

Submitter Number	Comment	Applicant Response
1.	<p>Dear City of Kalamunda statutory planning team,</p> <p>I welcome the development of land near Stirling Crescent, however I am disappointed at the plan.</p> <p>Has a traffic study been conducted? How is heavy vehicles turning right onto Kalamunda road going to be accommodated? Stirling road will be cut-off at Great Eastern Highway bypass, so traffic will need to drive down to Abernethy road.</p> <p>It's a mess! Do not mix long heavy vehicles with ordinary light vehicles.</p> <p>Please consider connecting Lewis Road with Adelaide Tce and leave Stirling Crescent for residential traffic, and put a green boundary between the housing and industrial area where kids can ride their bicycles and kick a ball around.</p> <p>When the first child gets killed on Stirling Crescent on the way to school after colliding with a heavy vehicle...then you'll be forced to change the road layout.</p> <p>Also...where have you considered the traditional owners of the land, and their sacred places and waterholes...there is natural water in that area...how are you maintaining the natural flows by turning it into light industrial concrete?</p> <p>Happy to provide further feedback before you pull the pin.</p> <p>Cheers,</p>	<p>The City acknowledges that traffic is a core planning matter for the area and it has been regularly raised as a matter that needs to be addressed.</p> <p>The draft Policy was not prepared with detailed traffic reporting.</p> <p>A key element of the draft Policy is to show the intent for an internal road connection to service the light industrial traffic, which due to a future road being 'fit for purpose' for heavy vehicles, is expected to reduce the generation of future industrial traffic on Stirling Crescent.</p> <p>The draft Policy does not have the ability to restrict the current use of Stirling Crescent by industrial traffic from the north as that is outside the scope of the Policy and is likely to be generated outside the City of Kalamunda.</p> <p>No engagement of traditional owners has occurred, but the Policy was referred to state agencies which have not raised concerns.</p>
2.	At present this policy relates to ALL land within the identified area.	

<p>I strongly oppose any change.</p> <p>The requirement of a Structure Plan over the entire area was put in place to provide cohesive and considered planning for future development and to avoid ad hoc, piecemeal development that would not maximise the potential of the whole site.</p> <p>By approval of this proposal the City of Kalamunda, will in effect, contradict it's own planning principles.</p> <p>Unfortunately, it has already set a precedent by allowing Enviropipes to develop their site without a Structure Plan in place, even though it was considered necessary as it was included in the Hatch Court Light Industrial Precinct.</p> <p>This company is now in negotiations to purchase Lot 200. If successful this will almost certainly allow further development on this lot regardless of the remainder of properties.</p> <p>By approving the proposal the City will create a small central area sandwiched between two larger developments. Approval of the proposal will result in inequitable demands on the smaller landowners. This goes against the original intention of the City.</p> <p>The smaller landowners will be the only ones to carry the burden of a Structure Plan before being able to develop their properties.</p> <p>Either the Precinct requires a Structure Plan over the entire area or it doesn't require a Structure Plan over any of the area.</p> <p>Allowing development on Lot B1499 (Precinct B) without consideration of the Precinct as a whole will severely compromise cohesive planning and the maximisation of land use in any future development of the remaining land in the central area. Though planning will identify and allow for logical amalgamation of various lots to gain maximum benefit.</p> <p>Whilst the remaining land holdings may be large enough to develop on an individual basis, I do not believe this will result in the best use.</p>	<p>The City acknowledges the intent of structure planning and as detailed in this Council Report, agrees that without a Local Structure Plan the highest and best use of the area as light industrial is unlikely to be achieved.</p> <p>The City acknowledges that the sites on the southern and northern perimeter are naturally the least constrained sites given their frontages to significant roads. The Planning Regulations allow for landowners to seek approval for development without a structure plan being in place, provided they can demonstrate that they won't prejudice the preparation of a structure plan in the future. Ultimately the Development Assessment Panel has considered the planning framework and approved these developments.</p>
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	<p>The proponent suggests future road access to Adelaide Street but no consultation with other landholders has been undertaken and its placement may reflect the most suitable position for its own purposes.</p> <p>The proponent also cites unsuccessful attempts to purchase properties within the central section of the precinct. I feel serious negotiations were not undertaken. Discussions were limited. No sales were taken up even though two owners signed contracts. On reflection pricing of offers were all over the shop and what one owner rejected may have convinced another to sell.</p> <p>Access issues require more assessment, especially the future use of the soon to be upgraded Adelaide Street through to Abernethy Road after the closure of Stirling Crescent at Roe Highway Bypass. We need more information of what traffic is going to look like and how it all will work before setting in stone yet another road that may prove problematic in its proximity to the intersection of Stirling Crescent and Adelaide Street. In relation to this central area of the precinct not being able to utilise Stirling Crescent not all light industry uses huge vehicles.</p> <p>The possibility of commercial development along and in Hatch Court may be considered to create a more amicable interface with the heavier light industries.</p> <p>The City of Kalamunda's lack of foresight in planning for Hatch Court Light Industrial Precinct at the same as redoing was undertaken has resulted in considerable issues facing the smaller landholders within the central area. The lack of consistency by the City place further encumbrance and uncertainty upon ratepayers in this area.</p> <p>Having owned my property since 1986. And suffering numerous changes of zoning, I feel the City planners have provided no surety over the future of our land, nor its potential. We appear to have been, effectively, a buffer. Put into</p>	<p>Noted.</p> <p>The City established through Local Planning Policy 28 that it would leave Structure Planning to be market driven, with intervention in exceptional circumstances. Landowners have been, and are still able to progress a structure plan over the area if they choose to.</p>
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	<p>the "too hard basket" with no direction or real possibility of meeting the conditions put upon us.</p> <p>In conclusion I reiterate my opposition to the proposed changes to Local Planning Policy 35.</p>	
<p>3.</p>	<p>Good afternoon,</p> <p>Thank you for referring Draft Local Planning Policy 35 for the Department of Water and Environmental Regulation (DWER) to consider. DWER has reviewed Draft LPP 35 and has no objections, with the following comment to provide:</p> <p>Future Local Structure Plans should be supported by a Local Water Management Strategy, in accordance with the Better Urban Water Management Guidelines (2008).</p>	
<p>4.</p>	<p>I do not support the plan until the local structure and development plans of Hatch Court Light Industrial Precinct is presented in complete and full for consideration. This should clearly indicate how the structure plan would manage the potential amenity impacts on the residential properties on Stirling Cres. This should be assessed as a whole Precinct rather than in two lots as this can cause incoherence between the plans and would cause further issues in future subdivision, development, access and land use. My objection to this proposal is based on following considerations: - future interference of precinct plan to the residential areas to the east of Stirling Crescent - the whole effects on the flora and fauna of the precinct, without having a full structure plan in place - the future industry development and effects on the residential areas (heavy vehicle transport, noise pollution etc.) - sustainability plans for the</p>	<p>The comments are noted and are explored within the Council report as key reasons not to pursue draft Local Planning Policy 35, and instead pursue a Local Structure Plan, Development Contribution Plan and Design Guidelines.</p>

	<p>whole precinct - uncertainty for the Hatch Court development, after the completion of 1499 lot</p>	
<p>5.</p>	<p>Submission on behalf of Lot 200 (No.584) Kalamunda Road, High Wycombe on Draft Local Planning Policy 35 – Hatch Court Light Industrial Precinct</p> <p>We refer to the Draft Local Planning Policy 35 – Hatch Court Light Industrial Precinct (LPP35) which is currently subject to public consultation with a closing date of 25th October 2022.</p> <p>Our office represents Enviropipes, situated at Lot 1 (No.640) Kalamunda Road and Lot 201 (No.614) Kalamunda Road. It has recently acquired Lot 200 (No.584) Kalamunda Road immediately south-east of its operations and is within the draft LPP35 application area.</p> <p>On behalf of our client, we advise that Enviropipes supports the City's draft LPP35, subject to modifications being made to create Lot 200 within its own precinct with specific guidelines applicable to this site. Further information in relation to this is detailed below:</p> <p>Advertised Draft LPP35</p> <p>The subject draft LPP35 relates to the land identified within No.1 of Table 4 of the City's Local Planning Scheme No.3 – <i>Additional Site and Development Requirements</i>. These lots are detailed below:</p> <ol style="list-style-type: none"> 1) Lot 200 Kalamunda Road, which has frontage to both Kalamunda Road and Stirling Crescent; 2) A total of thirteen (13) lots of which 12 have legal frontage to Hatch Court, together with a further lot which is identified as Lot 9 (No.29) Stirling Crescent (referred to collectively as 'the Hatch Court lots'); and 3) Lot 1499 (No.71) Stirling Crescent, which has frontage to Adelaide 	<p>The comments are noted.</p> <p>The request to be included within a separate precinct is indicative that a greater level of coordination is required across the precinct.</p> <p>Other comments received note that the Policy unlocks already unconstrained sites, without sufficiently coordinating the more constrained sites within the area.</p>

