

Special Council Meeting

Minutes for Monday 29 August 2016

CONFIRMED



**shire of
kalamunda**

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MINUTES

1.0 OFFICIAL OPENING

The Presiding Member opened the meeting at 6.02pm, welcoming Councillors, Staff and Members of the Public Gallery.

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 Attendance

Councillors

Andrew Waddell JP	(Shire President) (Presiding Member)	North West Ward
Sara Lohmeyer		North West Ward
Dylan O'Connor		North West Ward
Sue Bilich		North Ward
Michael Fernie		South East Ward
Geoff Stallard		South East Ward
Allan Morton		South West Ward

Members of Staff

Gary Ticehurst	A/Chief Executive Officer
Clayton Higham	A/Director Development Services
Rob Korenhof	Manager Asset Delivery
Darrell Forrest	Manager Governance, Strategy & Legal Services
Andrew Fowler-Tutt	Manager Approval Services
Donna McPherson	Executive Research Officer to Chief Executive Officer
Carrie Parsons	Manager Customer & Public Relations
Nicole O'Neill	Public Relations Coordinator
Sara Slavin	Council Support Officer

Members of the Public 92

Members of the Press 1

2.2 Apologies

Councillors

John Giardina	South East Ward
Brooke O'Donnell	South West Ward
Simon Di Rosso	North Ward

Members of Staff

2.3 Leave of Absence Previously Approved

Tracy Destree	North Ward
Noreen Townsend	South West Ward

3.0 PUBLIC QUESTION TIME

A period of not less than 15 minutes is provided to allow questions from the gallery on matters relating to the functions of this meeting. For the purposes of Minuting, these questions and answers are summarised.

3.1 Noel Hunt, Hillview Lifestyle Village High Wycombe

- Q1. Where is the dis-used mining equipment presently being stored, and why the need to store it in one location close to Perth?
- Q2. Will the storage costs be competitive with the existing storage facilities in Stirling Crescent and Bushmead Road resulting in constantly moving to get the cheapest storage rates?

A1/2. The Shire President responded that both of those questions were in relation to the commercial realities what's being proposed there and Council of course is not aware of what would be charged or where that equipment may be at the moment so obviously the applicant may have that but we certainly don't have that information.

3.2 Anne McCormack, Hillview Lifestyle Village High Wycombe

- Q1. What is the legal status between the Shire Officers being over ridden by the State Administrative Tribunal (SAT), and do they take our concerns into any legal obligation into the safety issues of HLV, the general traffic and the residents using Kalamunda Road?
- Q2. Should tonight go in favour of this proposal being objected by the Shire again for the second time I believe it can go to the State Tribunal and then it is possible that it can just be rubber stamped by them. Do they actually have any legal status between both of you in so far as taking into consideration all these hazards that we are going to be imposing?

A1/2. The Shire President advised that we as would the SAT if they were to consider this if we happen to reject to it tonight need to take into consideration the Local Planning laws, any other legislation that would be in place that may apply and the SAT is there to review decisions by administrative bodies such as a Shire Council to ensure we in fact stayed within the rules and stayed within the law as well. I'm unable to tell you exactly what it is that they would use in any determination that they make but we certainly will attend to comply with all the Local Planning laws, structure plans and other elements in there that doesn't necessarily imply a liability upon our organisation for whatever event may occur as a result of any decisions we make. It is simply that's our requirement.

The Acting Director Development Services added that for the benefit of the members of the audience the matter is currently before SAT and it's going through a process of Mediation, it is a confidential process but it is where the Local Government and a member of SAT meet with the applicant to see where the points of difference are, then move on. After that mediation the Council is then invited to reconsider its decision if there has been some movement in terms of the two positions.

That's what we have in front of us tonight is this reconsideration of that same matter where there has been some new or additional information provided. If as Ms McCormack suggested, if the Council refuses this then it is open to the applicant to go to the next stage in the SAT process and that is to go to a full hearing. It is a much more legal process, but the Tribunal simply stands in the shoes of the Council in other words it has to take into consideration all the same matters that the Council would normally take into consideration so rest assured that the process of the Tribunal is to say what are the Council rules, what are the Scheme requirements and apply them. Even though it might still go against the community's wishes they will still have to abide by the Scheme and all the required policies of the Council.

3.3 Anne Hemsley, Hillview Lifestyle Village High Wycombe

Q1. I think I speak for all the residents of the village when I say that we bought into the village for a safe and quiet lifestyle, the question I would like to put to Council is why are they turning it now into an industrial area?

