

## Local Planning Policy 35 – Hatch Court Light Industrial Precinct (LPP35)

Management Procedure	Relevant Delegation
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### 1. Purpose

The purpose is to provide guidance where development is possible prior to the progression of a local structure plan for the precinct.

### 2. Statutory Framework

The policy is prepared in accordance with Schedule 2, Part 2, Division 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*. The policy is a supporting document that is to be read in conjunction with the provisions of *Local Planning Scheme No. 3 (LPS3)* and shall be given due regard in consideration of any development application made within the precinct.

The design guidelines contained within this Policy are intended as interim only, and it is anticipated that a local structure plan will ultimately be prepared for the entire precinct in accordance with clause 5.23 of LPS3.

### 3. Application

This policy relates to all land within the inner line of the identified development area for the Hatch Court Light Industrial Precinct, which is defined by clause 5.23.1 (Table 4, Reference 1) of *Local Planning Scheme No. 3*, and delineated in **Plan 1**.

### 4. Objectives

The policy is guided by the following key objectives:

- To inform the preparation of a future Local Structure Plan which facilitates light industrial development within the precinct in accordance with clause 5.23 of LPS3;
- To identify the location of shared infrastructure which is required to facilitate development.
- To identify sites that are capable of development prior to the progression of a Local Structure Plan by virtue of their location and relative isolation from key constraints or shared infrastructure required to be planned as a component of the ultimate Local Structure Plan.

### 5. Policy Statement

#### 5.1. Precinct A – Central Precinct

Sites within Precinct A are not considered capable of redevelopment for Light Industrial Purposes until such time as a Local Structure Plan has been prepared which outlines and addresses key constraints and infrastructure provision required, including but not limited to:

- 5.1.1. The delineation and staged connection of new roads that connect the precinct to Adelaide Street to alleviate the use of Stirling Crescent by heavy vehicle and to minimize the increase of light vehicle volumes on Stirling Crescent.
- 5.1.2. The investigation, delineation and ongoing management of areas identified as Resource Enhancement Wetlands (REW's) and any necessary buffers associated in the context of proposed Light Industrial Development in consultation with the Department for Biodiversity, Conservation and Attractions (DBCA), Department of Water and Environmental Regulation (DWER) and the City of Kalamunda.
- 5.1.3. The upgrade and potential widening of Hatch Court road reserve to accommodate heavy vehicles seeking access and egress from land parcels within the precinct.
- 5.1.4. Managing the interface between the precinct and Stirling Crescent, and particularly to the residential areas to the east of Stirling Crescent.
- 5.1.5. The facilitation of utility infrastructure upgrades and connections as required to support light industrial development.
- 5.1.6. The integrated management of stormwater, inclusive of investigation of the potential realignment of the surface water drainage from its existing flow path, and the management of this in the context of the identified REW's, through the preparation of appropriate studies and management plans in consultation with the DWER, DBCA and the City of Kalamunda.
- 5.1.7. The staging and shared cost arrangements for infrastructure upgrades to facilitate industrial development.

## **5.2. Precinct B – North-Eastern Precinct**

Precinct B (Lot 1499) is capable of development prior to the preparation of the Local Structure Plan, and will not prejudice a future Local Structure Plan, as a result of it being largely unconstrained by environmental features, unconstrained by servicing constraints, unconstrained by separation to groundwater for onsite wastewater disposal (via ATU), unconstrained by drainage disposal via infiltration and/or existing drainage outlets and unconstrained by virtue of immediate and unrestricted access to the broader freight network via its Adelaide Street frontage. The extent of constraints will require further examination as a component of a development application, inclusive of consideration of the following matters:

