

SUMMARY OF SUBMISSIONS
PA22/409 - Rowley Road, Oakford 846 (L39) 295200

Submitter	No	Submitter Comments	Officer Comment
Floriculture (Extensive) – Growing of Vegetables/ Fruit			
City of Armadale		<p>I refer to your correspondence dated 9 May 2022 and 11 May 2022 regarding the abovementioned referral for the City's comments. It is recommended that both applications are deferred or refused, pending sufficient technical information provided by the applicant to make a proper assessment of the proposals. The City's reasoning for this is detailed further.</p> <p>The City notes the subject lot contains a Conservation Category Wetland in the southern area of the lot and is in the Jandakot Groundwater Protection Area and the Peel Harvey Coastal Plain Catchment.</p> <p>It is recommended that the Shire of Serpentine-Jarrahdale appropriately consider the risk of potential nutrient input into the Forrestdale Lake catchment and nearby RAMSAR site.</p> <p>State Planning Policy 2.1 Peel Harvey Catchment requires a number of technical studies to support any application for Intensive Agriculture, particularly a Nutrient and Irrigation Management Plan.</p> <p>The vegetable growing activity may be identified as the land use Intensive Agriculture. The firewood storage and sales may be classified as "Storage" and "Shop". Both applications as submitted do not contain sufficient information to be determined.</p> <p>A Bushfire Management Plan may be required for the storage and sale of firewood, given the proposal includes storing a large amount of flammable material in an area that is Bushfire Prone. Given the applicant advises trucks are anticipated to deliver firewood each week and up to 2000 customers a year attending the site to buy firewood, a noise and traffic assessment should be conducted. Hence, the firewood proposal has the potential to impact residents in the City by virtue of increased noise and fire risk.</p> <p>Notwithstanding, the City notes that Rowley Road is likely to undergo significant upgrade in future which may involve widening, and thus it is appropriate that proposal is set back from front boundary.</p>	<p>No NIMP required as detailed within the report. Condition. A condition has been imposed to align with the Department of Water Environment Regulation comments.</p> <p>Officers are satisfied with the information submitted to determine the appropriate land use classification and to undertake a merits based assessment.</p>

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DPIRD		<p>Thank you for the opportunity to comment on the proposed growing of vegetables at Lot 39 (846) Rowley Road, Oakford.</p> <p>The Department of Primary Industries and Regional Development (DPIRD) does not object to the proposal, and would like to make the following comments:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The area to be utilised for the growing of vegetables and melons is very small (2500m²) and only for private use. <input type="checkbox"/> The production area must not be increased, and no commercial production should be allowed. 	Noted
DWER		<p>The DWER are supportive SUBJECT to the following:</p> <ul style="list-style-type: none"> • Planning condition to reflect that no more than 20% of the total cropping area to be farmed/fertilised at the one time. This reflects the applicants proposal to rotate cropping areas, only farming certain sections at a time. • With regard to the irrigation source, one of the following approaches is recommended. <ul style="list-style-type: none"> - Reduce cropping area to 0.2ha – given proponent is growing vegetables for a non-commercial use, should the proponent take this approach and source water from the superficial aquifer, they will be exempt from requiring a 5C groundwater licence from the Department under the Rights in Water Irrigation Act 1914. This is also dependent upon water needs being less than 1,500 KL a year; - Should cropping area be retained at 0.25ha as proposed, or irrigation need be over 1,500 KL, a licence will be required under the Rights in Water Irrigation Act 1914. Please note available groundwater is limited in this area and if this is the proponent’s intent, it is recommended an application is submitted as soon as possible. 	No NIMP is required. A condition has been imposed to align with the Department of Water Environment Regulation comments.