A1. The Acting Director Development Services responded that the current situation is the Council had a meeting on the 29 September 2015 and adopted an amendment to the Scheme. That amendment was to turn that land into a light industrial zone. There is quite a difference between industry which pollutes and a light industry which does not pollute and something like the application before the Council tonight which is simply storage of equipment is not really a polluting type of industry. It's quite a benign activity. The status of that Scheme Amendment 80 is that it is now with the Western Australian Planning Commission (WAPC) awaiting the outcome of the consultation process so that is currently out for public consultation. As members of the community you have a right to write back to the Council or make comment to the Council on how you feel about the proposed Scheme amendment. That is the status at the moment. So once that consultation period has been finished a further report will go back to the Council where they will decide whether to proceed with that Scheme amendment or not. That decision of Council then gets referred to the WAPC who then decide what to do with it.

Q2. Does council believe that trucks don't cause pollution?

A2. The Shire President advised that Council is aware that trucks have emissions.

3.4 Ken Hunt, Hillview Lifestyle Village High Wycombe

Q1. I would like to know if there has been an environmental feasibility study done on that land at all?

A1. The Manager Approval Services advised that the subject property is affected by what's called a resource enhancement wetland. Normally that level of detail that you have just described would be dealt with through a structure planning process as part of that area so we would look to understand some of those aspects as part of any future planning in that area to ensure that wetland is adequately protected. As part of the proposal put forward there is going to be a 30m buffer proposed to that wetland as part of this hardstand area the actual environmental assessment would be undertaken as part of any local structure plan process.

Q2. I am still not quite clear, is it actually taking place and will any outcome be available to the general public?

A2. The Manager Approval Services advised that we certainly recognise the importance of that wetland and as part of future structure planning in that area and we will look to try and ensure that the adequate studies are undertaken to ensure that it has the appropriate protection.

3.5 Nathan Morton – Kalamunda Road, High Wycombe

Comment Only:

Thank you for allowing us to ask some questions, I'm obviously not here to stand in the way of progress but I do feel compelled just to register a number of concerns I've received from residents who live primarily in the Lifestyle Village on Kalamunda Road. Heavy truck movements and heavy vehicle movements on Kalamunda Road are an issue particularly between Abernethy Road and Roe Highway there are genuine concerns from people that live in the area about what this development may do to increasing those volumes of traffic movements in the area and the associated noise etc that goes with those movements so that's what I am here to do tonight is to make sure that those concerns that have been raised with me by local residents are aired here tonight to the Shire Council.

3.6 Tony Harmon, Hillview Lifestyle Village High Wycombe

Q1. How do residents get to have a say in the rezoning that is happening at the moment?

A1. It is currently out for advertising, there are notices on our website for instance that have all details of it and explain how you can put a submission in.

Q2. Can the Shire force the developer to put in a fence/wall around that development that is in keeping with the other fences and walls in that same area?

A2. The Shire President advised that we can impose conditions on the developer for anything like that, those conditions obviously have to be reasonable and will also be subject to appeal, and I do believe some conditions relevant to fencing are in the recommendation.

The Acting Director Development Services responded that there are certainly conditions that can manage that, I would be concerned if it was going to replicate the same fence that's at the lifestyle village I would hope it could be improved on that.

3.7 Tania Kigbi, representing her Mother who is a Resident of the Hillview Lifestyle Village

Q1. Has the Council considered the issue of flooding as the lifestyle village was severely affected by flooding on that side or the road previously? If they are going to produce a hardstand how is that going to affect the drainage that currently protects the village from similar floods?

A1. The Acting Director Development Services responded that one of the conditions relates to a drainage plan that they will have to prepare and also there is a requirement that they contain all their stormwater on site.

Q2. I gather they have previously applied and where refused, would it be possible to know or at least be reassured that the criteria on which they were refused have been addressed in their current application?

A2. The Acting Director Development Services responded from an Officers point of view we believe those matters have been addressed.

Q3. Bearing in mind that the Lifestyle Village is for people that are perhaps not as technically savvy as some others, would it be beneficial perhaps to remind them of where they can get information from in a timely manner?

A3. The Shire President responded we do try to advertise as widely as possible particularly within a certain radius of something and the location that we are dealing with tonight is certainly within in the radius of the Village we will do our best to keep the village informed as things move forward yes.

3.8 Kerry Foot, High Wycombe

Q. Why should we have to have a hardstand on Kalamunda Road that will have the entry in and out from Kalamunda Road you also have the wetlands, why interfere with that? We are not running out of land. I don't see why we have to have that, Kalamunda Road is not the number one highway in the state, it's quite disgusting from Abernethy Road to Roe Highway it is only one lane either way you get the trucks and the big trailers starting to go in and out of there, it is going to cause absolute havoc.

There are a lot of older people in High Wycombe not only in the lifestyle village but the whole of High Wycombe I don't see why we should have to put up with that. I just feel really strongly that I don't think there is not enough consultation between the Shire and residents of High Wycombe for this to even occur, it is not necessary there. Please consider it, and please move it away because we do not need to have it off Kalamunda Road in High Wycombe.