	<p style="text-align: center;">Street and Stirling Crescent.</p> <p>Within the draft LPP35, the lots described in items 1 and 2 form 'Precinct A' whilst Lot 1499 exists as 'Precinct B'.</p> <p>to each are described as follows:</p> <p>Within Precinct A, the draft development controls specify that the land is not considered capable of redevelopment for Light Industrial purposes until such time as a Local Structure Plan is prepared which addresses numerous matters including:</p> <ul style="list-style-type: none"> • The provision of an internal subdivisional road within the Hatch Court lots and extending north-east through Lot 1499 to Adelaide Street, to alleviate the use of Stirling Crescent by heavy vehicles and to minimise the increase of light vehicle volumes on Stirling Crescent; • Upgrading and widening of the Hatch Court road reserve to accommodate heavy vehicles; • Investigation, delineation and ongoing management of Resource Enhancement Wetlands identified within the Hatch Court lots; • Facilitation of utility infrastructure upgrades and connections to support light industrial development; • Staging and shared cost arrangements for infrastructure upgrades to facilitate industrial development; <p style="text-align: center;">and</p> <ul style="list-style-type: none"> • Integrated management of stormwater, realignment of surface water drainage and management in the context of REW's. <p>Within Precinct B, it states that Lot 1499 is capable of development prior to the preparation of a Local Structure Plan "...as a result of it being largely unconstrained by</p>	
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<p><i>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.”</i> The extent of constraints to be examined/incorporated within a development application include:</p> <ul style="list-style-type: none"> • A wetland buffer study; • Development must be facilitated by direct access to the regional road network via the completion of the Adelaide Street connection; and • 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. <p>We note that the draft LPP is supported by a Technical Note dated June 2022 by Taylor Burrell Barnett. Within the Technical Note, it states that: <i>“Lot 200 appears largely unconstrained for future development, pending access to Adelaide Street and a drainage outlet.”</i></p> <p>Lot 200 Kalamunda Road</p> <p>In the context of the Draft LPP35 and other lots within the application area, Lot 200 is characterised as follows:</p> <ul style="list-style-type: none"> • The property is 8.070 hectares in area, being the largest lot within the LPP area and occupying approximately a quarter of the overall LPP application area; • It does not incorporate any identified environmental features such as Resource Enhancement Wetlands situated within the Hatch Court lots; 	
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	<ul style="list-style-type: none"> • Whilst development within Lot 200 may ultimately obtain access to the road once constructed, it is not involved in the provision of land for the proposed road connection through the Hatch Court lots and Lot 1499 Adelaide Street • As per the provisions for Precinct B, the site is unconstrained by environmental features, servicing constraints, separation to groundwater for onsite wastewater disposal, drainage disposal. • It is situated adjacent to the Enviropipes landholding which provides opportunities for co-ordinated vehicle access, servicing and drainage with these lots. <p>For the reasons noted above, Lot 200 is capable of development prior to the preparation of a Local Structure Plan.</p> <p>In view of the above, our office and our client consider that Lot 200 does not fit appropriately within Precinct A nor Precinct B. In response, we request that the draft LPP be modified to include Lot 200 as a separate precinct (identified notionally as 'Precinct C') which would be subject to provisions generally based upon Precinct B but in a modified form. This would involve the following modifications to the draft LPP as described in i. and ii. below:</p> <p style="padding-left: 40px;">i. Inserting the following:</p> <p>5.3 Precinct C – South-Western Precinct</p> <p><i>Precinct C (Lot 200) 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</i></p>	
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<p><i>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 subject to joint development with Lot 1 (No.640) Kalamunda Road and Lot 201 (No.614) Kalamunda Road. The extent of constraints will require further examination as a component of a development application, inclusive of consideration of the following matters:</i></p> <p><i>5.3.1 Development within the precinct is to include the delineation, design and demarcation of a road connection between Adelaide Street and the northern boundary of Precinct C 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 C as a component of a development application, and capable of future acquisition and construction of the proposed road.</i></p> <p><i>5.3.2 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.</i></p> <p><i>5.3.3 A Development Application may require referral to external government agencies and stakeholders depending on the nature of the land use and development proposed.</i></p> <p>ii. Modifying Plan 1 to remove Lot 200 from Precinct A and identify the lot as 'Precinct C'</p> <p>Summary</p> <p>As noted above, on behalf of Enviropipes as owners of Lot 200 Kalamunda Road;</p>	
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	<ul style="list-style-type: none"> - The principle of draft LPP35 is supported, being to identify specific matters to be addressed within any proposal for further development of the subject lots, and to identify the lots which are capable of further development prior to the preparation of a Local Structure Plan; - The inclusion of Lot 200 within Precinct A as shown within the advertised Draft LPP, thereby requiring the preparation of a Local Structure Plan prior to any development of the site, is not supported. The draft provisions applicable to Precinct A relate to specific provisions applicable to the Hatch Court lots such as the detailed consideration of environmental characteristics and vehicle access requirements, together with the co-ordination of servicing requirements applicable to thirteen (13) separate landowners. These provisions are not relevant nor applicable to Lot 200; - The recent acquisition of Lot 200 by Enviropipes provides the ability for servicing and access to be co-ordinated with the adjacent Lot 1 (No.640) Kalamunda Road and Lot 201 (No.614) Kalamunda Road; - The formulation of a new Precinct C with development standards specifically relevant to Lot 200 will facilitate development of the lot prior to the preparation of a Local Structure Plan. <p>We trust that the above provides suitable clarification and we will await the City's adoption of LPP35 in a form which includes our requested modifications. Should you require any further information or clarification in relation to this matter, please contact the writer on XXXXXXXX.</p>					
6.	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Proposal:</td> <td>City of Kalamunda Draft Local Planning Policy 35 Hatch Court Light Industrial Precinct (LPP35)</td> </tr> <tr> <td>Your Ref:</td> <td>Draft LPP 35</td> </tr> </table>	Proposal:	City of Kalamunda Draft Local Planning Policy 35 Hatch Court Light Industrial Precinct (LPP35)	Your Ref:	Draft LPP 35	The comments are noted.
Proposal:	City of Kalamunda Draft Local Planning Policy 35 Hatch Court Light Industrial Precinct (LPP35)					
Your Ref:	Draft LPP 35					

Our Ref	Doc Set ID 7341692
<p>XXXX officer's provide the following comments on the abovementioned policy for your consideration:</p> <p>Comments:</p>	
1.	<p><u>Intersection of Adelaide Street / Stirling Crescent:</u></p> <p>Ensure the areas/dimensions of the "Truncated area required for Stirling Crescent / Adelaide Street intersection" layer on Plan 1 reflects the latest land resumptions plan. Recommend that the City of Kalamunda continue to liaise with the Greater Connect Alliance for the latest designs and drawings to ensure ongoing accuracy.</p>
2.	<p><u>Future access to Adelaide Street:</u></p> <p>Future egress(es) and intersection(s) introduced along Adelaide Street must:</p> <ul style="list-style-type: none"> • <u>not</u> undermine the function and flow of traffic using Adelaide Street (see rationale below); • <u>achieve</u> acceptable long term results for Degree of Saturation, Queue Length and Delays; and • <u>ought</u> to be consolidated and controlled to avoid the unnecessary proliferation of egress points onto Adelaide Street. <p><i>Rationale: Any loss of connectivity (or failure to address the needs of RAV vehicles) will adversely impact the strategic industrial land north of Adelaide Street and south of the Bypass; undermining the ongoing viability of this land for higher-and-more-restricted industrial uses.</i></p>
3.	<p><u>Further reservation widening requirements</u></p>

	<p>Plan 1 ought to depict all known road and intersection widening requirements and actions to reserve these in the scheme should also progress to secure this land. Plan 1 ought to be periodically reviewed to ensure road and intersection widening requirements are incorporated when known and actions to update the scheme should also progress to secure this land – noting the intersection of Adelaide/Stirling which is currently planned for construction in 2023/24.</p> <p><i>Rationale: where known they ought to be identified. This is recommended as the alternative would be to leave the intersection designs to landowners, who may not submit their proposals in an agreeable or timely manner, or, upgrade this intersection within the existing road reserve area using inferior turning treatments that may service levels and que lengths on Adelaide Street.</i></p>	
<p>4.</p>	<p><u>Provisions for Precinct B – North-Eastern Precinct</u></p> <p>Generally concur with the need for provisions 5.2.2-5.2.4 and 5.2.6 for Precinct B.</p> <p>Regarding consultation: the City of Swan is interested in being afforded the opportunity to comment on future applications that may affect the flow and function of Adelaide Street and/or prejudice the viability of industrial zoned land (immediate and wider precinct) north of Adelaide Street, as this will be the sole route for heavy vehicle traffic to access the wider network. However it is noted that ‘Transport Depot’ (‘P’) is listed as a permissible uses in Kalamunda’s ‘Light Industrial’ zone and question how these types of the developments will be consulted and controlled in this framework.</p>	
<p>Advice:</p>		
<p>a.</p>	<p>Recommend that the City of Kalamunda continue to liaise with the Greater Co latest designs, drawings and land resumption plans associated with the Great Interchanges Project – specifically for Adelaide Street and associated intersect accuracy.</p>	

	<p>If you have any queries or wish to discuss this matter further, please contact me on the contact details below.</p>	
<p>7.</p>	<p>I refer to your letter dated 26 August 2022 in relation to the referral of Draft Local Planning Policy 35 – Hatch Court Light Industrial Precinct.</p> <p>It is unclear from the documentation provided if the City of Kalamunda has applied <i>State Planning Policy 3.7 – Planning in Bushfire Prone Areas</i> (SPP 3.7) to this proposal.</p> <p>Given the Local Planning Policy seeks to provide guidance where development is possible prior to the progression of a local structure plan, the Local Planning Policy provides an opportune mechanism for the coordination of bushfire risk to ensure that it does not result in the introduction or intensification of development or land use in an area that has or will, on completion, have an extreme BHL and/or BAL-40 or BAL-FZ.</p> <p>SPP 3.7 seeks to reduce vulnerability to bushfire through the identification and consideration of bushfire risks in decision-making at all stages of the planning and development process.</p> <p>A Bushfire Management Plan (BMP) is required to accompany strategic planning proposals, subdivision and development applications in areas above BAL-LOW or areas with a bushfire hazard level above low (refer to clause 6.2b). A BMP includes the bushfire assessment, identification of the bushfire hazard issues arising from the relevant assessment and a clear demonstration that compliance with the bushfire protection criteria contained within Appendix 4 of these Guidelines, is or can be achieved.</p> <p>The BMP should be prepared as early as possible in the planning process and progressively refined or reviewed as the level of detail increases. The level of</p>	<p>The draft Local Planning Policy does not deal with bushfire. Instead, that is a planning matter which would be picked up at the development application stage for applicants to deal with on a case by case basis.</p> <p>The City's recommendation reflects the sentiment that bushfire – among other planning matters – could be coordinated through the structure planning process.</p>

	<p>detail provided within a BMP should be commensurate with the applicable planning stage and scale of the proposal or application.</p> <p>Should you apply SPP 3.7 then, we request the relevant information pursuant to this policy be forwarded to DFES to allow us to review and provide comment prior to the City endorsement of the Local Planning Policy.</p> <p>Land Use Planning staff are available to discuss planning proposals and provide general bushfire advice at any stage of the planning process. Please do not hesitate to contact me on the number below, should you require clarification of any of the matters raised.</p>	
8.	<p>As the owners of lot XXXX Stirling Cres crn Hatch Court we submit that we agree & fully support 100% the submissions by.</p> <p>Planning Solution on behalf of XX of XX Stirling Cres and Insite Planning on behalf of XX of XX Hatch Ct</p> <p>Please acknowledge receipt of this email by return email.</p>	The City acknowledges the submission.
9.	<p>SUBMISSION AGAINST DRAFT LOCAL PLANNING POLICY No. 35 HATCH COURT LIGHT INDUSTRIAL PRECINCT</p> <p>The City of Kalamunda (the City) has sought comments on the City's Draft Local Planning Policy 35 (Draft LPP35) relating to the Hatch Court Light Industrial Precinct. The purpose of this correspondence is to make a submission against the Draft LPP35.</p> <p>Insite Planning makes this submission on behalf of the owner of XX Hatch Court, XX. Lot 15 (No. 24) is included within the boundary of Draft LPP35 and is therefore directly affected.</p>	<p>The City acknowledges the submission.</p> <p>The Officer Recommendation generally reflects the concerns raised in the submission that point out the limitations of the draft Policy, and distinguishes between planning matters that can be dealt with via planning policy, and other more significant matters which are generally in the realm of more significant planning instruments like structure plans.</p>

