



COUNCIL MEETING 13 FEBRUARY 2019

Adoption by Exception Resolution

RECOMMENDATION

That the Committee Recommendation for items 12.1, 12.2 and 12.3 and the Officer Recommendation for items 16.1 and 17.1 be adopted.

- 12.1 Policy and Legislation Committee - 22/01/2019 - Review of Council Policy 181 - Crossovers and Council Policy 195 - Reinstatement of Works in Road Reserves
- 12.2 Policy and Legislation Committee - 22/01/2019 - Review and Consolidation of Council Policy 134 (Works and Development on Foreshore and Landscape Protection Reserves) and Council Policy 240 (Reserves Vegetation Protection), and Proposed new Policy Private Works on City Land, Including Coastal Protection Works
- 12.3 Policy and Legislation Committee - 22/01/2019 - Withdrawal from Effect of Policy 039 - Building Permit Lists
- 16.1 Appointment of Deputy Members
- 17.1 Councillors Information Bulletin

Items to be dealt with by separate resolution, without debate

Item No. and Title	Reason for Separate Resolution
Nil	

13.1 Application for Development Approval - DA18/0154 - Proposed Development of Club Premises (Clay Target Club) - Lot 500 & 501 Coolilup Road, Ludlow	Pulled by Cr Henley	Page 40
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ALTERNATIVE MOTION:

That the Council resolve:

(A) That application DA18/0154 submitted for development of Club Premises (Clay Target Club) at Lot 500 and 501 Coolilup Road, Ludlow is considered by the Council to be inconsistent with Local Planning Scheme No. 21 and the objectives and policies of the zone within which it is located.

(B) That Development Approval is refused for the proposal referred to (A) above for the following reasons –

1. It will have unacceptable impacts on the amenity of the locality, in particular in relation to noise impacts;
2. The applicants have not adequately demonstrated how risks of contamination will be managed; and
3. The applicants have not adequately demonstrated what the impacts on the flora and fauna values of the land will be, and whether those impacts are acceptable and/or can be adequately managed.

OFFICER RECOMMENDATION:

That the Council resolve:

~~(A) That application DA18/0154 submitted for development of Club Premises (Clay Target Club) at Lot 500 and 501 Coolilup Road, Ludlow is considered by the Council to be consistent with Local Planning Scheme No. 21 and the objectives and policies of the zone within which it is located.~~

~~(B) That Development Approval is issued for the proposal referred to (A) above subject to the following conditions—~~

General conditions

- ~~1. All development is to be in accordance with the approved Development Plans, including any amendments placed thereon by the City and except as may be modified by the following conditions.~~
- ~~2. The development hereby approved shall be substantially commenced within two years from the date of this decision letter.~~

Prior to commencement of any works conditions

- ~~3. The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details have been submitted to the City and have been approved in writing—~~
 - ~~3.1 A Noise Management Plan prepared in accordance with the *Environmental Protection (Noise) Regulations 1997* which will meet the following requirements—~~
 - ~~• Limitations on range operation times to between 7am – 7pm and a maximum of three shooting days per week;~~

- ~~Provision for a maximum of three major competitions per year extending over a maximum of three days each, with prior written notification to residential landholders within 1 km of the Clay Target range, not less than 14 days prior to the competition, and earlier if practical;~~
- ~~Limit on range operation in terms of types and sizes of firearms used — for Clay Target limit to shotguns and bore no larger than 12 Gauge and powder charge no greater than commonly used for Clay Target competition;~~
- ~~Inclusion of downrange/forward bund noise mitigation measures; and~~
- ~~Signage or other means to ensure that occupiers of nearby properties are aware of the range and typical operating times.~~

~~3.2 — A revised Environmental Management Plan to address the following —~~

- ~~Management of existing vegetation in order to improve biodiversity and habitat values;~~
- ~~Requirements for clearing to minimize impact to native fauna;~~
- ~~Revegetation requirements including vegetation offsets and vegetation buffers;~~
- ~~Fencing to restrict movement within bushland areas of the site;~~
- ~~Implementation schedule;~~
- ~~Costings for implementation;~~
- ~~Monitoring of revegetation;~~
- ~~Fuel management;~~
- ~~Waste removal; and~~
- ~~Shot management/contamination risk management (specifying that only lead free shot may be used).~~