- A. The Shire President responded that it is private land so we certainly do not get to control what business go where it is private property and we are required to consider the applications that comes before us, and that's where we are right now considering an application and certainly we have attempted to consult as broadly as we can within the timeframe that we have and it is very pleasing to see as many people as have turned up tonight to put their two cents forward so I appreciate your comments and thank you.

4.0 PETITIONS/DEPUTATION

- 4.1 A Deputation was received from Tayne Evershed from Planning Solutions regarding item SCM 08. Reconsideration of Proposed Hardstand and Temporary Storage – Lot 200 (584) Kalamunda Road, High Wycombe.

Questions from Cr Andrew Waddell and Cr Dylan O'Connor were clarified following this Deputation.

- 4.2 A Deputation was received from Terry Izzard regarding item SCM 08. Reconsideration of Proposed Hardstand and Temporary Storage – Lot 200 (584) Kalamunda Road, High Wycombe.

- 4.3 A Deputation was received from Rodney Sully regarding item SCM 08. Reconsideration of Proposed Hardstand and Temporary Storage – Lot 200 (584) Kalamunda Road, High Wycombe.

Questions from Cr Dylan O'Connor were clarified following this Deputation.

5.0 ANNOUNCEMENTS BY THE MEMBER PRESIDING WITHOUT DISCUSSION

- 5.1 Nil.

6.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

- 6.1 Nil.

7.0 DISCLOSURE OF INTERESTS

7.1 Disclosure of Financial and Proximity Interests

- a. Members must disclose the nature of their interest in matters to be discussed at the meeting. (Section 5.65 of the *Local Government Act 1995*.)
- b. Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Section 5.70 of the *Local Government Act 1995*.)

7.1.1 Nil.

7.2 Disclosure of Interest Affecting Impartiality

- a. Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee had given or will give advice.

7.2.1 Nil.

8.0 REPORTS TO COUNCIL

Please Note: declaration of financial/conflict of interests to be recorded prior to dealing with each item.

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

SCM 08. Reconsideration of Proposed Hardstand and Temporary Storage – Lot 200 (584) Kalamunda Road, High Wycombe

Previous Items	OCM 114/2015; OCM 82/2016
Responsible Officer	Director Development Services
Service Area	Development Services
File Reference	KL-02/584
Applicant	Planning Solutions
Owner(s)	Bronwyn, Peter & David Jones
Attachment 1	Amended Site Plan
Attachment 2	Applicant's response to Grounds for Refusal
Attachment 3	Submission Table

PURPOSE

1. In accordance with orders from the State Administrative Tribunal (SAT), pursuant to Section 31 (1) of the *State Administrative Tribunal Act 2004*, the SAT has invited Council to reconsider its decision made at the 23 May 2016 Ordinary Council Meeting, to refuse the application for proposed hardstand and temporary storage at Lot 200 (584) Kalamunda Road, High Wycombe.

BACKGROUND

2. Council at its Ordinary Meeting held 23 May 2016 (OCM 82/2016) resolved to refuse the application for proposed hardstand and temporary storage at Lot 200 (584) Kalamunda Road, High Wycombe, for the following reasons:
 - a) The application is inconsistent with the principles of orderly and proper planning for the following reasons:
 - i) A structure plan has not been prepared over the subject land to appropriately co-ordinate development.
 - ii) The use is not consistent with the objectives of the Urban Development zone.
 - iii) The proposal pre-empts the approval of Amendment 80 to Local Planning Scheme No. 3, which has not progress to a point where it is able to be 'seriously entertained'.
 - b) The proposed development will prejudice the overall development potential of the area and the ongoing consideration of Amendment 80 to Local Planning Scheme No. 3.
 - c) The proposed buffer distances to the resource enhancement wetland is not considered sufficient to protect and manage the environmental value of the wetland.
 - d) The applicant has not demonstrated appropriate consideration of environmental, traffic and amenity impacts of the proposal, to the satisfaction of the Shire of Kalamunda.

