute to a reduction in off-site impacts such as odour and therefore, increase the quality of living.

Conclusion

Key Summary Points

DWER supports the Works Approval application provided that:

- The evaporation pond is fully lined and has sufficient capacity to spill to the environment no more frequently than 1 in every 20 years (NEGIP, Guideline);
- Wastewater used for irrigation is consistent with the provisions of the Peel Harvey EPP and associated loading targets;
- Stormwater is managed in accordance with DWER guidelines;
- Compost or manure applied to land is applied in a sustainable manner within the provisions of the Peel Harvey EPP and associated loading targets;
- Deceased animals and related material are not buried on site; and
- The Act Works Approval is obtained and the Act licence held by the applicant.

Health

Evaporation ponds are constructed and managed to ensure that no mosquito breeding habitats are created and appropriate management plans are implemented to address odour, pest control and complaints register.

Amenity

Additional bands of vegetation screening are recommended around the ponds and the boundary of the lot to reduce the off-site impacts of odour and dust.

Statutory/Policy Environment

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

- Schedule 2 – Deemed Provisions, Clause 64 – Advertising Applications:

“(3) *The local government may advertise, or require the applicant to advertise, an application for development approval in one or more of the following ways —*

- (a) *by giving notice of the proposed use or development to owners and occupiers of properties in the vicinity of the development who, in the opinion of the local government, are likely to be affected by the granting of development approval, including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is given to the person;”*

State Planning Policy Framework

Greater Bunbury Region Scheme

EPA Guidance Statement No. 3 Separation Distances Between Industrial and Sensitive Land Uses

Environmental Protection Peel Inlet - Harvey Estuary Policy (EPA, 1992)

State Planning Policy 2.1 (SPP 2.1) Peel Harvey Coastal Plain Catchment (Western Australian Planning Commission, 2003)

Water Quality Improvement Plan for the Rivers and Estuary of the Peel-Harvey System (EPA, 2008)

Decision Process for Stormwater Management (DWER 2017)

Stormwater Management Manual For Western Australia (DoW 2004-2009).

National Environmental Guidelines for Indoor Piggeries 2018 (NEGIP), Australian Pork Limited

Shire of Harvey District Planning Scheme No.1

4.2.1 The Zoning and Development Tables indicate, subject to the provisions of the Scheme, the uses permitted in the various zones and the development standards that apply to various uses specified in the Table for each Zone.

4.2.2 The symbols used in the cross reference in the Zoning Table have the following meanings:-

“SA” Means that the local government may, at its discretion, permit the use after notice of application has been given in accordance with Clause 64 of the Deemed Provisions.

TABLE 29 – ZONING AND DEVELOPMENT STANDARDS – GENERAL FARMING
Policy Statement

Local government intends to encourage these areas to continue to be used for viable large scale farming activity. Local government will encourage and promote good farming, animal husbandry and soil conservation. Some limited tourist and recreational activity may be permitted where no adverse effect to the primary agricultural purpose of the zone will result.

Schedule 11 – Interpretations

Piggery: *Shall have the same meaning given to it in and for the purposes of the Health Act, 1911 (as amended).*

Health Act 1911

Piggery means any building, enclosure or yard in which one or more pigs are kept, bred, reared, or fattened for purposes of trade.

Piggeries Regulations 1952

For the purpose of section 191 of the *Health Act 1911* scheduled areas in which piggeries may be undertaken in which may be required to be registered as an Offensive Trade. These regulations do not apply to the piggery at Lot 4695 (No. 93) Alexander Road as it is not located within a scheduled area.

Strategic Framework

Within the Shire's Strategic Community Plan 2017 – 2027, Strategy 2.3.1 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 Environmental, Financial, Reputational or Compliance if incorrect advice is given or a condition missed. The Risk is mitigated by the report being thoroughly researched, peer reviewed and provided by a qualified Shire Officer, resulting in LOW Risk being present.

Officer's Recommendation

That Council:

1. Approves the Application for Development Approval for an expansion to the existing piggery (increase in animal numbers, seven (7) additional shelters, evaporation pond) on Lot 4695, (No. 93) Alexander Road, Yarloop subject to the following conditions:

In perpetuity

- a. At all times the development, the subject of this Development Approval, must comply with the definition of 'piggery' as contained in Schedule 11 of the Shire's District Planning Scheme No. 1;
- b. All development shall be in accordance with the approved development plans and documentation (attached) which form part of this Development Approval;