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DBCA		The Department of Biodiversity Conservation and Attractions - Swan Region Office has no comments on the application.	Noted.
A402030		<p>We do not approve of the Proposed growing of vegetables at 846 Rowley Road: I am responding to individual items:</p> <p>3. Tennant states existing shed on property is a metal frame, this is incorrect this is a timber frame which is derelict and the frame is not structurally sound. This tenant has had people living in this shed and has installed a fire which is of huge concern as this shed backs on to our shed, the tenant works on this shed past 11 pm in some circumstances. This has been reported to Shire of Serpentine Jarrahdale numerous times.</p> <p>4. Tennant states that vegetables are for personal use, given how this tenant has conducted himself selling firewood without a business application I do not believe this is correct.</p> <p>11.The structure on 846 Rowley Road is not structurally sound therefore why is the tenant now using this as a cool room? Further to this where is the application for the installation of the cool room?</p> <p>13.I do not agree to the sea container being on site. The tenant also has not advised that he has also installed a permanent patio on the eastern side of the sea container, may I also add that the tenant has a portable toilet on the property when he has been instructed to remove and to install a correct septic system.</p> <p>14.The apiary is not approved by us as my son is anaphylactic to Bee's</p> <p>20.I do not agree that he will not be selling vegetables as he is already selling firewood with no concern to procedures or approval from the Shire or neighbours.</p> <p>21.The said land is cleared as the tenant has already cleared this land when taking the lease up. He has also removed vegetation at the front of the</p>	<p>Use of the shed will only be for storage purposes a condition will be imposed accordingly. The development will need to comply with the National Construction Code a sperate process to the planning process. If the shed has been improved without the appropriate approvals the Shire can regulate the matter separate to this process under the <i>Building Act 2011</i>.</p> <p>A condition will be imposed that no sale of produce is to occur from the property.</p> <p>The development will need to comply with the National Construction Code a sperate process to the planning process.</p> <p>The sea container is commonplace in the Rural zone. Based on the setback to boundaries its presence is considered acceptable to Officers.</p> <p>This has been addressed in the body of the report.</p> <p>Based on the GIS imagery it does not appear that vegetation has been moved in the location of the</p>

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		<p>property in order for his signage to be seen. There has been significant removal of vegetation removed by this tenant prior to any application.</p> <p>24. I disagree that a Flora & Fauna survey is not required. However as tenant has removed significant vegetation there may be less to survey.</p> <p>25. I disagree that a Nutrient and irrigation management plan is not required. My horse on my property uses water from our bore and Water Corporation strictly advises this is required to ensure no elevated concentration of leached salts (chlorides, sulphates and nitrates) entering the water table (potentially harming the amenity and health of people and stock animals dependant on local groundwater supplies) and degrading the ecology of waterways.</p> <p>26. I do not agree the tenant will be working on the property at the hours 7am - 6pm as this has shown at the hours the tenant has kept to date using power tools at 11pm at night etc. Again this has been reported to the Shire.</p> <p>May I also add the Posts that the tenant has installed (on adjoining fence) that are 1 meter over the current fence and then the tenant has installed shade cloth 1 meter over our fence line has not been approved by any development application, this does not eliminate dust if anything it actually traps dust and dirt and pushed this into our property and directly into our pool/ outdoor area.</p>	<p>proposed development. It appears however, to maintain the fuel load that slashing and maintenance has likely occurred overtime. This is not considered as part of this application.</p> <p>No NIMP required as detailed within the report. Condition. A condition has been imposed to align with the Department of Water Environment Regulation comments.</p> <p>Officers are satisfied with the proposal.</p>
Use Not Listed - Importation and Sale of Firewood			
City of Armadale		I refer to your correspondence dated 9 May 2022 and 11 May 2022 regarding the abovementioned referral for the City's comments. It is	

