



Submission – City of Gosnells Development Application - Operations Centre and Waste Transfer Facility, Kelvin Road Orange Grove

Summary

Operation Centres and Waste Transfer Facilities are typically located within industrial areas and are typically considered an industrial type use. Due to this classification, it is considered that the proposal is, generally, inconsistent with planning of the broader area and is not supported. It is noted that Light Industry zones, at a local planning scheme level, may be considered under an Urban Zone in the Metropolitan Region Scheme (MRS). An example of this situation in the City is the Forrestfield / High Wycombe Industrial Area. Notwithstanding this, regard needs to be given to the existing and proposed surrounding uses and the strategic intent of the surrounding area. In this context, significant community engagement and preliminary concept planning has informed the future planning for the surrounding area (Wattle Grove South).

An assessment of the CoG Town Planning Scheme No.6 uses has concluded that the proposal potentially best fits within the uses of 'industry-light' or 'industry-general'. These uses are not permitted in the General Rural Zone under the Scheme and therefore the proposal should be refused. The proposal is also inconsistent with Rural Zone under the MRS and therefore should be forwarded to the Western Australian Planning Commission (WAPC) for assessment and approval in accordance with WAPC RES 2015/01 Resolution under Clause 32 of the MRS resolution B, Schedule 1, 2(b).

It is recommended that an alternative site is considered for the Operations Centre and Waste Transfer Facility, preferably within an industrial area. Should the proposed Operations Centre and Waste Transfer Facility proceed, it is requested that the CoG provide appropriate interface buffers and demonstrate that the management mechanisms for potential adverse impacts to the surrounding area are put in place. The proposal for vegetated buffers are, in principle, supported. It is requested that CoG, should the proposal proceed, liaise with the City to ensure these measures are appropriately implemented.

Regional Planning Context

The Western Australian Planning Commission (WAPC) endorsed South Metropolitan Peel Sub-regional Planning Framework identifies the locality an urban expansion. Key considerations identified by the Framework for the area include:

1. Geotechnical analysis/land suitability to provide connections to reticulated waste water services.
2. Bushfire risk.
3. Protection of significant environmental attributes.

The industrial nature of the Operations Centre and Waste Transfer Facility is considered to be inconsistent with the Urban Expansion identification under the Framework and the existing Rural zoning. It is noted that Light Industry zones, at a local planning scheme level, may be considered under an Urban Zone in the MRS. Notwithstanding this, regard needs to be given to the existing and proposed surrounding uses and the strategic intent of the surrounding area.

City of Gosnells Strategic Local Planning Context



The CoG Draft Local Planning Strategy 2019 identifies Orange Grove as a 'Potential Urban Expansion Area' and has been identified as a long term growth area. Orange Grove is identified as Rural Planning Precinct No. 4 - Kelvin Road Precinct (RPP 4) and Rural Precinct 3 (RPP 3) by the Foothills Rural Strategy. RPP 4 contains a variety of lot sizes, which are generally between one to four hectares. The Precinct is relatively well serviced with scheme water, electricity and telecommunications. It is however, not serviced by reticulated gas or sewer.

The precinct comprises 36 individual properties that collectively cover approximately 90 hectares. 16 of the properties are owned by the City which combined, once occupied the Kelvin Road Waste Disposal site. The remaining 20 properties are held in private ownership. These sites are generally commercial or rural in nature. RPP 3 is the eastern end of Kelvin Road and includes Valcan. This precinct is rural residential in nature. The Foothills Rural Strategy recommends a minimum of one hectare properties for the area. The Local Planning Scheme No. 24 is being preparing in conjunction with the Local Planning Strategy and it is envisaged the area will be rezoned to Rural Residential. The area is currently zoned Special Rural or General Rural.

The industrial nature of the Operations Centre and Waste Transfer Facility is considered to be inconsistent with the Urban Expansion identification under the Framework and the existing Rural zoning. It is noted that Light Industry zones, at a local planning scheme level, may be considered under an Urban Zone in the MRS. Notwithstanding this, regard needs to be given to the existing and proposed surrounding uses and the strategic intent of the surrounding area.

City of Gosnells Planning Scheme – Assessment

The site is zoned General Rural under the CoG Town Planning Scheme No. 6. The application has allocated the Operations Centre as 'civic use' and the Waste Transfer Facility as 'use not specified'.

Operations Centre

Civic use has an 'A' permissibility under the Scheme. Civic use has the following definition under the Scheme:

"civic use" means premises used by a government department, an instrumentality of the Crown, or the local government, for administrative, recreational or other purposes.

Although it is acknowledged that the operations centre can fit within this broad term, it can fit comfortably within the definition of 'industry' and more specifically the land use definitions of 'industry – light' or 'industry – general' as described below.

"industry" means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes premises on the same land used for –

- a) *the storage of goods;*

- b) *the work of administration or accounting;*
- c) *the selling of goods by wholesale or retail; or*
- d) *the provision of amenities for employees, incidental to any of those industrial operations.*

"industry - light" means an industry –

- a) *in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality;*
- b) *the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services.*



"industry - general" means an industry other than a cottage, extractive, light, mining, noxious, rural or service industry.