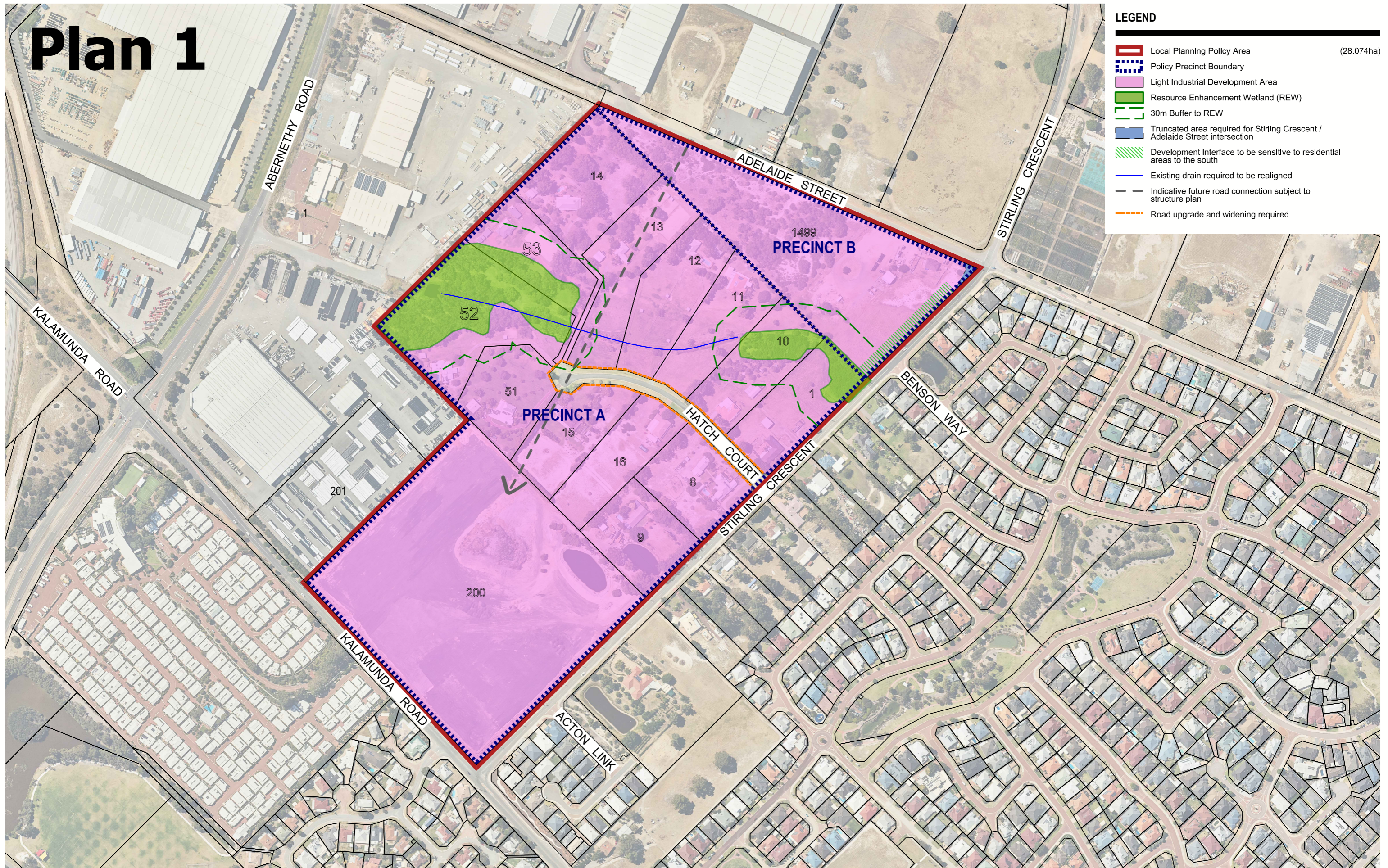
- 5.2.1. A development application shall be accompanied by a Wetland Buffer Study to identify the extent to which a wetland buffer within the precinct is necessary.
- 5.2.2. Development within the precinct must be facilitated by direct access to the regional road network via the upgrade and extension of Adelaide Street westward to connect with Abernethy Road, or (until the Adelaide Street connection is completed) via a demonstrated suitable access northward along the portion of Stirling Crescent north of Adelaide Street via the preparation and lodgment of a Traffic Impact Assessment (TIA).
- 5.2.3. Development within the precinct is to include the delineation, design and demarcation of a road connection between Adelaide Street and the southern boundary of Precinct B to a standard required by the City of Kalamunda as part of the staged construction of the new road outlined in Section 5.1.1. The future road connection is to be a preferred access and egress point to Adelaide Street for Precinct B as a component of a development application, and capable of future acquisition and construction of the proposed road.
- 5.2.4. Development within the precinct may be constrained by the necessary truncation of the intersection of Stirling Crescent and Adelaide Street as a result of proposed upgrades to this intersection. The necessary land required shall be identified within a development application as land to be set aside for future acquisition as road reserve.
- 5.2.5. Development within the precinct is required to manage the interface between the precinct and Stirling Crescent, and particularly to the residential areas to the east of Stirling Crescent, through suitable landscaping, screening and fencing to this frontage.
- 5.2.6. A Development Application may require referral to external government agencies and stakeholders depending on the nature of the land use and development proposed.