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		<p>recommended that both applications are deferred or refused, pending sufficient technical information provided by the applicant to make a proper assessment of the proposals. The City's reasoning for this is detailed further.</p> <p>The City notes the subject lot contains a Conservation Category Wetland in the southern area of the lot and is in the Jandakot Groundwater Protection Area and the Peel Harvey Coastal Plain Catchment. It is recommended that the Shire of Serpentine-Jarrahdale appropriately consider the risk of potential nutrient input into the Forrestdale Lake catchment and nearby RAMSAR site.</p> <p>State Planning Policy 2.1 Peel Harvey Catchment requires a number of technical studies to support any application for Intensive Agriculture, particularly a Nutrient and Irrigation Management Plan.</p> <p>The vegetable growing activity may be identified as the land use Intensive Agriculture. The firewood storage and sales may be classified as "Storage" and "Shop". Both applications as submitted do not contain sufficient information to be determined.</p> <p>A Bushfire Management Plan may be required for the storage and sale of firewood, given the proposal includes storing a large amount of flammable material in an area that is Bushfire Prone. Given the applicant advises trucks are anticipated to deliver firewood each week and up to 2000 customers a year attending the site to buy firewood, a noise and traffic assessment should be conducted. Hence, the firewood proposal has the potential to impact residents in the City by virtue of increased noise and fire risk.</p> <p>Notwithstanding, the City notes that Rowley Road is likely to undergo significant upgrade in future which may involve widening, and thus it is appropriate that proposal is set back from front boundary.</p>	<p>The development is considered of a scale considered appropriate in context of its surrounding from an environmental perspective and amenity perspective. Appropriate conditions have been imposed.</p> <p>A satisfactory BMP has been submitted by the proponent. This is addressed in the body of the Council report.</p>
DWER		The Department has reviewed the application for the storage and sale of firewood and has no comments.	Noted

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		In the event there are modifications to the proposal that may have implications on aspects of environment and/or water management, the Department should be notified to enable the implications to be assessed.	
DBCA		The Department of Biodiversity Conservation and Attractions - Swan Region Office has no comments on the application.	Noted
A217700		We have no complaints in regard to the storage and sale of firework at Lot 39, 846 Rowley Road. Happy for development application to be approved	Noted
A400078		I have no objection to this proposal at all.	Noted
A402030		<p>We do not approve of the Proposed Storage and Sale of Firewood at 846 Rowley Road: I am responding to individual items:</p> <ol style="list-style-type: none"> 3. Tenant states existing shed on property is a metal frame, this is incorrect this is a timber frame which is derelict and the frame is not structurally sound. This tenant has had people living in this shed and has installed a fire which is of huge concern as this shed backs on to our shed, the tenant works on this shed past 11 pm in some circumstances. This has been reported to Shire of Serpentine Jarrahdale numerous times. 4. We do not approve of this business /Land use. 5. Regardless of how a shop is defined the said tenant is selling and trading a business. 6. The premises is 846 Rowley Road, the sea container that is on site and the patio that has been installed is currently being used for the trading of wood so the tenant is providing correct information to the Shire. Again this tenant is providing misleading and incorrect information. 10. The tenant has installed x2 gates which have not had any planning approval from the shire are on a very dangerous part of Rowley road not 	<p>The shed has been onsite since 1975. Any upgrades to the development will be subject to the National Construction Code (NCC).</p> <p>A condition of approval will be imposed limiting hours of operations.</p> <p>The proposal has been assessed as meeting the objectives of the current and prevailing framework. This is discussed in the report.</p> <p>The sea container forms part of this application for retrospective approval of the existing development occurring/occurred onsite.</p>

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		<p>only on a hill (Rise) but also on double white lines, with cars overtaking cars and trucks pulling into said property. People attending the property over shoot this and then do illegal U turns in our driveway with a trailer on the back of their cars.</p> <p>11.Tenant has had up to 14 loads of semi truck loads of fire wood delivered without any shire approval, with NO fire management plan, while this is a retrospective application having a person living in a derelict shed with a fire going and 14 loads of fire wood with no fire management plan is negligent and shows no concern for anyone else.</p> <p>18.Tenant has installed a hardstand area with no approval, tenant has removed vegetation to install this.</p> <p>19.Tenant is selling fire and craft wood, what parking will be available to customers? Currently people are parking on Rowley road (in double white line area)</p> <p>21.Tenant is using sea container to store these items, also why is a petrol log splitter being used if all wood is already split.</p> <p>22.Tenant states our property is being run as a transport depot, this is incorrect. Our recreational time consists of Speedway and Drag racing so what he sees is our race car trailers for personal use no0t a business running out of our home.</p> <p>25.The tenant has installed x2 gates which have not had any planning approval from the shire are on a very dangerous part of Rowley road not only on a hill (Rise) but also on double white lines, with cars overtaking cars and trucks pulling into said property. People attending the property over shoot this and then do illegal U turns in our driveway with a trailer on the back of their cars.</p> <p>27.The loading of firewood into metal trailers constantly along with chainsaws is a constant noise into our property, this has been happening 7 days a week which when my husband does night shift or we are trying</p>	<p>The Shire's traffic engineer shave reviewed the proposal and are satisfied that the development will not result in impacting the flow and safety of traffic movement along Rowley Road.</p> <p>A condition will be imposed restricting delivery to site. A BMP has been submitted and is considered adequate. A condition will be imposed to ensure the shed will be used for storage purposes only.</p> <p>The removal of vegetation (albeit retrospective in nature) meets the requirements of TPS 2. Clearing is considered to be minimal and outside of the Conservation category Wetland.</p> <p>Officers have recommended a condition of planning approval to prohibit the use of the chain saw and petrol logger.</p> <p>The Shire's traffic engineers are satisfied that the proposal will not result in road safety impacts</p> <p>Officers have imposed a condition limiting the loading of trailers of firewood by hand and prohibiting the use of chain saws and petrol log splitters.</p>