Prior to issue of Building Permit

- c. Prior to the commencement of any works the proponent shall prepare and implement a Site Management Plan for the construction period, to the satisfaction of the Manager Planning Services that:
 - i. minimises the impact of the approved development on the amenity of the locality due to the delivery of materials to and from the site;
 - ii. ensures the use of buildings, works and materials on the site do not generate unreasonable levels of noise, vibration, dust, drainage, wastewater, waste products or reflected light;
 - iii. details the management applicable to construction traffic movement, occupational health and safety, signage, dust management and environmental management in relation to the approved development; and
 - iv. incorporates the suggested management measures from the Planning Report and its Appendices.
- d. A detailed Stormwater Management Plan and specifications shall be provided and approved prior to the issue of a Building Permit demonstrating that all stormwater will be managed in accordance with the '*Decision process for stormwater management in WA (DoW 2009)*' and the '*Stormwater Management Manual for Western Australia (DoW 2004–2007)*';
- e. A Bushfire Fire Management Plan being prepared, and approved with the Building Permit and relevant provisions implemented prior to occupation or use of the development, in accordance with the Western Australian Planning Commission's Guidelines for Planning in Bushfire Prone Areas, (December 2015) for the approval of the Manager Planning Services;

Prior to occupation or use of development

- f. All stormwater management shall be implemented in accordance with the Stormwater Management Plan, approved under Condition d, to the satisfaction of the Executive Manager of Technical Services prior to occupation and/or use of the approved development;
- g. Before the development is occupied the existing landscaped areas must be upgraded with respect to the quantity and density of plantings and additional areas identified in consultation with Shire Staff and as marked in green on the approved plans are to be planted with appropriate screening vegetation. Details are to be submitted with the Building Permit application for the approval of the Manager Planning Services;

- h. A Mortalities Management Plan shall be prepared and approved that complies with the National Environmental Guidelines for Indoor Piggeries 2018 and outlines both the standard practices for disposal and a contingency plan for managing high death rates as a result of disease outbreak, for the approval of the Principal Environmental Health Officer; and
 - i. An Odour Management Plan shall be prepared and approved that complies with the Draft *Odour Guideline for Prescribed Premises* (Department of Water and Environmental Regulation Western Australia 2018) for the approval of the Principal Environmental Health Officer.
2. Advises the Applicant of the following Advice Notes that are not included as conditions of the approval:
 - a. The Shire of Harvey advises that the development the subject of this Development Approval must comply with the *Environmental Protection Act 1986* and the Environmental Protection (Unauthorised Discharge) Regulations 2004 in relation to discharges into the environment;
 - b. Before the development commences, a copy of the Environmental Protection Authority Works Approval and licence issued under the *Environmental Protection Act 1986* as amended shall be provided to the Shire of Harvey;
 - c. Evaporation ponds are constructed and managed to ensure that no mosquito breeding habitats are created and appropriate management plans are implemented to address odour, pest control and complaints register;
 - d. An increase in stock numbers should only be approved on the basis that a fresh water allocation is secured for the property; and
 - e. There is a requirement to comply with the *Aboriginal Heritage Act 1972*, which protects all Aboriginal heritage sites in Western Australia. This Development Approval does not remove or affect any statutory responsibility or obligation the developer/landowner may have under the *Aboriginal Heritage Act 1972*. The developer/landowner is advised to contact the Department of Planning, Lands and Heritage (Aboriginal Affairs) before commencing any site works to ensure that your statutory responsibilities or obligations are met. Damaging or altering an Aboriginal heritage site constitutes an offence under the *Aboriginal Heritage Act 1972* as amended, and is punishable by law.

| | |
|---------------------------|---|
| Item No. | 8.1.2 |
| Subject: | Eight (8) Grouped Dwellings |
| Proponent: | Dale Alcock Homes |
| Location: | Lot 390 (No. 1) Aquila Drive, Australind |
| Reporting Officer: | Planning Officer (KB) |
| File No.: | A015997 |
| | Attachment Reg. 18/43106 |

Summary

An Application for Development Approval has been received for eight (8) Grouped Dwellings on Lot 390 (No. 1) Aquila Drive Australind 6233 (refer **Attachment 1**). The application is referred to Council as Staff do not have delegation to approve 'SA' uses that require an exercise of discretion.

It is recommended that Council grants Development Approval subject to conditions.

Background

Site Description

Lot 390 (No. 1) Aquila Drive is zoned "Residential Development" under the Shire's District Planning Scheme No. 1 (the Scheme) and is located immediately north of the Treendale District Centre in Australind. The site is of regular shape with an area of 2,402m² with no existing vegetation. (refer **Attachment 2**).

Site History

The site forms part of the Treendale Farm Structure Plan area and is designated as an R30 site. It has been cleared and vacant for several years and has been indicated as a unit site since early revisions of the Structure Plan (2006).