<b>Legislation</b>	<i>Planning and Development (Local Planning Scheme) Regulations 2015</i>
<b>Adopted</b>	
<b>Reviewed</b>	
<b>Next Review Date</b>	

DRAFT



# Plan 1



**LEGEND**

- Local Planning Policy Area (28.074ha)
- Policy Precinct Boundary
- Light Industrial Development Area
- Resource Enhancement Wetland (REW)
- 30m Buffer to REW
- Truncated area required for Stirling Crescent / Adelaide Street intersection
- Development interface to be sensitive to residential areas to the south
- Existing drain required to be realigned
- Indicative future road connection subject to structure plan
- Road upgrade and widening required



## TECHNICAL NOTE

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**To** City of Kalamunda  
**From** Taylor Burrell Barnett  
**Date** June 2022  
**Ref** 21/090  
**Subject** Hatch Court Light Industrial Precinct LPP

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### **Preface – Hesperia Opinion of Development Opportunity**

The Hatch Court Light Industrial Precinct is characterised by two larger land holdings (Lot 200 and Lot 1499) that bookend the fragmented ownership around the Hatch Court cul-de-sac properties. Lot 200 appears largely unconstrained for future development, pending access to Adelaide Street and a drainage outlet. Lot 1499 is largely unconstrained as it has direct frontage to Adelaide Street and generally has good separation to groundwater.

Based on our experience and as might be expected from a diverse range of landowners, it seems unlikely that a unanimous consensus will be reached on if, how or when the land might be developed as a consolidated industrial precinct. There are differing expectations on the land value which makes acquisition by a developer problematic. Some landowners may self-develop and some owners may wish to remain on their land at least in the short to medium term. The lots impacted by resource enhancement wetland (REW) appear to have limited or compromised development potential.

Hesperia has contracted various Hatch Court lots and has made offers or been in discussions on other land, but has been unable to assemble land on Hatch Court, and as a result all the offers/options have now expired.

In our view, the key aspect to facilitate the development potential of the Hatch Court lots is to facilitate the location of the road connection between Adelaide Street and Hatch Court. Given the constraints and varied landowner aspirations, Hesperia has considered how the practical implementation of industrial development of the Hatch Court lots might unfold once a road connection is provided between Hatch Court and Adelaide Street.

It is our view the majority of the lots are large enough and have suitable access to Hatch Court to enable them to be independently developed so that a large-scale land assembly would not necessarily be required to facilitate development. The exceptions to this are Lot 9 Stirling Crescent (same owner group as Lot 200 so conceivably might gain access via Lot 200) and Lots 14, 52 and 53 Hatch Court which are, as standalone development sites, constrained by their existing 6m wide battle-axe legs or driveways. Lot 14 is currently served by a 6m dog-leg battle axe and could not be developed as an independent industrial lot unless improved road access is provided.

If the road connection between Hatch Court and Adelaide Street can be secured (with access to Lot 14) then this would provide a clear pathway and reduced risk for future and independent development of Lots 9 and 200 as well as the Hatch Court lots. The proposed local planning policy (LPP) indicates where TBB consider is the best location for the road link from a traffic and access perspective. The proposed road link between Hatch Court and Adelaide Street is located entirely within Lot 1499 and Lot 13. Hesperia has Lot 1499 under contract with settlement confirmed for May 2022, meaning only one other landowner is affected and we are aware that Lot 13 was previously a seller as Hesperia had this lot under contract of sale (but has since lapsed). This suggests that the road connection could be implemented reasonably quickly pending acquisition of Lot 13.