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		<p>to enjoy our property is impossible. We purchase our property to enjoy it not to be harassed or having constant noise from 846 Rowley road.</p> <p>29. Yes, Rowley road does have a lot of traffic by cars and trucks and is used as a short cut. The road has had many repairs, however where there is a huge problem is trucks, cars with trailers and parking and how this tenant can manage this when there is already traffic issues when x2 people turn up to get wood and have to do a U turn in our driveway and then park out the front of our house. The gates the tenant refers to he had installed without any traffic management plan as a result the tenant has installed these on double white lines on a hill in an 80 km zone which will cause accidents given the current usage of Rowley road and how people drive on this already.</p> <p>32. Customers would be able to turn around if the hard stand area did not have stockpiles of wood, however as it does it prevents cars with trailers to do a u turn, customers have to either reverse into his property (crossing the double white lines) or drive in then reversing over the double white lines on the hill.</p> <p>38. Please refer to response to 27. The tenant is not constantly at the property therefore how can he manage any potential fires on the property. I have seen hose reels but given the nature of Fuel (Wood) that is on that property the system would not accommodate and would not reach the shed where items are also kept with petrol's etc.</p> <p>40. Banners running the length of the property were installed without approval these remain to be attached to the fence.</p> <p>41. No removal is needed as the tenant has removed a lot of vegetation for his signage and the hardstand area. Even to the point of using petrol slashers and mowers on a total fire ban.</p> <p>43. The tenant has a chemical portable toilet located at the front of the property which has been reported to the shire. There is no application for portable toilet.</p>	<p>The Shire's traffic engineers are satisfied that the proposal will not result in road safety impacts</p> <p>The customers are required to leave the site in a forward gear at all times. There is sufficient manoeuvring capability on site for this to occur.</p> <p>The development will be subject to an approved Bushfire Management Plan (BMP). A condition has been imposed address the matter.</p> <p>This is addressed in the report.</p> <p>Officers support the proposal</p>

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		<p>44.I disagree that a Flora & Fauna survey is not required, however as tenant has removed significant vegetation there may be less to survey.</p> <p>45.I disagree that a Nutrient and irrigation management plan is not required. My horse on my property uses water from our bore and Water Corporation strictly advises this is required to ensure no elevated concentration of leached salts (chlorides, sulphates and nitrates) entering the water table (potentially harming the amenity and health of people and stock animals dependant on local groundwater supplies) and degrading the ecology of waterways.</p> <p>46.The loading of firewood into metal trailers constantly along with chainsaws and loaders are a constant noise into our property, this has been happening 7 days a week which when my husband does night shift or we are trying to enjoy our property is impossible. We purchase our property to enjoy it not to be harassed or having constant noise from 846 Rowley road.</p> <p>49.There is excessive dust coming into our property this is only enhanced by the screen the tenant has installed which is shade cloth which is about 1 meter above the currently installed fence. Our pool area and pool constantly is covered in dirt from next doors activities. Said structure has had no development application through shire.</p>	<p>This is addressed in the report. No clearing is proposed to occur within the CCW.</p> <p>No Nutrient Irrigation Management Plan required for this application as detailed above.</p> <p>Officers have recommended a condition limiting the loading of trailers of firewood by hand and prohibiting the use of chain saws and petrol log splitters.</p> <p>Officers have recommended a condition requiring a Dust Management Plan to address the matter of fugitive dust from vehicles moving around the property.</p>
Apiary			
DBCA		<p>With reference to your correspondence dated 1 June 2022, the Department of Biodiversity Conservation and Attractions - Swan Region Office (DBCA) provides the following comments.</p> <p>The proposed Apiary is located within an area mapped as a Conservation category wetland (CCW) on the Geomorphic wetlands (Swan Coastal Plain) dataset (UFI 7489). The Environmental Protection Authority's guidance is</p>	A condition has been imposed to reflect this.