Under the Scheme industry-light and industry-general are both not permitted in the General Rural Zone, making the application inconsistent with the Scheme, deeming that the application should be refused on this basis.

Waste Transfer Facility

For a use not specified, the Scheme states the following:

If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may:

- a) *determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- b) *determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 64 of the Planning and Development (Local Planning Scheme) Regulations 2015 Schedule 2 in considering an application for planning approval; or*
- c) *determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.*

In regards to the consideration of whether the use is consistent with the objectives of the zone, the objectives of the General Rural Zone are:

To provide for a range of rural pursuits which are compatible with the capability of the land and retain the rural character and amenity of the locality.

The nature of waste transfer facilities is considered to align with the definitions of industry, industry-light and industry-general as stated above and is not consistent with the objectives of General Rural Zone as it is not a rural pursuit and will have an impact on the rural character and amenity of the locality. As stated above the industry-light and industry-general land uses are not permitted in the General Rural Zone and are inconsistent with the Scheme, deeming that application should be refused on this basis.

Local Planning Scheme No. 24

It is noted that in the CoG draft Local Planning Scheme No. 24, the additional use of waste disposal facility has been added to Lot 236 Kelvin Road and industry-light and waste storage facility has been added as an additional use for a number of lots on Kelvin Road. Given the Scheme is yet to come into effect, these

additional uses are not relevant to the current assessment. Additionally, the City was not specifically consulted on these additional uses.

Metropolitan Region Scheme

In accordance with WAPC RES2015/01 Resolution under Clause 32 of the MRS resolution B, Schedule 1, 2(b) (refer to URL:



https://www.dplh.wa.gov.au/DepartmentofPlanningLandsHeritage/media/Documents/About/WAPC/WAPC_DEL_Resolution_under_Clause32_MRS.pdf (see Page 3)

Schedule 1, 2(b) enables the WAPC to either have the application referred to it by the local government or for the WAPC to assess and determine applications that may not be consistent with the Rural zone under the MRS. It is the City's view based on the assessment, which considers the uses to be 'industry', that the proposal is inconsistent with the Rural zone under the MRS.

The City recommends that the CoG refer the application to the WAPC for assessment and determination.

City of Gosnells Submission on the City of Kalamunda's Draft Industrial Development Strategy

On 1 October 2018, the CoG provided a submission on the City of Kalamunda's (the City) draft Industrial Development Strategy (IDS). The draft IDS identified a portion of 'Wattle Grove South' as industrial investigation. CoG objected to this identification due to potential adverse impacts on adjacent Orange Grove rural residential properties and the fact that the North East Sub-Regional Planning Framework identifies the area as urban expansion, making the proposal inconsistent with this identification.

The City subsequently removed the industrial investigation identification from this area in the final version of the IDS. Operations centres are generally associated with industrial areas and industrial type operations. Similarly to the City's draft proposal in the Industrial Development Strategy, the proposed operations centre and waste transfer facility may have potential adverse impacts on both Wattle Grove South and Orange Grove residents and is not consistent with the South Metropolitan and North East Sub-regional Planning Frameworks. It is noted that Light Industry zones, at a local planning scheme level, may be considered under an Urban Zone in the MRS. Notwithstanding this, regard needs to be given to the existing and proposed surrounding uses and the strategic intent of the surrounding area. In this context, significant community engagement and preliminary concept planning has informed the future planning for the surrounding area (Wattle Grove South).

City of Kalamunda Local Planning Context - Crystal Brook (Wattle Grove South)

The area recently named, at a project level, Crystal Brook through community engagement and often referred to as Wattle Grove South borders Orange Grove and is identified as Urban Expansion / Urban Investigation by the North East Sub-regional Planning Framework. The area is identified by the City's Local Planning Strategy 2010 as an urban investigation area. The City's draft Local Housing Strategy 2020 (LHS), which was adopted for the purpose of public advertising in March 2020 identifies the area as an Investigation Area.

A portion of the area was identified by a Feasibility Study prepared in 2018 and the City's Draft Industrial Development Strategy 2018 as industrial investigation. This identification was removed from the final Industrial Development Strategy adopted by Council in December 2018. During community engagement

the community voiced a strong appreciation and desire for the protection of the environmental and rural values of the area.

Following engagement with the community, Council resolved in February 2019 to engage a consultant to undertake community engagement and prepare concept plans on potential land use and development outcomes for the area focussing on protecting environmental values, sustainability outcomes and maintaining the character of the area. In August 2019, the Council resolved to engage Roberts Day to undertake this process. Community engagement commenced in December 2019 and the community has reiterated the desire for environmental protection, maintaining the rural character and amenity of the area and investigating potential sustainable initiatives that can be incorporated into future developments during this process.



Draft concept plans were advertised mid-2020. The draft Concept Plan identifies a key principle for landscape, rural and environmental protection within the project area. The CoG was referred for comment during the advertising process. The proposal for an operations centre and waste transfer facility adjacent to this area would be inconsistent with the planning of the area and may have the potential to cause adverse impacts on the area. Residents within this area often complain about trucks utilising Crystal Brook to 'rat run' to Welshpool Road East and access Tonkin Highway. This may cause further issues on this lower order road.