While there are other matters to be resolved for the development of the Hatch Court lots, many of these issues can be managed on a lot-by-lot basis as part of the Development Application process (i.e. fill, drainage, environmental, bushfire etc).

In our view, the key elements of a structure plan should be limited to the equitable sharing of primary infrastructure including new roads, upgrade to existing road/s, coordination of drainage (including to remove the drainage easement from the lots on the north side of Hatch Court) and for a statutory process to manage the interface between the Hatch Court Light Industrial development and abutting (existing and future) residential development to the east of Stirling Crescent.

TBB have submitted a LPP to the City of Kalamunda which is intended to inform and facilitate development over the whole of the Hatch Court Precinct. The LPP proposes two Precincts, A and B, where Precinct B is virtually wholly unconstrained while Precinct A has constraints that will likely require resolution through a structure plan. There is no technical reason why Precinct B could not be developed in the absence of an structure plan.

## Introduction

This technical note has been prepared to support the Local Planning Policy for the Hatch Court Light Industrial Precinct. It provides an overview of the various technical aspects of the Precinct, and key considerations and practicalities to be considered in the assembly and servicing of the broader area.

The following table provides a summary of the information required to be submitted at the structure plan, subdivision or development stage, with further detail and background provided within this technical note.

Additional information	Approval stage (whichever comes first)	Consultation required
Wetland Buffer Study	Structure Plan, Development	DBCA, DWER
Transport Impact Assessment	Structure Plan, Development	City of Kalamunda, DPLH
Local Water Management Plan	Structure Plan	City of Kalamunda, DBCA, DWER
Bushfire Management Plan	Structure Plan, Subdivision, Development	City of Kalamunda, DFES

Servicing Strategy	Structure Plan	City of Kalamunda, Servicing Authorities
Infrastructure Upgrades Strategy	Structure Plan	City of Kalamunda
Flora, Vegetation and Fauna Study	Structure Plan	City of Kalamunda
Design Guidance for Stirling Crescent interface	Structure Plan	City of Kalamunda
Urban Water Management Plan	Subdivision	City of Kalamunda
Tree Retention/Landscaping Plans	Development	City of Kalamunda

## Wetland and environmental considerations

### Wetlands

The Precinct historically contained two Resource Enhancement category wetlands (REW) and an expansive Multiple Use category wetland (MUW) covering the majority of the Precinct.

A review of the wetland management category and boundary was undertaken by PGV Environmental in 2014 (on behalf of Marwon Pty Ltd). This assessment found that the site was partially cleared prior to 1953 for agricultural purposes, and the central portion of the Precinct has been continually grazed over the long-term and is still utilised for residential and agricultural purposes. An application to review the Wetland Mapping displayed within the Geomorphic Wetlands Swan Coastal Plain dataset was lodged with the Department of Parks and Wildlife (DPAW)(now Department of Biodiversity, Conservation and Attractions (DBCA)) in October 2014, recommending the central area of the REW be reclassified to Multiple Use category, with the eastern and western sections containing native vegetation remain as REW. The application to review was approved by DPAW on 10 October 2014.

The Precinct now contains three wetlands:

- Two areas of REW (UFI 15940) (Sumpland) are mapped on the eastern (predominately Lots 1 and 10) and western portions (predominately Lots 52 and 53) of the Precinct.
- A portion of a MUW (Dampland) is mapped as occurring across the majority of the Precinct, excluding the northern portion of the site.

The Environmental Assessment undertaken by PGV Environmental in 2014 recommended future development include a 30m setback to the redefined REW, to provide a development setback and open space buffer sufficient to protect the environmental value of the wetland. Typically, 30m is the minimum buffer that is accepted to a REW. This recommendation was based on the Precinct being developed for residential purposes, and it is therefore necessary that an updated Wetland Buffer Study be undertaken to determine appropriate buffers to the REWs based on the Light Industrial land uses capable of approval within the Precinct. The study should have regard for the City's Local Planning Policy 34 – Wetlands and Waterways.