Proposal

The application proposes eight (8) single storey grouped dwellings with a central access from Andromeda Road. Four (4) of the dwellings have street frontage to The Boulevard and four (4) of the dwellings have street frontage to Aquila Drive.

Advertising

Pursuant to Clause 64 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Deemed Provisions), the application was advertised to affected land owners for a period of 21 days concluding on 3rd January 2019.

One (1) submission was received objecting to the proposal from a nearby land owner. The main points from the submission are:

- We moved to Treendale because it's "where families are putting down their roots, building stylish homes and investing in a bright future"; and
- Living next door to eight (8) units will make us feel insecure and uncomfortable.

Proposal

Shire Staff have been working with the applicant throughout 2018 to achieve an appropriate level of development for the site. The proposal has been assessed for compliance with the deemed-to-comply provisions of the R-Codes and Shire policies.

The following design elements have been assessed using the Design Principles where the deemed-to-comply provisions could not be achieved:

- **5.2.3 Street Surveillance**

Buildings designed to provide for surveillance (actual or perceived) between individual dwellings and the street and between common areas and the street, which minimises opportunities for concealment and entrapment.

Design Solution:

Fencing that fronts the internal driveway is solid to a height of 1.2m with a 600mm permeable screen above that. The area dwellings are all orientated with habitable windows facing an alfresco area behind the lot boundary line, providing adequate passive surveillance of the common driveway.

- **5.3.1 Outdoor Living Areas**

Outdoor living areas which provide spaces:

- *capable of use in conjunction with a habitable room of the dwelling;*
- *open to winter sun and ventilation; and*
- *optimise use of the northern aspect of the site.*

Design Solution:

Lot 4 could not achieve a minimum 4x4m outdoor living area on site, however the shortfall is minimal and the outdoor living area configuration results in a large usable open area that runs down the length of the block.

- **5.4.4 External fixtures, Utilities and Facilities**

External location of storeroom, rubbish collection/bin areas and clothes drying areas where these are:

- *convenient for residents;*
- *rubbish collection areas which can be accessed by service vehicles;*
- *screened from view; and*
- *able to be secured and managed.*

Design Solution:

The storage area required for grouped dwellings may be provided within the garage and should have a minimum dimension of 4m x 1m. Lots 3, 4, 6 and 7 only meet the requirement now that the proposed door from the garage into the service yard of each dwelling has been removed.

Comment

The nature of the public submission received was essentially based around the negative perception of living near a high density unit development. The design of the site has been planned to minimise the impact on the adjoining existing lots, and the dwellings are orientated towards their respective street frontages of The Boulevard and Aquila Drive to provide consistency in the existing streetscapes.

The proposed dwellings are brick construction with colorbond roofing, and variations of rendered walls and timber panelling that is featured in the style and construction largely used within the rest of the Estate. In between Lots 2 and 3 there is a 3.2m setback between the dwellings, to break up the building mass and likewise between Lots 6 and 7 fronting Aquila Drive to provide some consistency in the built form of the existing streetscape.

The proposed development is generally consistent with the intent of the Treendale Farm Structure Plan and demonstrates compliance with the Design principles of the Residential Design Codes. Conditional approval is recommended to achieve an orderly development outcome for this site that appropriately addresses the streetscapes of all three frontages and the adjacent future District Centre expansion.

Statutory/Policy Environment

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2 – Deemed Provisions, Section 64 – Advertising Applications:

- “(1) *An application for Development Approval must be advertised under this clause if the proposed development —*
- (e) *is of a type that this Scheme requires to be advertised.*
- “(3) *The local government may advertise, or require the applicant to advertise, an application for Development Approval in one or more of the following ways —*
- (a) *by giving notice of the proposed use or development to owners and occupiers of properties in the vicinity of the development who, in the opinion of the local government, are likely to be affected by the granting of development approval, including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is given to the person;”*

Shire of Harvey District Planning Scheme No.1

*Table 5 – Zoning and Development Standards – Residential Development Zone
Land Use Category 14 – Grouped Dwellings*

Shire of Harvey Policies

5.1.5 Crossovers – subsidy

5.1.14 Landscape Treatment of Road Verges

State Planning Policy 3.1 Residential Design Codes

Part 5 – Design Elements for all Single Houses and Grouped Dwellings

Strategic Framework

Within the Shire’s Strategic Community Plan 2017 – 2027 Strategy 2.3.1 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 **Environmental, Financial, Reputational** or **Compliance** if incorrect advice is given or a condition missed. The Risk is mitigated by the report being thoroughly researched, peer reviewed and provided by a qualified Shire officer, resulting in LOW Risk being present.