The proposed vegetated buffer may assist with providing an appropriate interface with Crystal Brook. It is requested that the CoG liaise with the City when planning and implementing the vegetated buffer to ensure the buffer minimising potential adverse impacts and provides a desirable amenity for Crystal Brook residents.

Traffic Impact Assessment

The cycle route proposed along Kelvin Road in the Department of Transport's Long-Term Cycle Network is recognised in the TIA but not recommended. The City of Kalamunda's Bicycle Plan also identifies this future route. To support active transport options, and given the very high percentage of heavy vehicles (16.2%) and RAVs, the City of Kalamunda recommends that Gosnells consider constructing a shared path on one side of Kelvin Road, separated from the carriageway, connecting the new Operations Centre to the Tonkin Highway PSP and safe crossing location at the Kelvin Road intersection.

Regarding public transport bus services, given the more rural nature of the road, an increase in buses stopping in the traffic lane will create frustration for drivers and likely lead to risky passing manoeuvres. Noting that PTA policy is not to provide embayments in lower speed zone roads unless the stop is a timed stop, the CoG should consider reinforcing the bus stop locations with median islands to prevent risky passing.

The traffic volume projection for vehicles on Kelvin Road to and from the north east is noted to be immaterial in terms of the road capacity. The parking supply is noted to be generous in terms of current demand for the old centre, however noting that the old operations centre is adjacent to the train station and so may benefit from staff using public transport.

The potential articulated heavy vehicle traffic for the new operations centre is noted to be an estimated 27 vehicles per day, which is within the capacity of the road. The proposed channelised left and right turns on Kelvin Road at the entry to the operations centre will enhance the safety of entering, exiting and through

vehicles. The designers should provide a median space that is wide enough for a south-west bound articulated vehicle (19m) exiting the site to dwell while awaiting a gap in traffic.

Noise

The results of the acoustic report are unclear, it is not clearly evident whether the assessment includes the application of mitigating factors or not as the levels seem to be low when compared to a very basic assessment against the inverse square law. Whilst annoying characteristics are mentioned there isn't any explanation as to whether or not these noise sources would possess these characteristics. It should also be noted that the Odour report makes mention of a 3m noise mitigation wall yet the acoustic report does not mention it. It is recommended that the recommendations included in the acoustic report are included as conditions of the Development Approval (should it be approved). It is also recommended that further information is provided to clarify the application of mitigating factors in the acoustic report.



Amenity

When considering the impacts of amenity in a planning context, it is important that the assessments undertaken attempt to describe the degree of impact. It is likely that there will be some loss of amenity in the area by virtue of higher background noise and infrequent odour, for sensitive receivers (people with elevated hearing or sense of smell this loss of amenity is potentially much higher). This impact to amenity will be inconsistent with the rural character of the area and potential future urban character of the surrounding area. Should this proposal proceed, further mechanisms are recommended to be put in place to reduce amenity impacts in regards to noise, dust, odour and traffic, above and beyond what is currently proposed.

Environment

There are concerns with regard to the impact to a State and Federal significant site; Bushforever site 51 on the corner of White and Kelvin Road. Increased traffic and road works may potentially impact this site. The CoG should demonstrate that Impacts to this site will be avoided and appropriately mitigated where required.

Conclusion

1. The proposed Operations Centre and Waste Transfer Facility is inconsistent with the planning of the broader area as identified in the Frameworks, Local Planning Strategy, Foothills Rural Strategy and Crystal Brook (Wattle Grove South) Concept Planning. It is noted that Light Industry zones, at a local planning scheme level, may be considered under an Urban Zone in the MRS. An example of this situation in the City is the Forrestfield / High Wycombe Industrial Area. Notwithstanding this, regard needs to be given to the existing and proposed surrounding uses and the strategic intent of the surrounding area. In this context, significant community engagement and preliminary concept planning has informed the future planning for the surrounding area (Wattle Grove South).
2. The proposal is inconsistent with the CoG Town Planning Scheme General Rural Zone and therefore should be refused.
3. The proposal is inconsistent with the Rural Zone under the MRS and therefore should be forwarded to the WAPC for assessment and determination.
4. It is recommended that an alternative site is considered for the Operations Centre, preferably within an industrial area.

5. It is recommend that CoG consider constructing a shared path on one side of Kelvin Road, separated from the carriageway, connecting the new Operations Centre to the Tonkin Highway PSP and safe crossing location at the Kelvin Road intersection.
6. The CoG should consider reinforcing the bus stop locations with median islands to prevent risky passing.
7. It is recommended that the recommendations included in the acoustic report are included as conditions of the Development Approval (should it be approved).
8. It is recommended that further information is provided to clarify the application of mitigating factors in the acoustic report.
9. Should the proposed Operations Centre and Waste Transfer Facility proceed it is requested that the CoG provide appropriate interface buffers and demonstrate that management measures for the potential adverse impacts to the surrounding area are put in place. Should this proposal proceed further mechanisms are recommended to be put in place to reduce amenity impact in regards to noise, odour, dust and traffic, above and beyond what is currently proposed.