3. Council at its Ordinary Meeting held in September 2015 (OCM 114/2015) resolved to initiate Scheme Amendment 80 to Local Planning Scheme No. 3 (Scheme). The amendment seeks to rezone the subject lot and lots to the north-east on Hatch Court and Stirling Crescent from Urban Development to Light Industry. Documents for Amendment 80 have been received and have been referred to the Environmental Protection Authority (EPA) for assessment. Advice was received from the EPA on 2 May 2016, which means that amendment can now be advertised.
4. At the same Ordinary Council Meeting in September 2015, Council considered the Hatch Court/Stirling Crescent Local Structure Plan for the land to the north-east of the subject lot, and resolved to forward the structure plan to the Western Australian Planning Commission (WAPC) for its determination (OCM 114/2015). The Hatch Court – Stirling Crescent Local Structure Plan was considered by the WAPC Statutory Planning Committee in April 2016, where it resolved to refuse the structure plan, in part, for the following reasons:
"The proposed local structure plan is in conflict with the proposed Amendment No. 80 to the Shire of Local Planning Scheme No. 3 which has been initiated by the Shire and proposes to rezone the land to Light Industry. Supporting the proposed local structure plan in order to facilitate residential development may prejudice the decision of the Minister for Planning on the proposed amendment."
5. It is noted the subject application was lodged after Council considered the above two proposals. Importantly however, while the Hatch Court – Stirling Crescent Local Structure Plan has been refused by the WAPC, it is possible that the decision of the WAPC will be the subject of an appeal/review at the State Administrative Tribunal (SAT). In addition, Amendment 80 is still at a relatively early stage of the Scheme amendment process. Therefore, there is presently a degree of uncertainty as to the strategic direction of the land adjacent to Hatch Court and Stirling Crescent, including the subject lot.
6. The Shire has also received an application proposing to clear vegetation, fill to street level within 3m of the boundary and install fencing.

7. **Land Details:**

Land Area:	8.07ha (80,695.76m ²)
Local Planning Scheme Zone	Urban Development
Metropolitan Regional Scheme Zone:	Urban

Locality Plan

8.



9. The subject site has a frontage of 293 metres to Kalamunda Road and 279 metres to Stirling Crescent.
10. A portion of the south-west of the site (approximately 11m wide) is reserved under the Metropolitan Region Scheme (MRS) as being an 'Other Regional Road Reserve' with a Category 2 classification, meaning the Department of Planning is the responsible authority for making recommendations for development on, or adjacent to, the Reserve.
11. The immediate surroundings of the subject site comprise the following uses:
- Rural residential properties to the north-east which are zoned Urban Development and are subject to the Hatch Court – Stirling Crescent Local Structure Plan area.
 - Low-density residential subdivision with a prevailing density of R20 to the south-east of the site opposite Stirling Crescent.
 - The Hill View Lifestyle Village (retirement village) is located to the south-west of the subject site.
 - Industrial land uses north of the subject site within the Perth Airport land.
12. The lot is currently vacant of any development and has access from Kalamunda Road via a single gravel crossover. The site contains a Resource Enhancement Wetland to the east of the property and scattered mature vegetation throughout.

DETAILS

13. The applicant has provided amended plans and additional information for reconsideration, as follows:
1. An amended site plan indicating the following changes:
 - a. An increased minimum setback distance of 30m to the Resource Enhancement Wetland.
 - b. 15m setback to the proposed storage area from Kalamunda Road.
 - c. Vehicle swept paths for trucks delivering equipment proposed to be stored at the site.
 - d. Fill in the area within 4m of the lot boundary fronting Kalamunda Road to accommodate fencing, landscaping and perimeter access.
 - e. A 3m wide landscaping strip adjacent to the proposed storage areas, and 1m wide landscaping strip for the balance of the street frontages on Kalamunda Road and Stirling Crescent.
 - f. Chain link mesh fence to the perimeter of the site.
 2. Confirmation of the maximum vehicle numbers, which the applicant submits will be no greater than 10 vehicle trips in the peak hour.
 3. Documents outlining the flora, vegetation and wetland values of the site.
 4. Additional justification which responds to the reasons for refusal in the resolution of Council at its Ordinary Meeting held 23 May 2016.
14. A full copy of the applicant's comments in respect to Council's reasons for refusal is provided in (Attachment 2).
15. The application is seeking a temporary five (5) year approval for the proposal, which incorporates the following key elements (refer Attachment 1):
- The development of two hardstand areas, comprising a total area of 38,600sqm (47.8% of the site area);
 - The hardstand area will be separated into two (2) distinct areas, with 'Area A' comprising 11,100m² and 'Area B' comprising of 27,500m². Area A is proposed to be located in the north corner of the lot and area B located in the central portion of the lot. The difference between the two areas relates to the levels of the land;
 - The site is proposed to operate from 8am to 5pm on weekdays;
 - The hardstand areas are setback 15m from Kalamunda Road, and 9m from Stirling Crescent and side lot boundaries;
 - The hardstand areas are proposed to be setback 30m adjacent to the resource enhancement wetland area in the east of the site;
 - Retaining and modifying the existing vehicle crossover on Kalamunda Road; and
 - Construction of one (1) exit only Crossover to Stirling Crescent.
16. The applicant has stated the basis and operation of this proposal is as follows:
- "The proposal seeks to utilise the hardstand areas for the purpose of storing vehicles and equipment generally associated with the mining industry. Due to the recent decline in mining operations in the regions, there is strong demand for appropriate locations to store idle mining equipment until such time that such operations are progressed. Vehicles and equipment will be transported to the site for long-term storage purposes and the site will not be utilised as a depot for receiving vehicles on a regular basis."*

The use of the land for this purpose is applied for on a temporary basis of 5 years, until such a time that detailed structure planning over the land has been undertaken, or the land is rezoned”.