<p><u>Intent of Draft LPP35</u> Draft LPP35 seeks to "split" the Industrial Precinct into two (2) areas, being:</p> <ul style="list-style-type: none"> ▪ Precinct A – Generally all the land with frontage to Hatch as well as Lot 9 Stirling Crescent and Lot 200 on the corner of Kalamunda Road and Stirling Crescent; and ▪ Precinct B – Lot 1499 Adelaide Street. <p>The primary intent of Draft LPP35 is to allow land within Precinct B of the Draft LPP35 area (being Lot 1499) to be developed WITHOUT the requirement of a Local Structure Plan (LSP).</p> <p><u>Requirement of Local Structure Plan</u> The City has maintained for more than ten (10) years that a LSP will be required for the entire Precinct to ensure the following:</p> <ul style="list-style-type: none"> ▪ Co-ordinated consideration and protection of the Resource Enhancement Wetlands (REW) located within the Precinct area; ▪ The integrated management of stormwater generally, and the protection of the REWs associated with stormwater management; and ▪ A road connection being provided from within the Hatch Court precinct directly to Adelaide Street to minimise the number of vehicle movements onto Stirling Crescent. <p>The above need for an LSP is reflected in Clause 5.23 of the City's Local Planning Scheme No. 3 (LPS3) which requires an LSP to be prepared.</p> <p><u>Removal of Lot 200 and 201</u> Despite the requirement for a LSP, approval was granted for Lot 200 and 201 to be developed without the prior adoption of an LSP. In doing so, several</p>	
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<p>key outcomes have eventuated as it relates to the balance of the entire area, being:</p> <ul style="list-style-type: none"> ▪ The number of landowners and participants to pay for the LSP was substantially reduced, meaning the cost of allowing development is to be carried by fewer landowners; ▪ The ability to carry-out detailed investigations and implement meaningful measures to manage the REWs was reduced, again leaving the remaining landowners to carry this burden; and ▪ The road connection required to be provided from Lot 200 through to Adelaide Street was compromised. <p>Lot 200 and 201 are effectively now removed from the LSP process following development approval being granted for the land. As a result, the ability to achieve a co-ordinated plan has already been significantly impacted, particularly given that the combined area of Lot 200 and 201 is the largest portion of land in the Precinct area.</p> <p><u>Impacts of Excluding Lot 1499</u></p> <p>Draft LPP35 seeks to remove Lot 1499 from the LSP process, further reducing the amount of land available to create a meaningful "planned" area, and further limiting the ability to achieve an overall co-ordinated plan. As an affected landowner, our client does not understand how a co-ordinated plan can be achieved if Lot 1499 is removed from the LSP process.</p> <p>City Officers make a considered and appropriate comment about the LSP matter. In the report relating to this matter, it identified that the City can set-aside the requirement for an LSP if it is satisfied by four (4) point:</p> <ul style="list-style-type: none"> ▪ Traffic Management; ▪ Interface treatment to Stirling Crescent; ▪ Environmental significant matters; and bushfire risk. <p>Three of these points are highly relevant to Draft LPP35 as it relates to Lot 1499 being excluded, being:</p>	
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	<p>1. Road Connection</p> <p>Plan 1 of the Taylor Burrell Barnett Report (within the Draft LPP35 report) clearly shows a connecting road through Lot 1499. The location of this road has not been determined as part of a meaningful LSP process (including environmental and drainage investigations).</p> <p>Given the above, how can the City be satisfied that the proposed "future" road location chosen by the developer (in consultation with the City) is the correct location without a co-ordinated plan for the area? It raises several questions, being:</p> <ul style="list-style-type: none"> ▪ What if the proposed road location through Lot 13 Hatch Court is ultimately found to be flawed based on soil conditions, hydrology and/or future planning of the area? These factors have not been adequately addressed by the developer or the City; ▪ How can the City conclude that the location of the road connection is the most appropriate location without a Traffic Management Plan for the ENTIRE LSP area? ▪ What mechanism will compel construction of the road, both on Lot 1499 but also through to Hatch Court? 	
	<p>2. REW/Environment/Stormwater</p> <p>How can the City be satisfied that compensating stormwater on Lot 1499 or adjacent thereto does not impact on the REWs and the hydrology of the area generally? Only a considered and holistic investigation for the entire area can achieve this. Development on Lot 1499 may have unintended impacts on the REW, stormwater, the water table etc. Is the City satisfied that the road can be constructed without impacting on hydrology or environmental considerations?</p>	
	<p>3. Road Access</p> <p>If the City accepts Draft LPP35 as presented, it must be satisfied that the that the proponent of Lot 1499 (or a future owner) will not seek to</p>	

	<p>have the road connection removed through an appeal or taking the matter to JDAP or other planning jurisdiction? Such an outcome would result in traffic needing to use Stirling Crescent.</p> <p>Given the above, the road connection from Hatch Court through to Adelaide St cannot be guaranteed.</p> <p>If the City does conclude that Lot 1499 can develop in isolation, then a suitable timeframe for the road access through Lot 1499 development should be imposed.</p> <p>Question of Equity</p> <p>If the City does approve Draft LPP35, it will confirm that other unconstrained (or partially constrained) land in the Precinct can also be developed in isolation. Specifically, the City must accept that the owners of Lots 8, 9, 15, 16 and 51 can develop without an LSP given the following:</p> <ul style="list-style-type: none"> ▪ Excluding Lots 200, 201 and 1499 from the LSP process will establish a precedent, allowing other landowners to develop in isolation; ▪ The interface between residential and light industrial land can be dealt with at the development application stage; and ▪ The owners of 8, 9, 15, 16 and 51 have few, if any, environmental or hydrological constraints which are any different to those on Lot 1499. <p>As it relates to dot point 2, each of the above lots have limited vegetation, are not affected by the REWs and can potentially provide future road access via Stirling Crescent (or a future link to connect with the property link on Lot 1499). Some of these facts are the basis for Insite Planning's client signing the Petition to remove the requirement for a LSP for his lot 15, and therefore potentially develop independently of an LSP.</p> <p>It is further noted that the City wishes to achieve a 15m interface for the properties fronting Stirling Crescent. This objective can be achieved at the Development Approval stage without further planning given the following:</p>	
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	<ul style="list-style-type: none"> ▪ LPS3 already requires a 15m setback for light industrial uses; and ▪ The Stirling Crescent properties are already physically separated by a road reserve of 20m. <p>The foregoing factors achieve a 35m interface without further planning, meaning that these affected lots can be developed in isolation.</p> <p>As it relates to road access and the use of Stirling Crescent, the City must be mindful of several key matters:</p> <p>i. <u>Approval to Use Stirling Crescent</u></p> <p style="padding-left: 40px;">The development approval for Lot 200 permits the use of Stirling Crescent for truck movements</p> <p>3.1.3 Access</p> <p>Access to the hardstand area will be via the two existing and approved crossovers to Kalamunda Road and Stirling Crescent. The crossover to Kalamunda Road will be a left-in only crossover, and the Stirling Crescent crossover will be an exit only crossover.</p> <p>A copy of the Traffic Engineering Advice letter and swept path analysis prepared in support of the approved application is contained in appendix 3. This advice letter remains valid as the type of heavy vehicle and frequency of deliveries are not proposed to change as part of this application.</p> <p style="padding-left: 40px;">Given the above, there is a precedent to use Stirling Crescent for truck movements.</p> <p>ii. <u>Stirling Crescent Cul-De-Sac</u></p> <p>The City must acknowledge that Stirling Crescent will become a cul-de-sac at the Great Eastern Highway Bypass in the immediate future. In doing so, the likely volumes of traffic, including trucks, will be substantially reduced on Stirling Crescent.</p> <p>Many of the trucks presently using Stirling Crescent are using the road as a through- road to/from Midland and beyond. In</p>	
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	<p>all likelihood, Stirling Crescent can accommodate vehicle movements from the future development of Hatch Court without need for a connecting road given the volume of traffic is likely to be lower than currently exists.</p> <p>iii. <u>Ultimate Use</u> If Draft LPP35 is approved there is no guarantee the connecting road to Adelaide Street will ever be constructed. Hatch Court will become isolated and as such, the City need to allow access via Stirling Crescent.</p> <p>iv. <u>Stirling Crescent Status</u> Stirling Crescent is already used as a truck route. It does not need upgrading to accommodate the limited number of vehicle movements that would be generated from Hatch Court. As mentioned in ii. (above), traffic volumes are likely to be less once the road becomes a cul-de-sac, and with fewer truck movements.</p> <p>v. <u>Permissibility</u> The City must acknowledge that the Hatch Court land is already zoned for Light Industrial purposes. In doing so, the City has accepted that light industrial activities will operate adjacent to the residential areas to the East.</p> <p>In closing, Insite Planning's client does not support Draft LPP35 in the advertised form. In the event that the City does allow Draft LPP35, it must permit other landowners in the affected area to be afforded the same privilege of developing in isolation, without the requirement for an LSP.</p> <p>Should you have any queries please contact the writer on XXXXXX</p>	
10.	<p>Further to your correspondence of 26 August 2022 seeking comment on the draft Local Planning Policy 35, and as the owners of XX Hatch Court, we object to the draft LPP 35 and raise the following comments and questions :-</p>	<p>The City acknowledges the submission.</p>