PGV Environmental made contact with DBCA in July 2021 to see if any change to the REW classification had occurred since 2014. The response from DBCA was inconclusive and given that the vegetation within the REW has not changed it is considered problematic that any part of the REW would be reclassified to MUW although it is our view that there could be an argument mounted to reclassify the REW on Lots 1 and 100 as MUW given it is isolated and small.

## Flora

Previous assessments of the environmental values of the Precinct were undertaken by PGV Environmental between 2012-2014 on behalf of Marwon Pty Ltd. The assessment found that overall, the native vegetation on the subject site has been heavily modified with the historic aerial photographs showing a history of past clearing for rural purposes. The native vegetation remaining on the site occurs sporadically and in generally poor condition.

Remnant vegetation on the northern section of the Precinct consists of parkland cleared native trees over bare sand and weeds on dry sandy soils. The native tree species are largely *Banksia menziesii* and *Eucalyptus todtiana* (Coastal Blackbutt) and a small number of *Banksia ilicifolia* and *Banksia attenuata*.

One stand of remnant native vegetation is associated with REW across Lots 52 & 53, and consists of a Flooded Gum (*Eucalyptus rudis*) Woodland to Low Forest over dense Paperbark (*Melaleuca raphiophylla*) and Kikuyu Grass (*Pennisetum clandestinum*) the dominant species.

Due to the degraded state of the vegetation, there are no Threatened Ecological Communities or Priority Ecological Communities listed under the State or Commonwealth occurring within the Precinct. The Precinct is also highly unlikely to contain any conservation significant flora, and the native vegetation is all in poor condition, therefore a Level 2 flora and vegetation survey should not be required. A standard flora, vegetation and fauna study is recommended to be undertaken as a component of the structure plan for the Precinct, or otherwise prior to subdivision/development where there is no structure plan in place.

## Fauna

The Environmental Assessment Report prepared by PGV Environmental in 2014 on behalf of Marwon Pty Ltd found that four fauna habitat types occur within the subject site and reflect the vegetation types. These are:

1. Upland *Banksia* sp. and *Eucalyptus todtiana* scattered over cleared understorey. The scattered parkland trees are considered to be Disturbed Fauna Habitat due to the cleared understorey.
2. Wetland with *Melaleuca raphiophylla* and *Eucalyptus rudis* over weedy understorey. The wetland areas on the site containing native trees are considered to be Disturbed Fauna Habitat. The understorey consists completely of weeds apart from a small section in the eastern area containing *Lepidosperma longitudinale*. The eastern section has been invaded by Japanese Pepper trees and the western section contains an abundance of Arum Lily.
3. Wetland with weeds. The drainage line with weeds such as False Bamboo and Bulrushes is considered to be Highly Degraded Fauna Habitat due to the absence of any native flora species.
4. Cleared paddocks with scattered exotic trees. The cleared paddocks with scattered exotic trees on the site consist of Highly Degraded Fauna Habitat due to the significant loss of vegetation.



The quality of the fauna habitat is also limited due to it being fragmented from other areas of native vegetation, the closest being Munday Swamp approximately 1km to the south-west.

The cleared areas of the Precinct are highly degraded fauna habitat and the increased amounts of grass and weed species are likely to result in a high abundance of introduced fauna species such as House Mice and Black Rats. The parkland Banksia and Coastal Blackbutt is disturbed fauna habitat and may provide habitat for some bird species, including the provision of limited feeding habitat for Black Cockatoos. These trees are likely to support some reptile species; however the reptile assemblage is likely to be poor due to the degraded condition of the vegetation and the high numbers of feral predators likely to be present. The drainage line is disturbed fauna habitat but provides habitat for some frog and waterbird species and there is anecdotal evidence that it supports a population of Oblong Turtles (*Chelodina oblonga*).

As outlined above, it is recommended a flora, vegetation and fauna study be undertaken as a component of the structure plan for the Precinct.