STATUTORY AND LEGAL CONSIDERATIONS

Local Planning Scheme No. 3

17. The subject site is zoned 'Urban Development' under the Local Planning Scheme No. 3 (Scheme). The objectives of the Urban Development zone are as follows:
- To provide orderly and proper planning through the preparation and adoption of a Structure Plan setting the overall design principles for the area.
 - To permit the development of land for residential purposes and for commercial and other uses normally associated with residential development.

Planning and Development (Local Planning Schemes) Regulations 2015

18. The *Planning and Development (Local Planning Scheme) Regulations 2015* (Regulations) came into effect on 19 October 2015. The Regulations introduced a set of deemed provisions that are applicable to all local planning schemes.
19. Clause 15 (a)(i)(ii) of the Regulations may require a structure plan to be prepared for areas zoned for urban and industrial development before any future development is undertaken.
20. The application has been made in accordance with Clause 72 of schedule 2 of the Regulation (Temporary Development Approval), which allows the Shire to impose conditions limiting the period of time for which the development approval is granted.
21. In considering an application for planning approval, Clause 67 of schedule 2 of the Regulations (Matters to be Considered by Local Government) requires Council to have due regard to a number of matters:
- the compatibility of the development within its settings;
 - the requirements of orderly and proper planning including any relevant proposed new local planning scheme or amendment, that the local government is seriously considering adopting or approving;
 - the likely effect of the proposal on the natural environment or water resources and any means that are proposed to protect or mitigate impacts on the natural environment or the water resource;
 - preservation of the amenity of the locality;
 - relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
 - amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;

- whether adequate provision has been made for the landscaping of the land to which the planning application relates and whether any trees or other vegetation on the land should be preserved;
- whether the proposal is likely to cause soil erosion or land degradation;
- any other planning consideration the local government considers relevant; and
- the comments or submissions received from any other authority consulted.

22. Part 4, Clause 27 of schedule 2 of the deemed provisions of the Regulations stipulates the effect of a structure plan, as follows:

"27. Effect of A structure plan

- (1) A decision-maker for an application for development approval or subdivision approval in an area that is covered by a structure plan that has been approved by the Commission is to have due regard to, but is not bound by, the structure plan when deciding the application.*
- (2) A decision-maker for an application for development approval or subdivision approval in an area referred to in clause 15 as being an area for which a structure plan may be prepared, but for which no structure plan has been approved by the Commission, may approve the application if the decision-maker is satisfied that —*
 - a. the proposed development or subdivision does not conflict with the principles of orderly and proper planning; and*
 - b. the proposed development or subdivision would not prejudice the overall development potential of the area."*

POLICY CONSIDERATIONS

State Planning Policy 2.9 – Water Resources

23. State Planning Policy 2.7 – Water Resources (SPP 2.7) provides guidance in the planning, protection and management of surface and groundwater catchments, including consideration of availability of water and waterways management, wetlands, waterways, and estuaries and their buffers, and implementation of total water cycle management principles in the land use planning system.
24. Relevant to the subject development application, SPP 2.7 includes policy measures which recommends adequate and appropriate buffering of wetlands, maintaining or enhancing the environmental attributes, functions and values of the water resources and to minimise the impact of nearby land uses, both existing and future.

State Planning Policy 5.1 – Land Use Planning in the Vicinity of Perth Airport

25. State Planning Policy 5.1 (SPP 5.1) applies to the land in the vicinity of the Perth Airport, which is, or may in the future, be affected by aircraft noise, and includes the following objectives:
- Protect Perth Airport from unreasonable encroachment by incompatible (noise-sensitive) development, to provide for its ongoing development and operation; and
 - Minimise the impact of airport operations on existing and future communities with reference to aircraft noise.

26. SPP 5.1 was recently amended to incorporate the revised Australian Noise Exposure Forecast (ANEF), as such the subject site is identified as an area with greater noise impact. Under the revised ANEF the property falls within the 25-30 ANEF and 20-25 ANEF.

27. The applicant has provided the following supporting information in regard to the proposal and exposure to aircraft noise:

"... Appendix 1 of SPP.1 contains the building site acceptability table, with the use 'light industrial' identified as 'Acceptable' in both the 20-25 and 25-30 ANEF. It is noted that residential uses including 'House, home unit, flat and caravan park' are identified as being 'conditionally Acceptable' within the 20-25 ANEF and 'Unacceptable' within the 20-25 ANEF..."