	<ol style="list-style-type: none"> 1. The LPP states in 5.2.3 that there is a need for a road connection between Adelaide St and the southern boundary of Precinct B. It also says in the technical note that traffic from the future industrial estate is to avoid Stirling Cres and that the industrial road should be a direct as possible. Logically this means that a new industrial road needs to come off Kalamunda Rd, but the LPP doesn't show this on the Precinct map (Plan 1). Surely this needs to be decided before any land is developed. 2. The indicative road alignment is shown on Plan 1 goes over Lot 1499, our property (Lot 13) and Lot 15 Hatch Court before entering into Lot 200 and somehow making its way to Kalamunda Rd, or perhaps Stirling Cres. Having a new industrial road to keep industrial traffic off Stirling Cres might be appropriate, but how do we know if that "indicative" alignment is the best one? Aside from it going right through our house, there might be better alignments from a drainage, or environmental, or construction, or some other perspective, but that hasn't been worked out. If it has to shift when a Structure Plan is done, its location on Lot 1499 might also need to be shifted. And if Lot 1499 is already developed, that will be hard to do. 3. Has the possibility of having a new industrial road intersection onto Kalamunda Rd been investigated? Our understanding is that it will not be allowed because that section of Kalamunda Rd is not a RAV road. That leaves us with a dead end industrial road. Not good for trucks and road trains to turn around and then any chance of a road connection looping back to Adelaide St, (the only RAV road), is lost because Lot 1499 will have already been developed before a Structure Plan can be prepared and approved. This makes it critical that Lot 1499 is included in a Structure Plan before it is developed. 4. The table in the technical note says that a Transport Impact Assessment needs to be done at Structure Plan or Development stage, whichever comes first. If it's done at Development stage, just for Lot 1499, it won't accommodate the Impacts on the Hatch Court lots or Lot 200, potentially leaving those owners with no answers to traffic 	<p>The indicative road alignment is shown in order to demonstrate how the road connection requirement of the Scheme can be addressed. Planning policies are guiding documents and subject to due regard – but ultimately in the absence of a structure plan that type of decision will be made on a case-by-case basis as landowners submit development proposals.</p> <p>The City notes in the Council Report that the structure plan process allows for more detailed information to be submitted and also interrogated – to ensure whats shown on the structure plan has been vetted to a level that may give confidence to landowners to develop in accordance with that plan. Whilst a structure plan has more scope than a policy, the real test is when a development application is lodged.</p> <p>Since the submissions were invited on the draft Policy lot 1499 Stirling Crescent has received development approval, and the buildings have been completed.</p> <p>This type of traffic assessment would be a point-in-time, and the scope would be limited to existing traffic and traffic generated by the proposal, not hypothetical future traffic from other developments.</p>
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	<p>issues that might come up when a Structure Plan is done for Precinct A.</p> <ol style="list-style-type: none"> 5. The technical note says that the cost of common infrastructure like drainage, landscaping of drainage within REW buffers, the new industrial road, Hatch Court upgrades and administration need to be shared equitably between developing landowners within the Precinct. That sounds fair, but the details of this need to be worked out before anyone develops. Otherwise, how does each landowner know how much is involved, what they are contributing to, when they need to contribute, etc. If Lot 1499 is developed before this is all worked out, how will the Council get the contribution from Lot 1499? 6. 5.2.3 & 5.2.4 of the LPP says that the future industrial road connection to Adelaide St and the truncation widening at the intersection of Stirling and Adelaide will be acquired and constructed. It would appear that the funds to do this are coming from the contributions mentioned above. But it doesn't explain when Lot 1499 makes its contribution. Do they just develop their site and wait for the Precinct A landowners to do the Structure Plan, buy the land needed for the new road from Lot 1499 and build it? What happens if the owners of Lot 1499 don't want to sell it? Can the Council resume it? Who pays for that? Does the Council pay up front and then collect money from each individual landowner as and when landowners want to develop their properties? 7. If Lot 1499 is not included within the Structure Plan, does that mean they don't have to contribute towards the infrastructure? That doesn't seem fair when the Structure Plan would appear to be responsible to pay for the acquisition and construction of the new industrial road and the intersection truncation at Stirling & Adelaide. 8. Lot 1499 has Resource Enhanced Wetland in its southern corner, and a buffer that goes with that. They will be doing an environmental assessment, but only on their property. Wetlands don't recognize property boundaries, they are interconnected, surely if an environmental assessment is to be done it needs to cover the whole 	<p>The Officer Recommendation is to pursue a Development Contribution Plan.</p> <p>The road land has been preserve through the development application.</p> <p>As Lot 1499 Stirling Crescent has been developed, the application has not been subject to a condition requiring a development contribution – because a plan is not in place. Yes it's likely that this lot would not have to contribute.</p> <p>Yes, it has resulted in foreshore rehabilitation.</p>
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	<p>REW? It seems appropriate that this is what would happen in a Structure Plan.</p> <p>9. The technical note explains that the drainage through this area involves Lot 1499, which makes sense given there is a small portion of REW on the property, and heads through the Hatch Court lots to Lot 200. It recommends what appears to be a complex “integrated stormwater management strategy” involving realigning the existing surface drain, and that the management of this is to be in the context of the REW’s, but it’s not needed for Lot 1499. This doesn’t make sense.</p> <p>10. There are two large landholdings and 13 small landholdings within this Light Industrial precinct. If one, (or both), of the large landowners is exempted from having to do a Structure Plan then the chances of one ever being done are extremely remote. Unless the Council does it.</p> <p>11. As a result of the LPP the land owners, apart from Lot 1499 and Lot 200, have had several meetings to discuss joining together to market their properties as one large parcel. To date there is firm commitment from 9 of the 13 small land owners to proceed to market with their properties. Assuming a buyer is found for the land being offered, the requirement for a structure plan with the road access to Adelaide Street having already been decided as per the LPP may prejudice the development of the rest of the Hatch Court land and the ability for these land holdings to be sold.</p> <p>12. To uphold the requirement for a road connection between Adelaide Street and Precinct B, but do away with Lot 1499’s requirement to be part of a structure plan, creates anomalies and uncertainty in our understanding of the development parameters for our area. How exactly is the City going to ensure access to Adelaide St through Lot 1499 if the LPP is adopted?</p> <p>13. Hesperia purchased Lot 1499 with the knowledge that a structure plan was required for the entire area. It appears unfair that they be</p>	<p>The development application dealt with drainage for the site.</p> <p>The Officer Recommendation is that Council undertake the structure plan.</p> <p>The requirement for a road connection arises through the long established Scheme provisions – not the Policy.</p> <p>This has been preserved through the development application.</p>
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	<p>able to circumvent this requirement whilst shifting the burden of a structure plan to the remaining land holders.</p> <p>Overall, we believe it seems short sighted and inconsistent with “the interests of orderly and proper planning”, as stated in the Council Minutes of 26 July 2022, to let development proceed on Lot 1499 without the requirement for a Structure Plan. The development of Lot 1499 has a major influence on what can happen on the other lots within this light industrial precinct and as such should be included in the overall planning. It is also our opinion that acceptance of the LPP will significantly prejudice the development of our land.</p>	<p>All landowners have the ability to prepare a structure plan, and to apply for development approval without one being in place.</p>
<p>11.</p>	<p>DRAFT LOCAL PLANNING POLICY 35 - HATCH COURT LIGHT INDUSTRIAL PRECINCT</p> <p>LOT 9 (29) STIRLING CRESCENT, HIGH WYCOMBE</p> <p>Planning Solutions acts on behalf of XX, the registered proprietors of XX Stirling Crescent, High Wycombe (subject site, site). On behalf of our client we object to the City’s Draft Local Planning Policy 35 – Hatch Court Light Industrial Precinct (LPP35) and request it be modified.</p> <p>KEY POINTS TO OBJECTION</p> <p>The key points of our submission are as follows:</p> <p>(i) We <u>strongly object</u> to draft LPP35 as it is presently drafted.</p> <p>(ii) Should draft LPP35 be adopted in its current form the subject site will be isolated from gaining access to roads other than Stirling Crescent as it is will be the only property with sole frontage to Stirling Crescent.</p>	<p>The City acknowledged the submission.</p> <p>29 Stirling Crescent is a unique site as it is the only lot that only has legal access to Stirling Crescent and Stirling Crescent only.</p> <p>Whilst this has been put forward as a reason to exclude the site from the requirement to provide a structure plan – the City notes that its more likely to strengthen the requirement for this site to be subject to a structure plan.</p> <p>For example, a structure plan is the preferred planning instrument to coordinate future access to sites, and with 29 Stirling Crescent vehicle access could be coordinated through adjoining lots via new roads and/or access easements.</p>