~~3.3 — Landscape/revegetation plan that provides for offset planting to address vegetation loss from proposed clearing for the approved development;~~

~~3.4 — Details of proposed buildings which shall be of a temporary/transportable nature;~~

~~3.5 — A detailed plan which shows natural ground levels, finished ground levels and finished floor levels;~~

~~3.6 — Details of onsite effluent disposal works including details of separation from the groundwater table;~~

~~3.7 — Details of stormwater management configurations and a Drainage Management Plan;~~

~~3.8 — A minimum number of 70 car parking bays (including 2 disabled bays) shall be provided on site and the parking area(s), driveway(s) and point(s) of ingress and egress shall be designed, constructed, drained and marked;~~

~~3.9 — Details of the vehicular crossover to Coolilup Road; and~~

~~3.10 — Details of the means and method of providing a potable water supply;~~

Prior to Occupation/Use of the Development Conditions

- ~~4. The development hereby approved shall not be occupied, or used, until all plans, details or works required by Condition(s) 1 and 5 have been implemented; and, the following conditions have been complied with—~~
- ~~4.1 Agreement to the satisfaction of the City in respect to the upgrading of Coolilup Road as required as a direct consequence of the proposed development.~~

Ongoing conditions

- ~~5. The works undertaken to satisfy Condition(s) 1, 3 and 4 shall be subsequently maintained for the life of the development; and, the following conditions have been complied with—~~
- ~~5.1 The approved Environmental Management Plan shall be implemented and carried out in accordance with the approved details;~~
- ~~5.2 The approved Noise Management Plan shall be implemented and carried out in accordance with the approval details;~~
- ~~5.3 The approved Landscape/revegetation plan shall be implemented and carried out in accordance with the approved details;~~
- ~~5.4 The approved Drainage Management Plan shall be implemented and carried out in accordance with the approved details;~~
- ~~5.5 The applicant must implement all of the recommendations contained in the Bushfire Management Plan prepared by Gary McMahon, Ecosystems Solutions, dated 3 October 2017 and approved by the City for the duration of the development; and~~
- ~~5.6 The removal of native vegetation outside of the approved clearing permit boundary is prohibited.~~

REASONS:

The proposed development will have unacceptable impacts on the amenity of the area, particularly in the form of noise.

The applicants have also not demonstrated adequately how contamination and flora and fauna issues will be addressed.

OFFICER COMMENT:

Officers acknowledge that the proposed development will create impacts, including some noise impacts, but consider the impacts to be acceptable in the context and reasonably able to be managed through the conditions of approval outlined in the officer recommendation.

ADMIN REGULATION 11da REQUIREMENTS:

If amended recommendation is adopted, reason above will be recorded in the minutes.

13.1 Application for Development Approval - DA18/0154 - Proposed Development of Club Premises (Clay Target Club) - Lot 500 & 501 Coolilup Road, Ludlow	Pulled by Cr Officers	Page 40
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AMENDED OFFICER RECOMMENDATION:

That the Council resolve:

- (A) That application DA18/0154 submitted for development of Club Premises (Clay Target Club) at Lot 500 and 501 Coolilup Road, Ludlow is considered by the Council to be generally consistent with Local Planning Scheme No. 21 and the objectives and policies of the zone within which it is located.
- (B) That Development Approval is issued for the proposal referred to (A) above subject to the following conditions –

General conditions

- 1. All development is to be in accordance with the approved Development Plans, including any amendments placed thereon by the City and except as may be modified by the following conditions.
- 2. The development hereby approved shall be substantially commenced within two years from the date of this decision letter.