Economic and Employment Lands Strategy: Non-Heavy Industrial

28. Economic and Employment Lands Strategy: Non-Heavy Industrial (EELS) was prepared to ensure that adequate forward planning is undertaken and to identify the areas, type and locations of industrial land required in the future. A key objective of the EELS is to facilitate ongoing availability of supply of industrial land.
29. It is noted that the subject site is not specifically identified in the EELS as a potential industrial area. However, the EELS recommends the ongoing identification of strategically located industrial land to secure future industrial activities in the region. This was one consideration/justification for Amendment No. 80 when the matter was considered by Council in September 2015.

Development Control Policy 5.1 – Regional Roads (Vehicular Access)

30. Development Control Policy 5.1 – Regional Roads (Vehicular Access) outlines requirements for development applications incorporating vehicular access to Regional Roads.
31. As the development abuts, and is affected by, Kalamunda Road, which is identified as an Other Regional Road under the Metropolitan Region Scheme, the application was referred to the Department of Planning, Main Roads Western Australia and the Public Transport Authority for comment.
32. The following comments were received from the Department of Planning:
- "...The subject land is affected by an 11.5m portion of ORR reservation for Kalamunda Road, per the attached Western Australian Planning Commission (WAPC) Land Requirement Plan No. 1.5030/2. If required, it is recommended that the proponent apply for a Clause 42 Certificate, which is a legal document that shows the exact dimensions of the road widening requirement."*

Lot 200 currently accommodates a single access point onto Kalamunda Road and no changes are proposed to this arrangement. This is in accordance with the Commission's Regional Roads (Vehicular Access) Policy D.C. 5.1, which seeks to minimise the number of new crossovers onto regional roads.

Although the Department of Planning supports the ongoing operation of the existing access point onto Kalamunda Road for the proposed hardstand/storage use (left-in movements only), in the longer term when the subject land is rezoned to Urban as outlined in the accompanying report, all vehicular access should be from Stirling Crescent, a lower order road.

The Department of Planning has no objection to the proposal subject to the above recommendations..."

COMMUNITY ENGAGEMENT REQUIREMENTS

33. As part of the SAT reconsideration process, the Shire has advertised the proposal using the following methods:
- Letters to surrounding property owners;
 - Signs being erected on the Kalamunda Road and Stirling Crescent frontages of the site;
 - A notice published in the local newspaper and on the Shire's website.
34. During advertising, the Shire received 17 objections and 7 non-objections. The concerns raised in the objections are summarised as follows:
- Additional traffic noise.
 - Increased dust.
 - Odour from heavy vehicle engine fumes.
 - Visual amenity impacts of the proposal.
 - The development is out of character with the surrounding area.
 - Close proximity of the proposal to residential areas.
 - Security concerns.
 - Additional heavy vehicle traffic on Stirling Crescent and Kalamunda Road.
 - Possible traffic congestion and safety impacts.
 - Impact of the development on the water table.
 - Loss of rural look.
 - Visual impact of fencing and security lighting.
 - The development would attract vermin and stray animals.

These concerns are discussed in further detail in the officer comment section of this report and in (Attachment 3).

FINANCIAL CONSIDERATIONS

35. In the event that Council refuses the application, legal fees for lawyers defending the Shire's position at a SAT hearing is expected to be in the range \$10,000 – \$20,000.

STRATEGIC COMMUNITY PLAN

Strategic Planning Alignment

36. *Kalamunda Advancing: Strategic Community Plan to 2023*

OBJECTIVE 4.3 – To ensure the Shire’s development is in accord with the Shire’s statutory and legislative obligations and accepted urban design planning standards.

Strategy 4.3.2 – Undertake efficient monitoring and compliance of building developments within the Shire.

SUSTAINABILITY

Social Implications

37. Given the lot is currently vacant and gives the appearance of a large rural lot, development of the site with a hardstand and storage would result in a significant change in the appearance of the land. Accordingly, if the proposal is approved, there may be unexpected amenity impacts on surrounding land owners.

Economic Implications

38. If the application is approved, this would result in economic benefits to the property owners as they would be able to lease their land for storage purposes.

Environmental Implications

39. A resource enhancement wetland is present on the east side of the lot. Resource enhancement wetlands are classified as wetlands that may have been partially modified, but still support substantial ecological attributes and functions.
40. The Environmental Protection Authority recommends the following management measures in respect to resource enhancement wetlands:
- Determine, protect and manage a buffer between a wetland and existing or proposed land uses. This is crucial to maintain or improve wetland values.
 - Retain all remnant vegetation in the buffer.
 - No fill, no fertiliser or chemical application, no drainage into or out of (other than natural or approved stormwater management), no groundwater or wetland water abstraction, no liquid or solid waste disposal, and no excavation is permitted in the wetland or the buffer.
 - Repair degraded/eroded portions of the buffer.
 - Rehabilitate the wetland vegetation and the adjoining dryland zones using indigenous species of local provenance.
 - Remove inappropriate infrastructure.
 - Install fencing, paths and gates to control access.
 - Replace inappropriate drainage facilities.