	<p>(iii) Considering the site isolation, lack of constraints and ability for all other sites within the draft LPP area to have access to an alternative road network (as articulated by the draft LPP) the site should be excluded from being subject to a structure plan.</p> <p>(iv) Given the changes to the regional road network and resultant drop in through traffic using Stirling Crescent any additional traffic from the subject site will not cause an amenity impact on residents opposite.</p> <p>(v) Notwithstanding our submissions on draft LPP35, it remains our client's opinion that a structure plan is not required to facilitate Light Industrial development on the lots. The requirement for a Structure Plan should be deleted from the Scheme in favour of a LPP that facilitates development of constrained sites via Local Development Plans (this would exclude the subject site).</p> <p>State Planning Policy 4.1</p> <p>1. State Planning Policy 4.1 – Industrial Interface (SPP4.1) was recently adopted in July 2022 (after the TBB technical note). One of the objectives of SPP4.1 is to plan the land use transition between industrial land uses and sensitive land uses by providing compatible zones. Clause 6.1.3 of SPP4.1 states in part that:</p> <p><i>Compatible zones and reserves may include <u>Light Industry</u>, ... [emphasis added]</i></p> <p>2. Clause 6.1.3.2 of SPP4.1 goes on to state (in part) the following:</p>	
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<p><i>The Light Industry zone can be used ... to achieve a compatible land use transition at the interface of General Industry or Strategic Industry zones.</i></p> <p>3. The overarching theme of SPP4.1 as it relates to the Light Industry zone is that it is an appropriate transitional zone between General Industry and sensitive uses such as a Residential zone.</p> <p>City of Kalamunda Scheme</p> <p>4. The subject site is zoned 'Light Industry' under the City of Kalamunda Local Planning Scheme No. 3 (LPS3). The objective of the zone as outlined in clause 4.2.4 of LPS3 is:</p> <ul style="list-style-type: none"> • <i>To provide for predominantly light industry located in proximity to residential areas.</i> • <i>To ensure that industries are environmentally compatible with surrounding zones and activities.</i> • <i>To ensure that the movement of goods and services in and out of the zone cause minimal impact on residential land in the vicinity.</i> <p>5. In simple terms the Light Industry zone is such that it is capable of co-existing with residential uses in a way that causes minimal impacts on the residential amenity. The scheme has therefore, through Table</p> <p>1, established a range of land use permissibility that aligns with this objective.</p> <p>6. The logical interpretation and application of SPP4.1 and LPS3 zone objectives is that the zoning of the subject site as Light Industry, across the</p>	
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	<p>road from land zoned for Residential is entirely appropriate. There is no need for a structure plan to further 'address' perceived impacts.</p> <p>7. The site is also subject to the provisions of clause 5.23.1 <i>Table 4 – Additional Requirements that Apply to Land in Scheme Area</i> which relate to the High Wycombe Light Industrial precinct. Those provisions state the following:</p> <p>1. <i>A structure plan is to be prepared and approved for the land pursuant to Part 4 of the deemed provisions and is to specifically address:</i></p> <p>(a) <i>Traffic management including:</i></p> <ul style="list-style-type: none"> • <i>Provision of future vehicular access to be primarily via Adelaide Street;</i> • <i>Ensuring any vehicular access to Kalamunda Road does not reduce existing levels of access for adjacent properties; and</i> • <i>Access for lots with frontage to Stirling Crescent being provided via an internal road only.</i> <p>(b) <i>Appropriate interface with existing residential development along Stirling Crescent including setbacks, landscaping, fencing and façade treatment provisions;</i></p> <p>(c) <i>The identification and protection of environmentally significant areas within the</i></p> <p><i>land through the provision of appropriate buffers; and</i></p> <p>(d) <i>The identified bushfire risk in accordance with State Planning Policy 3.7 and Guidelines for Planning in Bushfire Prone Areas.</i></p>	
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	<p>2 <i>Subdivision and / or development is to generally be in accordance with the approved structure plan.</i></p> <p>8. Clause 27(2) of Schedule 2 (deemed provisions) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> states that development approval can be granted in the absence of a structure plan where:</p> <p><i>(a) the proposed development or subdivision does not conflict with the principles of orderly and proper planning; and</i></p> <p><i>(b) the proposed development or subdivision would not prejudice the overall development potential of the area.</i></p> <p>9. As addressed later in this submission matters relating to clause 1(b), (c) & (d) in table 4 aren't applicable to the site or can be addressed at development application stage. Commentary on traffic management is provided below.</p> <p>TRAFFIC</p> <p>10. The primary focus of Table 4 of LPS3 has been to use the structure plan process to facilitate access into the precinct via Adelaide Street, without using Stirling Crescent.</p> <p>11. This scheme provision was crafted under the misapprehension that traffic from the 'Light Industrial' zone and associated land uses would cause an unacceptable amenity impact on the 'Residential' zone along Stirling Crescent. As outlined in this submission from a land use perspective this assumption is not supported by the Scheme objectives and SPP4.1.</p>	
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	<p>Traffic volumes</p> <p>12. According to Main Roads data, Stirling Crescent, north of Kalamunda Road, carried a daily weekday average of 4,507 vehicles (2018/19) which included almost 400 trucks per day. Stirling Crescent, south of Great Eastern Highway Bypass carried a daily weekday average of 6,118 vehicles. Given the low density of development along Stirling Crescent between Kalamunda Road and Adelaide Street, these figures suggest Stirling Crescent is carrying a significant amount of through traffic to and from Great Eastern Highway Bypass (Figure 01).</p> <p>13. Once Stirling Crescent is closed at Gt. Eastern Hwy Bypass, and Adelaide Street connects to Abernethy Road it is assumed this through traffic will reduce considerably, with Adelaide Street and Stirling Crescent (North of Adelaide) taking the majority of non-residential traffic, including trucks. In this context, if Lot 9 becomes the only site with direct access to Stirling Crescent, it would be difficult to argue that any additional traffic produced by the development of Lot 9 would cause a measurable impact on these reduced volumes in comparison to current traffic volumes.</p> <p>14. We also note the City of Swan and Greater Connect Alliance have confirmed the roundabout proposed for Stirling Crescent and Adelaide Street will be designed to a RAV 7 network standard. This will allow trucks to access the site from Abernethy Road via Adelaide Street and Stirling Crescent, without needing to use Kalamunda Road.</p>	
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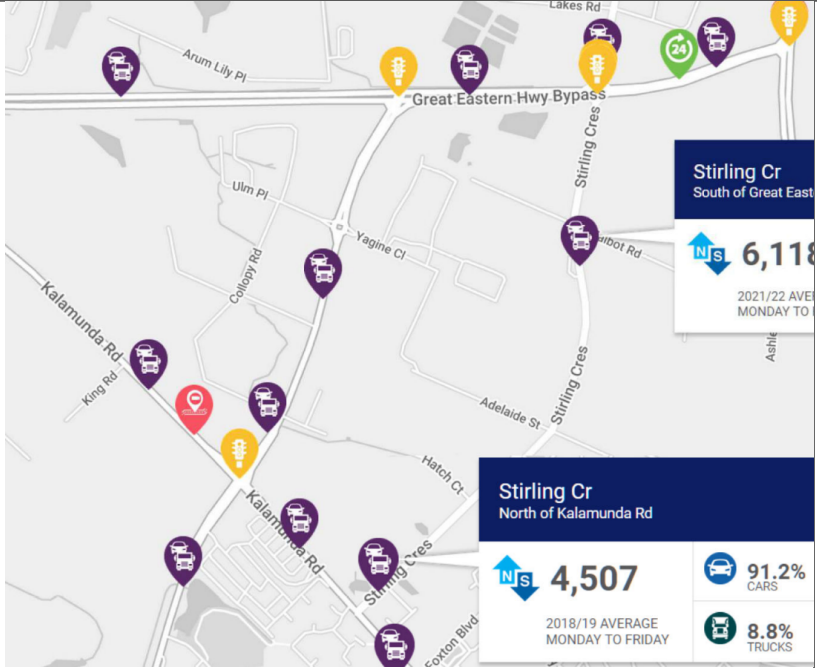


Figure 01: Main Roads Western Australia Traffic Map (extract)

GENERAL COMMENTS ON TBB TECHNICAL NOTE

15. In support of draft LPP35, Taylor Burrell Barnett (TBB) has prepared a technical note (TN) outlining the rationale for the draft LPP and for why Lot 1499 (Hesperia Land) should be permitted to be developed ahead of a structure plan.

<p>16. Regrettably the TN was authored just one month before SPP4.1 was finalised and therefore no reference is made to this important planning instrument. Had the timing of the TN allowed consideration of SPP4.1 the commentary may well have supported the deletion of a structure plan requirement for the entire precinct, as it acts and an acceptable transitional zone, something we have been advocating for some time. Such a position would have maintained the self-serving outcome sought by the current draft LPP.</p> <p>17. In relation to the subject site, the TN asserted Lot 9 and Lot 200 were the same landowner group. This was not correct at the time, and subsequently Lot 200 has been sold. The TN also asserted Lot 9 could be developed in a way that could rely on Lot 200 for access. To our knowledge my client was never approached by TBB to confirm this to be the case.</p> <p>Likely development of Lot 200 Kalamunda Road</p> <p>18. We are advised by our client that Lot 200 has been sold to the owners of Lot 201, who also operate their business on the adjoining Perth Airport land (Enviro Pipes Pty Ltd). We understand the City has granted development approval on Lot 201, under delegated authority, without the need for a Structure Plan, on the basis the development gains access directly to Abernethy Road via the adjoining airport land.</p> <p>19. Lot 200 has an existing development approval, which has been substantially commenced, that allows Restricted Access Vehicles (RAV) to use Kalamunda Road and Stirling Crescent, subject to the approval of Main Roads Western Australia. Should the new owner of the site seek further approvals it would be open to the City to request Lot 200 seek access over Lot 201 and then access Abernethy Road via the airport land as they appear to have done with Lot 201.</p>	
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	<p>REVIEW OF LPP PROVISIONS</p> <p>20. If the premise of the draft LPP is accepted for what it appears to be, which is a self-serving attempt by one landowner, to circumvent the requirements of LPS3, then we do not have any specific comment on clause 1 and 2 of the draft LPP.</p> <p>21. In relation to clause 3, it is incorrect. Plan 1 excludes Lot 201, which is identified by clause 5.23.1 / Table 4 of LPS3 as being within the precinct. The TN and draft LPP provide no detail as to why this land has been excluded. It can only be assumed that Table 4 requirements will still apply to Lot 201.</p> <p>22. Clause 5.1 of draft LPP35 states the subject site is within Precinct A. Precinct A has been identified as not being capable of redevelopment as a number of <i>“key constraints and infrastructure provision”</i> is required. These items are tabulated in Table 1 below. Our corresponding comments outline why the stated constraint does not apply to the site.</p>	
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Table 1: response to Precinct A provisions	
Clause	Comment
<p>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.</p>	<p>Not Applicable</p> <p>Firstly, Table 4 of LPS 3 states that "future vehicular access to be primarily via Adelaide Street". The use of the term 'primarily' is relevant as it is not absolute.</p> <p>The draft LPP proposes an initial road connection across Lot 1499 and 13. If this were to be implemented it would result in all Hatch Court Lots (12 in total) being provided with a road that gives access primarily via Adelaide Street.</p> <p>Even if this road was to be extended across lot 15 to lot 200 it would not facilitate alternative access for the subject site. This assumption in the TN should have never been entertained by the City, and now the assumption is flawed as the ownership of Lot 200 has changed.</p> <p>Given the subject site does not have frontage to Hatch Court, under this arrangement the site would access Adelaide Street via Stirling Crescent.</p> <p>Lot 200</p> <p>We are advised Lot 200 is under contract to the owners of Lot 201, who also operate a business on the adjoining site within Perth Airport land. We also note Lot 200 has been given approval to use Kalamunda Road and Stirling Crescent for RAV's. It does not require direct access to Adelaide Street.</p> <p>Only lot with sole frontage to Stirling Crescent</p> <p>The effect of the above is that the subject site is the only lot to have sole access to Stirling Crescent. It would be difficult to argue that traffic from one lot onto Stirling Crescent would result in a traffic issue, particularly given volumes along Stirling Crescent will significantly reduce once Adelaide Street connects to Abernethy Road and access to Great Eastern Highway Bypass is closed.</p>

Clause	Comment
<p>5.1.2. The investigation, delineation and ongoing management of areas identified as Resource Enhancement Wetlands (REWs) 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.</p>	<p>Not Applicable The site is not subject to any REW's or buffers.</p>
<p>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.</p>	<p>Not Applicable The site does not have frontage to Hatch Court, nor will it require access to Hatch Court as the gazetted road network of Stirling Crescent connects to Adelaide Street.</p>
<p>5.1.4. Managing the interface between the precinct and Stirling Crescent, and particularly to the residential areas to the east of Stirling Crescent.</p>	<p>Not Applicable Given the site has its sole frontage to Stirling Crescent, LPS3 requires a minimum front setback of 15m. When combined with the 20m wide Stirling Crescent road reserve, any new development will be at least 35m from 'Residential' zoned land opposite.</p> <p>Modern industrial buildings typically include an office component facing the street which acts as a physical and visual buffer to industrial activities that take place deeper into the site. Combined with landscaping requirements it is our opinion that the existing scheme provisions can facilitate a development that manages this interface.</p> <p>It is recognised that the same considerations do not apply to Lot 200, 8 and 1 as their frontage to Stirling Crescent could allow development within 3m if treated as a minor street.</p>
<p>5.1.5. The facilitation of utility infrastructure upgrades and connections as required to support light industrial development.</p>	<p>Not Applicable The facilitation of utilities is not a requirement under Table 4 of LPS3 and is not applicable.</p> <p>In any event, the subject site is currently developed and serviced. Upgrades will be discussed with the relevant service providers at development application stage. This will include the provision of any land fill to achieve the necessary ground water clearances for on site effluent disposal.</p>
<p>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.</p>	<p>Not Applicable The management of stormwater is not a requirement under Table 4 of LPS3 and is not applicable.</p> <p>Notwithstanding this, the site is not subject to the surface drainage easements associated with REW's. Any future development of the land can and will address drainage issues on-site.</p>
<p>5.1.7. The staging and shared cost arrangements for infrastructure upgrades to facilitate industrial development.</p>	<p>Not Applicable There is no Developer Contribution Plan identified or required by Table 4 of LPS3 and is not applicable.</p> <p>In any event, the subject site is capable of being developed without the need for infrastructure upgrades.</p>