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		that CCW's be fully protected. It is therefore recommended that the Apiary be located outside of the CCW area.	
A402030		<p>We do not approve of the Proposed Apiary at 846 Rowley Road:</p> <p>The thought of having an apiary next door to our property is beyond concerning. My son is Anaphylactic to bee's and one bee sting would be fatal. Where the neighbour is proposing is down the back of the property where my kids play outside enjoying our property swimming in our pool riding bikes, horses or just being creative. My children are of age they are able to play on the property whilst I am in the house, however knowing what the neighbour is proposing would mean my children now cannot play on our property which is the main reason why we purchased acreage in the first place. (Signed Action plan attached)</p> <p>I am responding to individual items:</p> <p>3. Tennant states existing shed on property is a metal frame, this is incorrect this is a timber frame which is derelict and the frame is not structurally sound. This tenant has had people living in this shed and has installed a fire which is of huge concern as this shed backs on to our shed, the tenant works on this shed past 11 pm in some circumstances. This has been reported to Shire of Serpentine Jarrahdale numerous times.</p> <p>6. The tenant states he will be placing the beehives on the property immediately upon the granted development approval. But then on Item 9, he has not even had his registration approved as a beekeeper so surely you would need to be registered before any application to have bees on the property. Given how this tenant operates by not following rules and regulations I'm not convinced he would even get a license if he already has bees on the property.</p> <p>10. Please refer to opening statement.</p>	<p>The body of the report has addressed the submission received.</p> <p>The shed has been onsite since about 1975 and will be required to undertake the necessary upgrades to ensure the shed is code compliant with the National Construction Code (NCC). A condition will be imposed restricting the use of the shed for storage purposes only.</p> <p>The development separate from this process will be required to comply with the Keeping of Bees - Local Law where the beekeeper is required to be registered under the relevant head of power.</p>

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		<p>12. The shed the tenant is wanting to use is not structurally sound and should be condemned. Tenant advises that the cool room that he installed in the shed (with no approval)</p> <p>13. Tenant clearly states he will be extracting the honey from the frames himself in this derelict shed, however where is his application to do this. What he is proposing to do falls under the food act 2008 and there are rules and regulations on this. Further to this what is this honey to be used for as nowhere on this application does this state? I would assume that the tenant is selling the honey given the number of hives he is proposing.</p> <p>21. Water and food are a necessity for bee's while the tenant has advised he will be installing a 1000ltr open IBC tank where will this tank be located on the property, and what are the measures to ensure this is kept full of water?</p> <p>I have further questions regarding the bee's</p> <ul style="list-style-type: none"> • Food Source - where will the bee's source pollen from given there are no food sources on the tenants property only tree's that are non-flowering, our property however has an abundance of flowering native trees and flower beds and given the bee's do not travel that far from the hive their first stop will undoubtedly be our property. We have bee activity during the correct months however to now have this doubled is scary knowing this is fatal for my son • What is the tenants measures to control swarming given that bee's will swarm close to their hives. • What flight path will the bees have <p>Fire ban, does the tenant agree that no smoking tools are to be used in a total ban (given tenant operates petrol operated equipment during total fire ban already.</p>	<p>The shed has been onsite since about 1975 and will be required to undertake the necessary upgrades to ensure the shed is code compliant with the National Construction Code (NCC).</p> <p>No retailing of the product is to occur from site. A condition has been imposed accordingly.</p> <p>A condition has been imposed to ensure water is always available onsite. In terms of food this has been addressed in the report.</p> <p>In terms of flight paths and best practice adopted by the proponent this is contained within the body of the report.</p> <p>The applicant will still be required to comply with the fire bans imposed during the year.</p>