### **Drainage and fill requirements**

The 2014 PGV Environmental Assessment Report outlines that the majority of surface water flows locally towards an existing surface drain that runs in an east west direction to the north of Hatch Court. The existing drain is largely protected by an easement that connects Lot 1499 and Lot 1 to the designated precinct drainage outlet in Lot 52. This existing drain currently receives outflow from the Jacaranda Springs residential area, including Adelaide Street. Water flow in the drain is generally in a westerly direction and feeds into the Perth Airport Northern Drain Catchment. The surface water from the southern corner (Lot 200) of the Precinct appears to flow towards an existing drainage basin in the east of Lot 200. It is envisaged that a high-level overflow could be connected from the existing basin in Lot 200 to the precinct outlet drainage in Hatch Court if required.

As outlined in the Local Water Management Strategy prepared by Hyd2o in 2015 on behalf of Marwon Pty Ltd, the existing drain through the Precinct receives flow from road catchments along Stirling Crescent and Adelaide Street, as well as discharge from the Jacaranda Springs residential estate to the southeast. There are a number of stormwater compensation basins within the Jacaranda Springs estate which attenuate flows prior to discharging from the development.

Industrial development proposals will be required to compensate internal flows (using on-site storage to a predetermined allowable outflow including design in accordance with bioretention principles) before discharging runoff into the existing or future precinct drainage network. Industrial development within Lots 1 and 10 to 13 inclusive is constrained by the current alignment of the existing surface drain. It is recommended an integrated stormwater management strategy is prepared, informed by technical hydrological and ecological studies, which considers the realignment of the surface water drainage from its existing flow path to an alignment along the existing Hatch Court, accommodating outflow from Jacaranda Springs and Lot 200, and the management of this in the context of the identified REW's. It is noted that Lot 1499 is not constrained by the easement and has a designated drainage discharge point into the existing drainage easement.

## Road connections

Access to the majority of lots within the Precinct is currently restricted to Hatch Court, which connects to the broader road network via Stirling Crescent. The abutting section of Stirling Crescent to the south east opposite the Precinct is either existing or is planned as future residential development. Four existing residential dwellings have direct access to Stirling Crescent. It is the intention of the City that the section of Stirling Crescent between Adelaide Street and Kalamunda Road remains as a predominantly residential street. Road connections are therefore required within the Precinct which provide access to Adelaide Street as an alternative to Stirling Crescent. This will enable heavy vehicles and Restricted Access Vehicles to access the Precinct whilst limiting the impact on this portion of Stirling Crescent and the interfacing residential properties.

As outlined in the preface above, the Hatch Court lots are large enough (i.e. greater than 1ha) and have suitable access to Hatch Court to enable them to be developed once a connection is provided between Hatch Court and Adelaide Street. Lot 200 would need an additional connection to the south of Hatch Court to connect to Adelaide Street.

To encourage traffic from the industrial estate to travel direct to Adelaide Street (and thereby avoid Stirling Crescent) the travel distance should be minimised, the travel direction should be readily legible and logical and impediments to the preferred route should be minimised (i.e. the connection should be as easy to implement as possible). It is expected that barriers to non-preferred travel for oversize vehicles at the Hatch Court/Stirling Crescent intersection will also be implemented. The most logical road connection location is as direct as possible between the Hatch Court cul-de-sac to Adelaide Street. In addition to providing the most direct travel route to Abernethy Road, this location will also enable Lot 14 to be provided with road frontage and is unconstrained by the REW (and associated buffer). This connection provides a second emergency exit for bushfire management purposes and converts the existing cul-de-sac to a T-junction. If this road continued to Lot 200 then it would provide separation from industrial development to the lots to the west that are significantly constrained by the REW.

A detailed Transport Impact Assessment will determine the required detail associated with the proposed road layout for the Precinct. It is expected that Hatch Court will be required to be widened, formally drained and kerbed.

## Sewerage and servicing considerations

The Precinct is not currently connected to sewer. An Engineering Services Report undertaken by Development Engineering Consultants in 2014 on behalf of Marwon Pty Ltd found that sewer can physically be extended from existing infrastructure on the eastern verge at the intersection of Stirling Crescent and Benson Way, opposite the Precinct, subject to suitable site works being undertaken. This was based on capacity available at the time of reporting in 2014, and assumed a residential form of development.