	<p>23. Given clauses 5.1.1 – 5.1.7 of draft LPP35 are not applicable to the site it should be removed from Precinct A and either be removed from requiring a Structure Plan all together, or be in its own precinct (such as Precinct B) that specifically states development can occur without a structure plan. A notated version of Plan 1 is contained in figure 02.</p> <p>24. In light of the above it is requested draft LPP35 be modified to include the following provisions:</p>	
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5.3. Precinct C – Lot 9

Precinct C (Lot 9) is capable of development prior to the preparation of the Local Structure Plan in accordance with clause 27(2) of schedule 2 (**deemed provisions**) of the *Planning and Development (Local Planning Schemes) Regulations 2015* as development of this precinct is assessed to be consistent with the principles of orderly and proper planning and will not prejudice the orderly development of the area. The precinct is completely unconstrained by:

- Environmental features;
- Utility servicing;
- Separation to groundwater for onsite wastewater disposal (via ATU);
- Drainage disposal via infiltration and/or existing drainage outlets; and
- Is legally accessible to the existing and future road network via Stirling Crescent and Adelaide Street (to Abernethy Road).

The extent of constraints that will require further examination as a component of a development application include consideration of the following matters:

5.3.1. Development within precinct C must be facilitated by access to the regional road network via Stirling Crescent and the and upgraded extension of Adelaide Street westward to connect with Abernethy Road, or (until the Adelaide Street connection is complete) demonstrated suitable access north along the portion of Stirling Crescent north of Adelaide Street via the preparation and lodgement of a Traffic Impact Assessment (TIA).

5.3.2. 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, setbacks and fencing to this frontage.

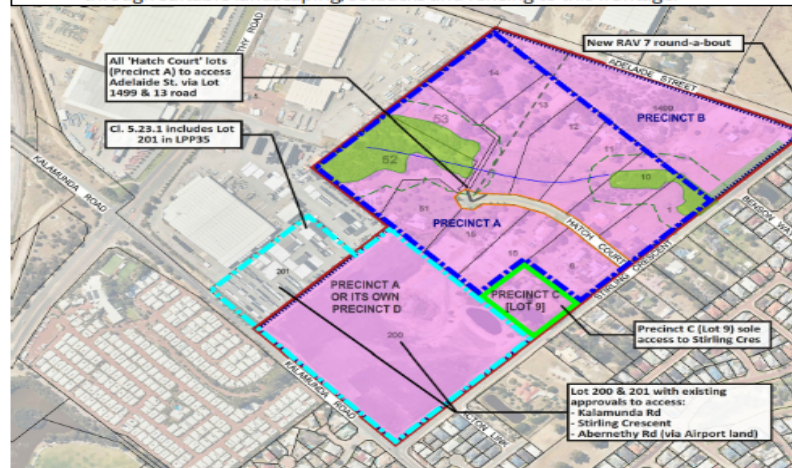


Figure 02: Notated Plan 1 (source: Taylor Burrell Barnett)

<p>CONCLUSION</p> <p>In conclusion, the Taylor Burrell Barnett Technical Note has failed to identify the subject site is less constrained than Lot 1499 as it is not subject to a wetland buffer.</p> <p>If the provisions of the draft LPP are implemented by providing a road across Lot 1499 and 13 to connect Adelaide Street to Hatch Court the subject site will be isolated as the only lot with sole frontage to Stirling Crescent.</p> <p>The subject site is already capable of being serviced by 'as of right' vehicles of up to 21m in length which can facilitate a wide variety of Light Industrial development. However, given upgrades proposed to the intersection of Stirling Crescent and Adelaide Street (RAV 7 round-a-bout), the conditional extension of the RAV network just for Lot 9 is feasible.</p> <p>It follows that if the subject site is the only property using Stirling Crescent for access it would be difficult to see how traffic from this site alone would cause a measurable impact on the future amenity of the residential area opposite; noting traffic volumes will fall significantly once Stirling Crescent is terminated at Gt. Eastern Hwy Bypass.</p> <p>As such, there is no need for alternative access to Adelaide Street; Stirling Crescent is appropriate and legally available.</p> <p>We therefore respectfully request the draft LPP be amended as outlined in this submission and that the City move without delay to amend LPS3 to delete the Structure Plan requirement.</p> <p>Should you have any queries or require further clarification in regard to the proposal, please do not hesitate to contact the writer.</p> <p>Yours faithfully,</p>	
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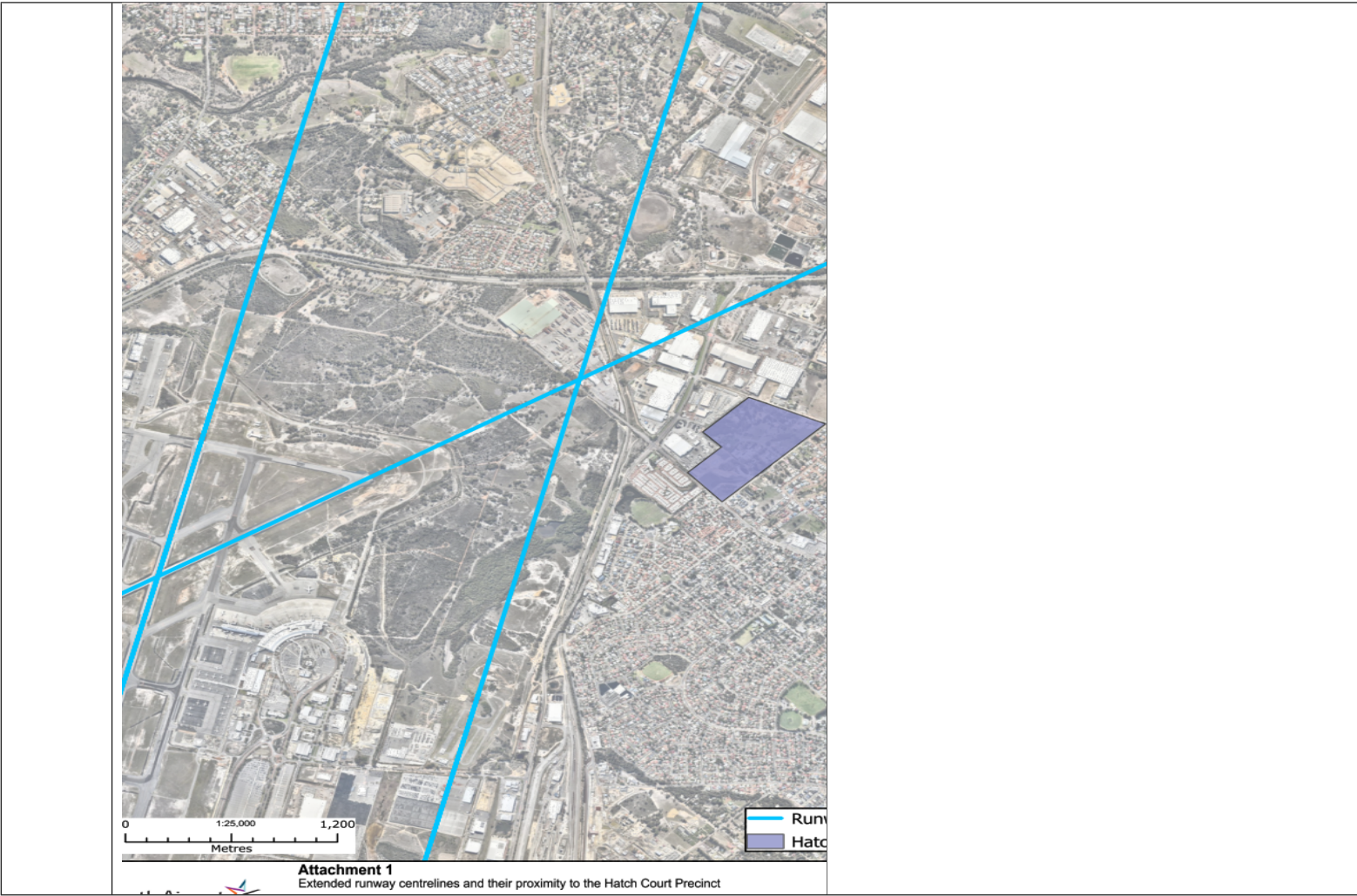
12.	<p>To the Councilors for the City of Kalamunda.</p> <p>I would firstly like to put my observation that the expressed view put forward by proposed developer is by its very nature prejudicing the remaining residence of Hatch court.</p> <p>So by that We of XX Hatch Court High Wycombe are registering our opposition to the policy 35. further to this I have enclosed submissions by Insite Planning for XX and XX submission and would like to record that we support both of these submissions in that they show a genuine alternative to councils current opinion.</p>	<p>The City acknowledges the submission.</p>