41. An environmental assessment of the land was undertaken in 2014 to review the wetland management boundary and category for the resource enhancement wetlands on land north of the subject site, and identified that appropriate buffer zones around the wetlands is 30m, from where development should be precluded. It is further noted that the Environmental Protection Authority supports the retention of a 30m buffer from the resource enhancement wetlands.
42. It is noted that some mature vegetation exists where the hardstand area is proposed. However, an application was received on 5 May 2016 requesting clearing and filling of the site, which indicates that the applicant/owner intends to clear the block.

RISK MANAGEMENT CONSIDERATIONS

43.

Risk	Likelihood	Consequence	Rating	Action/Strategy
The proposal may unduly prejudice the overall development potential of the area.	Unlikely	Major	Medium	Demonstrate that Amendment 80 has been initiated and will facilitate a Light Industry outcome, and that the development proposed would be able to be considered under this zoning.
The proposal may result in undue impacts to the resource enhancement wetlands present on the site.	Unlikely	Major	Medium	Ensure the environmental impacts of the proposal are appropriately considered and buffer distances are sufficient to protect the resource enhancement wetlands.
In the event that the Council does not support the request for reconsideration, the applicant may proceed to a full hearing of SAT.	Likely	Major	High	Advise Council that legal fees for defending the Shire's position at a SAT hearing is expected to be in the range \$10,000 – \$20,000.

OFFICER COMMENT

44. For the purposes of addressing the refusal of Council at its Ordinary Meeting held 23 May 2016, officer comments are provided following the applicable reasons for refusal below.

45. **Reason 1**

"The application is inconsistent with the principles of orderly and proper planning for the following reasons:

- i) A structure plan has not been prepared over the subject land to appropriately co-ordinate development.*
- ii) The use is not consistent with the objectives of the Urban Development zone.*
- iii) The proposal pre-empts the approval of Amendment 80 to Local Planning Scheme No. 3, which has not progress to a point where it is able to be 'seriously entertained'."*

46. In respect to reason 1, it is clear that a structure plan will not be specifically required under the planning framework for the light industry zone when Amendment 80 is finalised; this is ultimately at the discretion of the WAPC. It is further noted that the Regulations set a framework for considering development applications in this instance, and that regard should be given to the change in zoning initiated through Amendment 80 from Urban Development to Light Industry, and that a storage based use can be considered in the Light Industry zone.

47. Furthermore, the applicant has provided additional justification as part of the SAT review/appeal process that addresses principles of orderly and proper planning, as follows:

- The applicant considers that five (5) years is a reasonable timeframe to accommodate short-term planning and associated implementation measures such as a structure plan under the current zoning of Urban Development, or the gazettal of a Light Industry zoning over the subject site.
- The ANEF contours over the subject site make it difficult for any residential objectives to be achieved on the subject site. Given the aircraft noise constraints, the use of the site for Light Industrial purposes is considered to meet relevant objectives under SPP 5.1.
- The use is capable of approval under the current planning framework and is a permitted use under the Shire's proposed Light Industry zoning and can be considered within the requirement for a Local Structure Plan. On that basis it does not pre-empt the outcome of Amendment 80. The proposed use is for a temporary five (5) year approval that is required to cease if the future planning framework does not support the ongoing use.

48. In regard to the ANEF contour that affects the site, it is noted that it will be difficult to justify a residential outcome in line with principles of orderly and proper planning. Given these constraints, it is acknowledged that the use of the site for light industrial purposes would be an appropriate outcome, particularly given the strategic rationale to facilitate additional industrial land in the area considered at the time that Amendment 80 was initiated.

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49. While it is still considered that there is some uncertainty regarding the likely outcome of Amendment 80, the additional justification is considered to be sound on land use planning grounds.
50. **Reason 2**
"The proposed development will prejudice the overall development potential of the area and the ongoing consideration of Amendment 80 to Local Planning Scheme No. 3."
51. Giving regard to the principles of orderly and proper planning, as noted above, there is a valid land use planning argument for allowing industrial development on the subject site. However the question Council should consider is, "does the proposal circumvent due planning process by pre-empting the approval of Amendment 80?" In this respect, it is considered that Council's willingness to initiate Amendment 80 provides adequate validation that a light industrial outcome is suitable for the subject area. Given the application is able to be considered under the planning framework, the consideration should then focus on the appropriateness of the particular development proposed, and the term of temporary planning approval.
52. Regarding the appropriateness of the use proposed, it is considered that the use of long term storage is relatively benign with the main externalities being traffic and visual amenity. While there will be some interference with vehicles entering the subject site, the number of vehicles which would be accessing the site is negligible in the context of the amount of traffic using the surrounding road network. Furthermore, the Shire has received advice from the Department of Planning indicating no objection to the use of Kalamunda Road for access movements.
53. In terms of the ongoing planning of the area, it is acknowledged that Amendment 80 is expected to have been completed well before the approval would lapse (estimated to be 12 months). Whether or not the Western Australian Planning Commission considers a structure plan to be appropriate for the area is yet to be determined, however in the event that a structure plan is required, this process is expected to take a further 12 months. In total, the reasonable time for all planning to be completed for the area would be expected to be approximately three (3) years.
54. The Shire understands that the five (5) year temporary planning approval term is being sought as the applicant considers that this is the minimum amount of time to secure commercial terms for a tenant on a temporary basis. While this is not in itself a planning consideration, it indicates that a reduction of the planning approval term to three (3) years would be unacceptable to the applicant and the decision would likely be challenged at the SAT.
55. While the proposed temporary planning approval term of five (5) years exceeds the expected period of time for planning to be completed (approximately three (3) years), the approval itself is unlikely to substantially delay or compromise the development potential of the area. Therefore, the five (5) year term sought is not considered unreasonable.
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56. **Reason 3**