More recent advice from the Water Corporation in 2021 has indicated that there is no capacity in the existing nearby sewers for any Hatch Court development, and furthermore the next closest capacity for a sewer disposal is at the Waterhall Road Sewer Pump Station approximately 800m north of Great Eastern Highway Bypass and slightly west of the Freight Rail. Obtaining land access approvals for a pressure main from Hatch Court to Waterhall Road (avoiding Airport land) will be very difficult.



The industrial development to the north of Adelaide Street (the Hazelmere Enterprise Area) is limited to Dry Industry uses (i.e. land use that produces less than 2500 l/day/ha of wastewater) and utilises aerobic treatment units (ATU) to treat wastewater. It is most likely that the use of ATU's must extend to the Hatch Court Light Industrial Precinct. Without the ability to use ATU then it is unlikely that development within the Hatch Court area would proceed for many decades and even then, the cost and securing approvals for a pressure main may be impossible to achieve or be commercially supported due to the relatively small development area. The use of ATU requires separation to groundwater of approximately 1.8m minimum which can be achieved with selected sand filling in the lower lying areas.

Connection to sewer would be reviewed as part of any structure planning for the Precinct based on current infrastructure capacity and the requirements of future industrial land uses. Onsite wastewater disposal (via ATU) should be considered where appropriate, on a site-by-site basis.

Engineering investigations undertaken in 2021 indicate that (apart from reticulated sewer) there are no significant servicing constraints to development from power, water supply, telecommunications or gas to facilitate future industrial development.

An updated Servicing Strategy and Infrastructure Upgrades Strategy are recommended to confirm servicing as part of a structure plan process.

### **Interface to adjoining land**

The Precinct interfaces with a mix of land uses along each of its boundaries.

Development along the Precinct's south-eastern boundary (Stirling Crescent) would be appropriately designed to respect its interface to residential properties, through the use of design measures and potential land use controls which minimise any potential amenity impacts. This also requires consideration of access to properties fronting Stirling Crescent, and the need to introduce a coordinated approach to individual lot access either through shared access points (protected by way of easements) or the new public road network through the Precinct.

It is recommended appropriate design guidance and controls be investigated for development along this interface. Such controls may be implemented by way of structure plan provisions, Design Guidelines (adopted as a Local Planning Policy), or through the requirement for Local Development Plan/s, and shall address the detailed design considerations necessary to minimise the visual, traffic, noise and other amenity impacts resulting from the potential light industrial land uses within the Precinct. Such controls would need to be approved by the City prior to any development on these properties.

### **Infrastructure provision and upgrades**

As structure planning for the Precinct progresses, common infrastructure works shall be identified and form the basis of cost sharing arrangements to be negotiated with the City. The cost of common infrastructure is required to be shared equitably between developing landowners within the Precinct. The following items may be investigated as shared cost items for the Precinct:

1. Precinct drainage including construction of drainage structures, piped main drainage and landscaping for drainage but excluding land within REW and associated buffers.

2. A new road connection between Hatch Court and Adelaide Street including land, road construction, drainage, street lighting and footpaths.
3. Costs associated with the upgrade of Hatch Court including land, road construction, drainage, street lighting and footpaths.
4. Administrative costs associated with the preparation of the cost sharing agreement/DCP.

Costs specifically relating to each development (i.e. not shared infrastructure) would be the sole responsibility of the relevant landowner.

It is noted that funding for the Stirling Crescent and Adelaide Street intersection upgrade is being coordinated by the City of Swan. The upgrade of Adelaide Street between Stirling Crescent and Abernethy Road is being undertaken by MRWA with completion due in early 2023.

### **Bushfire hazard**

The majority of the Precinct is identified on the Department of Fire and Emergency Services Map of Bush Fire Prone Areas 2021 as being within a bushfire prone area. The source of the bushfire risk comes from existing vegetation on-site. Future bushfire management measures are required to be considered in the context of the vegetation within the Precinct and how development is staged.