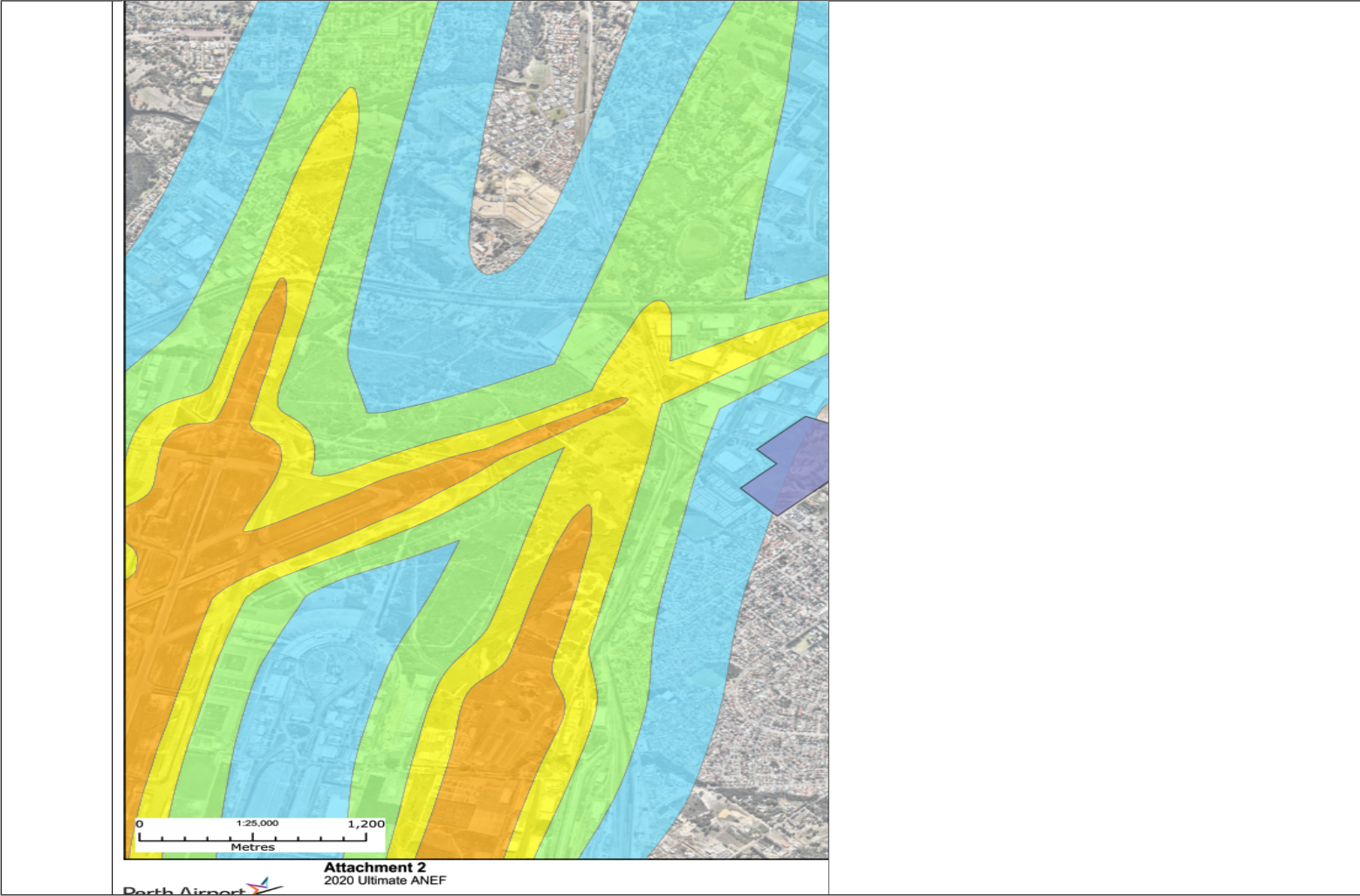
<p>13.</p>	<p>DRAFT LOCAL PLANNING POLICY 35 – HATCH COURT LIGHT INDUSTRIAL PRECINCT</p> <p>I refer to the letter dated 26 August 2022 inviting comment on the above proposal. Perth Airport has reviewed the documentation, conducted an assessment against the relevant policies and guidelines, and provides the following response.</p> <p>The precinct is located in close proximity to the extended centreline of Runway 06/24. This means that aircraft operating from this runway overfly the precinct hundreds of times per day on peak weekdays, and will continue to do so into the future. This will include a large portion of future air traffic operating on Perth’s New Runway, expected to be operational later this decade, which will make use of existing flight paths. These flight paths are accompanied by a volume of airspace that creates height constraints. The site will also be exposed to significant aircraft noise now and indefinitely into the future. A diagram of the extended runway centrelines is included at Attachment 1.</p> <p>AIRCRAFT NOISE ASSESSMENT</p> <p>State Planning Policy 5.1 – Land Use Planning in the Vicinity of Perth Airport (SPP 5.1) is the key statutory document available in Western Australia for assessing and planning for land uses in aircraft noise affected areas. This document is predicated on the endorsed Australian Noise Exposure Forecast (ANEF) contours to determine what intensity and type of development can be approved, and under what conditions.</p> <p>Additionally, the National Airports Safeguarding Advisory Group (NASAG), comprising of Commonwealth and State Government planning and transport Departments and Authorities, has developed the ‘National Airports Safeguarding Framework.’ The NASF contains nine guideline documents which assist in achieving the listed aims. Guideline A of the framework is titled ‘Measures for Managing Impacts of Aircraft Noise’ and specifically addresses the suitability of different development scenarios in aircraft noise affected areas.</p> <p>Guideline A uses “noise above” contours as its reference, which relate to the specific number of events that a certain decibel level is exceeded. These contours can be more useful than the ANEF in communicating the impact of aircraft noise as over-flight frequency and the sound level of single events (typically two factors that determine how a person will react to noise) are not clearly translated by the ANEF system.</p> <p>The NASF is consistent with SPP 5.1, in that it aims to ensure landowners and prospective landowners are sufficiently informed regarding aircraft noise. Although both documents are considered and referenced in this response, SPP 5.1 is ultimately the prevailing document used in Western Australia.</p> <p><u>Assessment of the subject site</u></p>	<p>The City acknowledges the submission.</p>
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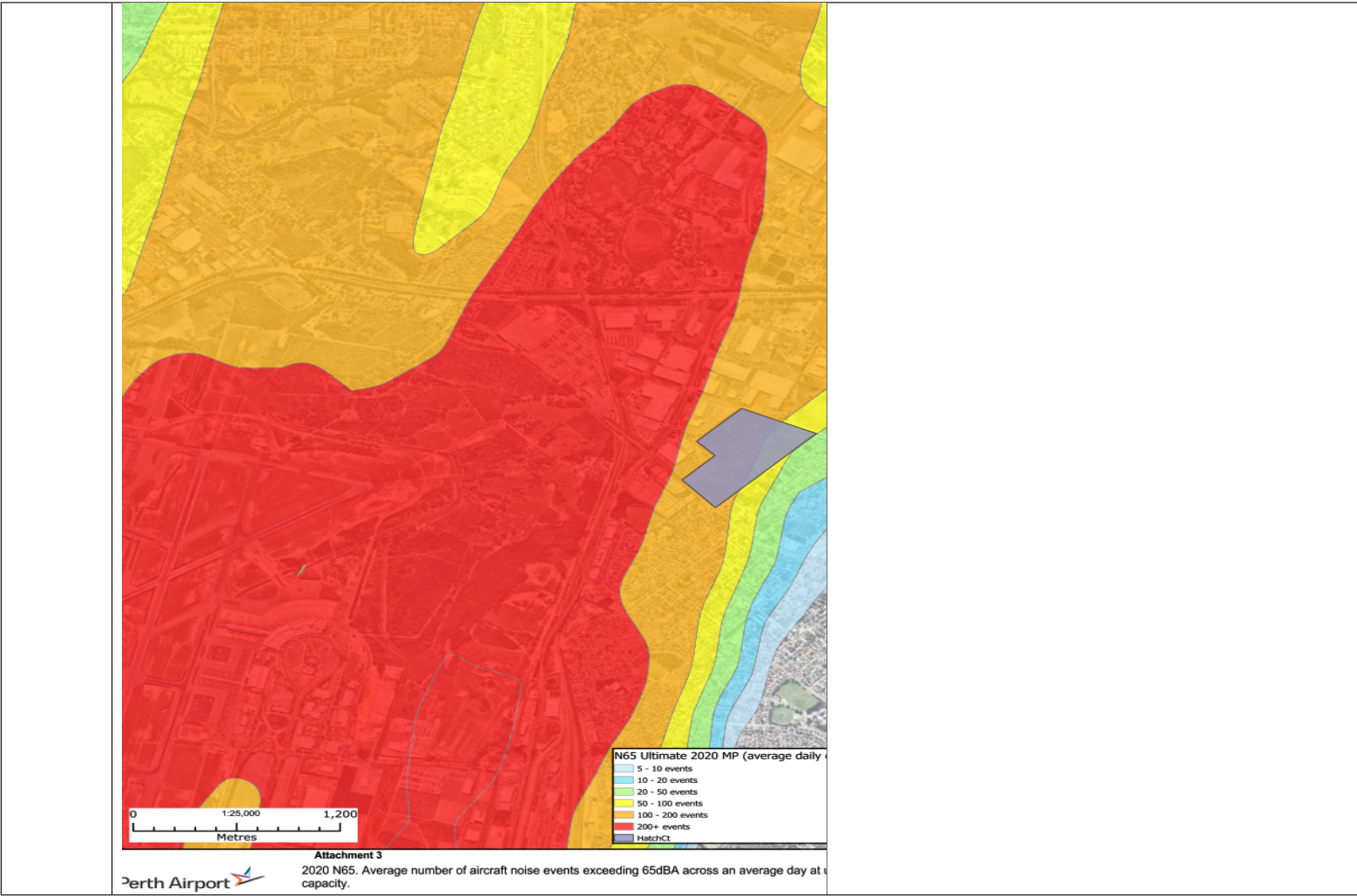
	<p>The proposal is located within the endorsed 2020 Australian Noise Exposure Forecast (ANEF); specifically, it is within the 25-30 ANEF contour. The ANEF overlaid with the subject area is included for reference in Attachment 2. Light industrial land-uses are listed in Appendix 1 of SPP 5.1 as 'Acceptable.' The Office portion of this proposal (considered as building type "Commercial Building as per Table 2.1) is listed as "Conditionally Acceptable". In line with clause 5.4.5 of SPP 5.1 noise insulation should be determined in consideration of:</p> <ul style="list-style-type: none"> • levels of aircraft noise likely to be experienced at the site; • likely noise attenuation from the type of construction proposed; • background noise level to which the site is subject; • times of day or night when overflights are likely to occur; • frequency of overflights by the various classes of aircraft; and • occupational characteristics of the proposed development. <p>Although the NASF Guideline A is largely concerned with residential and other noise-sensitive land-uses, the noise-above contours it champions are useful in communicating the noise exposure. Using the NASF recognised N65 contour, the subject site will experience up to 200 aircraft noise events above 65 decibels across an average day. Noise at this level is disruptive to a normal conversation even inside a building and will be unacceptable to most people. The N65 overlaid with the subject area is included in Attachment 3.</p> <p>An additional NASF recognised noise metric is the N60, which shows the number of events in excess of 60 decibels that can be expected over an average <i>night (11pm-6am)</i>. The subject site will experience up to 50 aircraft noise events above 60 decibels across an average night. It is acknowledged that this site, being non-residential in nature, will be less sensitive to night-time movements. The N60 overlaid with the subject area is included in Attachment 4.</p> <p>It is acknowledged that light industrial land-uses, being less noise-sensitive than residential, are better suited to land that is subject to significant of noise exposure. As such, this proposal effectively excludes more noise-sensitive land-uses from the site, and contributes to safeguarding aviation operations in Western Australia.</p> <p>AIRSPACE AND WINDSHEAR ASSESSMENT</p> <p>Perth Airport has assessed the proposal against the Perth Airport airspace protected under the <i>Airports (Protection of Airspace) Regulations 1996 (C'th)</i>. Structures on the subject site may extend up to 40m AHD (~15m above ground) without infringing any of Perth Airport's current and future airspace layers. This is on the basis that Perth Airport considers the maximum elevation of the structure to be the absolute highest point (top of monopole, antennae etc.) and not just the highest point of the roof ridge line.</p> <p>It may be possible for structures to exceed this depending on their exact built form and location within the precinct. But this needs to be carefully assessed by Perth Airport Airfield & Airspace Planners on a case-by-case basis. Perth Airport requires subsequent developments in this precinct be referred for assessment.</p> <p>Perth Airport has also conducted a preliminary windshear assessment of the precinct in accordance with National Airport Safeguarding Framework (NASF) Guideline B. Aircraft can be affected by sudden changes in wind speed in the wake of significant buildings located near the airfield. Development in the south-western portions of the precinct may pose a windshear risk to aircraft departing from or arriving to Runway 06/24. This further demonstrates the need for referral and assessment of subsequent developments by Perth Airport.</p>	