Officer's Recommendation

That Council:

1. Approves the Application for Development Approval for eight (8) Grouped Dwellings on Lot 390 (No. 1) Aquila Drive Australind 6233 subject to the following conditions:
 - a. At all times, the development the subject of this Development Approval must comply with the definition of 'grouped dwellings' as contained in State Planning Policy 3.1 Residential Design Codes;
 - b. The development plans, as dated Wednesday, 5th December 2018, and accompanying documentation, together with any requirements and annotations detailed thereon, are the plans approved as part of this application and shall form part of the Development Approval issued;
 - c. This Development Approval will expire if the approved development has not substantially commenced within two (2) years from the date of issue of the approval, or, within any extended period of time for which the Shire of Harvey has granted prior written consent;

Prior to Issue of a Building Permit

- d. A landscaping plan must be approved by the Manager of Planning Services. The landscape plan must address the following:
 - i. Exact species, location and number of proposed plants;
 - ii. A key or legend detailing proposed species type grouped under the subheadings of tree, shrub and ground cover;
 - iii. Mulching or similar treatments of garden beds including edges;
 - iv. Details of reticulation of landscaped areas including the source of the water supply and proposed responsibility for maintenance;
 - v. Treatment of paved areas (parking and pedestrian areas);
 - vi. Fence material, height and treatment;
 - vii. The verge immediately adjacent to the site which is to be landscaped, and thereafter maintained, by the Applicant in accordance with Policy 5.1.14 Landscape Treatment of Road Verges to the satisfaction of the Manager of Planning Services; and

- viii. Before the development is occupied, the landscaped area(s) must be planted, established and reticulated in accordance with the endorsed landscape plan(s). These areas must be maintained as landscaped areas at all times and to the satisfaction of the Manager of Planning Services.
- e. Any fences/walls within the front setback area(s) of the property boundaries of The Boulevard and Aquila Drive shall comply with the requirements of part 5.2.4 Street Walls and Fences of the Residential Design Codes to the satisfaction of the Manager of Planning Services;
- f. A feature screen wall of 1.8m in height, and that is visually permeable above 1.2m of natural ground level, that is compatible with the design of the approved development shall be designed and submitted for approval with the building permit and thereafter installed along the lot boundary of Andromeda Road to the satisfaction of the Manager of Planning Services;
- g. Detailed plans and specifications demonstrating that all stormwater will be contained and disposed of on-site shall be submitted to and approved by the Executive Manager of Technical Services prior to a building permit being issued. Such plans shall identify proposed invert levels, cover levels, pipe sizes and grade. If sandy soils, 1m³ of storage capacity for every 65m² of impermeable surface should be provided. If clayey soils, 1m³ of storage for every 100m² of impermeable surface should be provided;

Prior to Occupation/use of development

- h. A minimum of one (1) visitor car parking bay shall be provided on the land the subject of this Development Approval and to the satisfaction of the Manager of Planning Services;
- i. Car parking areas, crossovers and access ways shall be suitably constructed, sealed, drained, kerbed, marked and thereafter maintained, to the specification of the Executive Manager of Technical Services;
- j. Vehicle crossovers to be constructed, and thereafter maintained, in accordance with Policy 5.1.5 Crossovers – Subsidy to the satisfaction of the Executive Manager of Technical Services prior to the occupation and/or use of the approved development;
- j. The approved development shall be connected to the Hon. Minister's sewer system to the satisfaction of the Principal Environmental Health Officer;
- l. A rubbish bin collection area shall be provided kerbside on Andromeda Road for the provision of 24 bins. The area shall be directly accessible from the accessway, be clearly demarcated and shall not obstruct the use of the footpath. Plans shall be submitted to the Executive Manager of Technical Services for approval; and
- m. Bollard style lighting shall be provided on site for the access way(s), parking area(s) and turning area(s) to the satisfaction of the Principal Building Surveyor. Plans shall be submitted for approval prior to construction commencing.

2. Advises the Applicant of the following additional requirements that are not included as conditions of the approval:
 - a. This is a Development Approval and it is not a Building Permit. The development the subject of this approval is also regulated by the Building Code of Australia and a separate building permit must be granted before the development commences;

8.2 BUILDING REPORT

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|---------------------------|---|
| Item No. | 8.2.1 |
| Subject: | Building Permit Applications Received – Building Permits Issued –December 2018 |
| Proponent: | Shire of Harvey |
| Location: | Shire of Harvey |
| Reporting Officer: | Principal Building Surveyor |
| File No.: | BSR017(15) Attachment Reg. No. 19/00135 |

64 building applications have been received and 62 building permits issued for the month of December 2018. Details of Building Permits approved are attached (refer ***Attachment 1***).

Officer's Recommendation

That Council receives the report on building activity over the month of December 2018.