Prior to commencement of any works conditions

- 3. The development hereby approved, or any works required to implement the development, shall not commence until the following plans or details have been submitted to the City and have been approved in writing -
 - 3.1 A Noise Management Plan prepared in accordance with the *Environmental Protection (Noise) Regulations 1997* which will meet the following requirements -
 - Limitations on range operation times to between 7am – 7pm and a maximum of three shooting days per week;
 - Provision for a maximum of three major competitions per year extending over a maximum of three days each, with prior written notification to residential landholders within 1 km of the Clay Target range, not less than 14 days prior to the competition, and earlier if practical;
 - Limit on range operation in terms of types and sizes of firearms used – for Clay Target limit to shotguns and bore no larger than 12 Gauge and powder charge no greater than commonly used for Clay Target competition;
 - Inclusion of downrange/forward bund noise mitigation measures; and
 - Signage or other means to ensure that occupiers of nearby properties are aware of the range and typical operating times.
 - 3.2 A revised Environmental Management Plan, **prepared by suitably qualified and experienced professionals**, to address the following -
 - Management of existing vegetation in order to improve biodiversity and habitat values;
 - Requirements for clearing to minimize impact to native fauna;
 - Revegetation requirements including vegetation offsets and vegetation buffers;
 - Fencing to restrict movement within bushland areas of the site;
 - Implementation schedule;

- Costings for implementation;
- Monitoring of revegetation;
- Fuel management;
- Waste removal; and
- **Shot management/contamination risk management, specifying: (~~specifying that only lead free shot may be used~~):**
 - **Risks related to the use of lead shot (soil chemistry, ground and surface water);**
 - **Activity to be undertaken by the Club to mitigate contamination;**
 - **Reporting and monitoring regimes; and**
 - **Alternate mitigation measures should monitoring indicate that further management is required.**

- 3.3 Landscape/revegetation plan that provides for offset planting to address vegetation loss from proposed clearing for the approved development;
- 3.4 Details of proposed buildings which shall be of a temporary/transportable nature;
- 3.5 A detailed plan which shows natural ground levels, finished ground levels and finished floor levels;
- 3.6 Details of onsite effluent disposal works including details of separation from the groundwater table;
- 3.7 Details of stormwater management configurations and a Drainage Management Plan;
- 3.8 A minimum number of 70 car parking bays (including 2 disabled bays) shall be provided on site and the parking area(s), driveway(s) and point(s) of ingress and egress shall be designed, constructed, drained and marked;
- 3.9 Details of the vehicular crossover to Coolilup Road; and
- 3.10 Details of the means and method of providing a potable water supply;

Prior to Occupation/Use of the Development Conditions

4. The development hereby approved shall not be occupied, or used, until all plans, details or works required by Condition(s) 1 and 5 have been implemented; and, the following conditions have been complied with –
- 4.1 Agreement to the satisfaction of the City in respect to the upgrading of Coolilup Road as required as a direct consequence of the proposed development.

Ongoing conditions

5. The works undertaken to satisfy Condition(s) 1, 3 and 4 shall be subsequently maintained for the life of the development; and, the following conditions have been complied with –
- 5.1 The approved Environmental Management Plan shall be implemented and carried out in accordance with the approved details;
- 5.2 The approved Noise Management Plan shall be implemented and carried out in accordance with the approval details;

- 5.3 The approved Landscape/revegetation plan shall be implemented and carried out in accordance with the approved details;
- 5.4 The approved Drainage Management Plan shall be implemented and carried out in accordance with the approved details;
- 5.5 The applicant must implement all of the recommendations contained in the Bushfire Management Plan prepared by Gary McMahon, Ecosystems Solutions, dated 3 October 2017 and approved by the City for the duration of the development; and
- 5.6 The removal of native vegetation outside of the approved clearing permit boundary is prohibited.

REASONS:

Condition 3.2 has been amended to address concern raised by the Clay Target Club that they would be unable to manage a condition which limits them to the use of lead-free shot but ensure that potential contamination issues associated with the use of lead-shot can be appropriately managed should an approval be issued.

City officers, having been made aware (following agenda publication) of the Clubs' concerns with Condition 3.2, are now satisfied that –

1. Condition 3.2 as recommended would critically impact on the Clubs' ability to use the facility, and would essentially constitute a de facto refusal; and
2. The nature of the use and the site are such that it is considered that environmental risks associated with the use of lead shot could be adequately managed subject to an appropriate condition.

OFFICER COMMENT:

Not applicable – see “reasons” above.

ADMIN REGULATION 11da REQUIREMENTS:

If amended recommendation is adopted, reason above will be recorded in the minutes.