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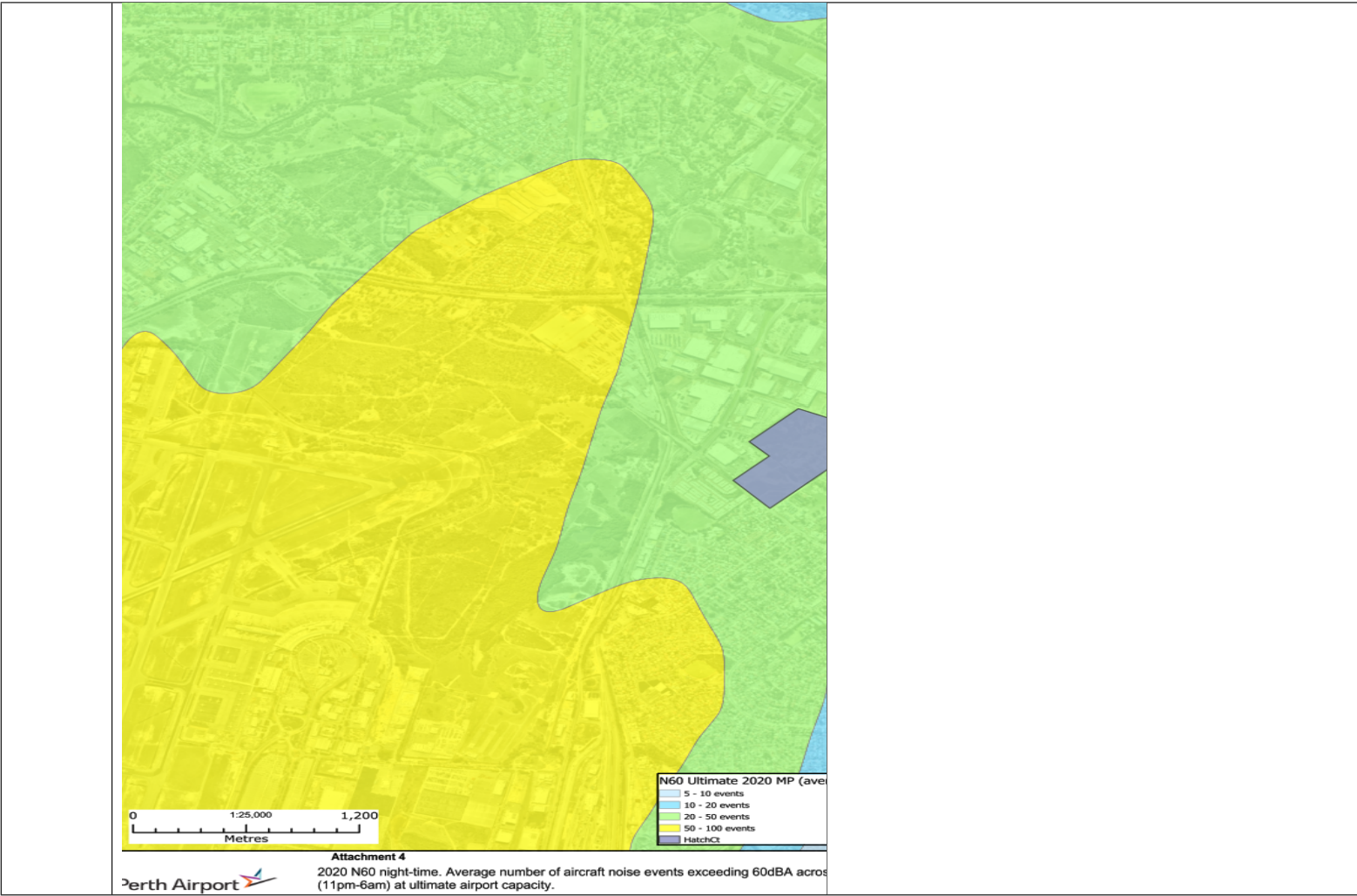
	<p>Additionally, cranes used in the construction are a height consideration. Cranes are generally assessed separately, closer to construction, when accurate information regarding crane operating heights and locations are available. Information regarding the Perth Airport crane assessment and permit process is available at perthairport.com.au. Alternatively, Perth Airport would encourage Kalamunda and/or the proponent to contact the airport's airspace line.</p> <p>Further detail is provided on these matters in the recommendation section of this response.</p> <p>PERTH AIRPORT RECOMMENDATION</p> <p>Notwithstanding the high levels and frequencies of aircraft noise the site will experience, the proposal is acceptable under SPP 5.1 and poses no impacts to assessed airspace criteria. Perth Airport therefore neither supports nor objects to the proposal. The Office land use is required to be constructed with insulation to meet Australian Standard AS2021:2015 Acoustics – Aircraft Noise Intrusion – Building Siting and Construction. This will ensure future building occupants are not unreasonably impacted from the aircraft noise level due to the frequency of aircraft movements overhead. Should the City resolve to approve the proposal, Perth Airport recommends the following conditions and advice notes:</p> <p><u>Condition 1:</u> All proposed developments within this precinct must be referred to Perth Airport so an airspace assessment can be completed.</p> <p><u>Condition 2:</u> The applicant or responsible contractor shall lodge an online application to Perth Airport's Protected Airspace Assessment Tool (PAAT) prior to the erection of a crane on the subject site.</p> <p><u>Condition 3:</u> The Office portion of the development shall be constructed to achieve compliance with AS2021:2015 (Indoor Design Noise Levels).</p> <p><i>Advice i:</i> The subject area is located within the 25-30 ANEF, 100-200 N65 and 20-50 N60 contours. For further information on aircraft noise the applicant/owner(s) may contact Perth Airport's Infrastructure Planning team on 9478 8888 or planning@perthairport.com.au or visit Perth Airport's Aircraft Noise Portal at https://aircraftnoise.perthairport.com.au/.</p> <p><i>Advice ii:</i> In relation to Condition 2, applications are to be made online at https://paat.perthairport.com.au/. Queries can be directed to Perth Airport's airspace line on 6278 8122.</p> <p><i>Advice iii:</i> In relation to Condition 3, in line with clause 5.4.5 of State Planning Policy 5.1, building insulation is strongly recommended for the proposed office for the following reasons:</p> <ul style="list-style-type: none"> • Due to the proximity of the site to Perth's New Runway, • The excessive aircraft noise the site will experience (up to 200 noise events above 65dBA across an average day), and • The occupational characteristics of the proposed office land use which will necessitate building users to be provided a reasonable indoor noise level to appropriately undertake their duties of employment. 	
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	<p><u>Summary</u></p> <p>Given the above assessment, Perth Airport neither supports nor objects to the proposal subject to the advice provided. Perth Airport appreciates the opportunity to comment, and should you require any additional information, please contact Dean Pettit (Land Use Coordinator) on (08) 9478 8438.</p> <p><i>Yours sincerely,</i></p>	
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14.	<p>Re: Draft LPP 35 - Hatch Court Light Industrial Precinct</p> <p>Thank you for your letter dated 26 August 2022. We offer the following comments regarding this proposal.</p> <p><u>Sewer</u></p> <p>The included Technical Note from Taylor Burrell Barnet accurately describes the constraints with regards to access for this area to the sewer network. To service these precincts, a main sewer would need to be constructed from Whitehall Rd in the order of 2.3km in length, this would need to be coordinated and funded by the proponent.</p> <p><u>Water</u></p> <p>Hatch Crt, Adelaide St and Kalamunda Rd contain water mains of various sizes that are expected to be capable of serving an industrial development. This will be further considered at the structure planning stage. The nature of industrial development and the unknown amount of water required for a given industry make it challenging to provide specific advice.</p> <p><u>Drainage</u></p> <p>Lot 200 falls within the catchment of our High Wycombe Branch Drain, and stormwater flow from within the current boundary of Lot 200 will need to be retained on site to pre-development levels. Any area outside of Lot 200 cannot drain into the our network. We will need to review the Water Management Strategy at the structure planning stage to assess any potential impacts on our Drainage network.</p>	The City acknowledges the submission.

	<p>The information provided above is subject to review and may change. If the proposal has not proceeded within the next 6 months, please contact us to confirm that this information is still valid.</p> <p>Please provide the above comments to the landowner, developer and/or their representative.</p> <p>Should you have any queries or require further clarification on any of the above issues, please do not hesitate to contact the Enquiries Officer.</p>	
<p>15.</p>	<p>My wife XXXX and myself XXXX of XXX Hatch Court would like it recorded that we totally reject the submission regarding LPP35 from Taylor Burrell Burnett on behalf of their client Hesperia. We haven't forwarded our own submission after reading the compelling submissions from Planning Solutions on behalf of XXXX of Lot XXX Stirling Crescent and the submission forwarded by Insite Planning on behalf of XXX of Lot XXX Hatch Court , High Wycombe. All the reasons stated in these two submissions support our objections to the approval of Hesperia's application to proceed with developing Lot 1499 independently of a Local Structure Plan. Please acknowledge that our email has been received, With Thanks,</p>	<p>The City acknowledges the submission.</p>