"The proposed buffer distances to the resource enhancement wetland is not considered sufficient to protect and manage the environmental value of the wetland."

57. In respect to reason 3, the amended site plan (Attachment 1) incorporates 30m buffer distances from the proposed hardstand/storage to the resource enhancement wetland. This is considered appropriate to protect and manage the environmental value of the wetland.

58. A condition has been included in the officer recommendation which requires a wetland management plan to ensure protection and management of the sites environmental assets with satisfactory arrangements being made for the implementation of the approved plan.

59. **Reason 4**

"The applicant has not demonstrated appropriate consideration of environmental, traffic and amenity impacts of the proposal, to the satisfaction of the Shire of Kalamunda."

60. In respect to reason 4 and the Shire's expectation in regard to vegetation impacts, the applicant lodged a flora, vegetation and wetland review which outlines the environmental significance of the site. The review concludes that vegetation on site is highly degraded and is not considered to form part of any linkage to other native vegetation in the area.

61. In respect to traffic, the Shire has received a vehicle swept path which demonstrates the access and egress of vehicles to the site. Furthermore, confirmation has been provided by the applicant that the site will be used for long term storage of vehicles and equipment, and will not be used as a depot for receiving vehicles on a regular basis; the maximum number of vehicles in the peak hour will not exceed 10.

62. In regard to the types of vehicles that will access and leave the site, given that Kalamunda Road and Stirling Crescent are 'Network 1' roads under Main Roads' Restricted Access Vehicle (RAV) Network, conditions have been included in the officer recommendation which restrict the length and types of vehicles used at the property, except where specifically exempt under the Main Roads' RAV network.

63. It is anticipated that the majority of the truck movements will occur at the initial stage of the development as vehicles are moved onto the site for storage. Vehicle movements to and from the site are expected to decline as the site becomes established for storage purposes.

64. The applicant proposes to address the amenity impacts of the proposal with the following elements of the proposal:
- Hardstand storage areas should be setback 15m from the Kalamunda Road frontage of the site, which accords with the setback requirements for light industry development standards under the Scheme.
 - Fill within 4m of the lot boundaries facing Kalamunda Road and Stirling Crescent to accommodate fencing, landscaping and perimeter access.
 - Landscaping strips to Kalamunda Road and Stirling Crescent road frontages.
 - Installation of a 1.8m high chain link fence to secure the property.
65. In regard to visual amenity, it is noted that if the application is approved there will be a substantial change in character from the current rural appearance of the site to storage and hardstand. However, this is largely due to the site remaining disused for many years, rather than specific planning requirements relating to the land. Furthermore, it is considered that a change of the use of land is an inevitable outcome for the site in the long term. The treatments proposed by the applicant, if applied appropriately, are considered to soften the appearance of visual impacts at the site and should form a condition of planning approval in the event that Council resolves to approve the application.
66. In light of the submission of additional information and amended plans, the environmental, traffic and amenity impacts of the proposal is considered to be appropriately addressed.
67. In respect to the concerns raised during advertising, the following is noted:

Additional traffic noise

Noise from traffic using the road system is exempt from the requirements of the *Environmental Protection (Noise) Regulations 1997*. In regard to noise within the site, it is expected that this would be limited to placing vehicles in a location for long term storage and would not result in ongoing, prolonged noise emissions. As indicated previously, traffic movements to and from the site along Kalamunda Road and Stirling Crescent are expected to decline as the site becomes established for storage purposes.

Increased dust

While it is noted that the initial site preparation and earth works will involve some dust, the ongoing use of the site should not result in undue levels of dust emissions. A condition has been included in the officer recommendation which requires the hardstand area to be sealed to the satisfaction of the Shire.

Odour from heavy vehicle engine fumes

Given the proposal is for storage, the site will not operate as a transport depot. While it is appreciated that vehicle fumes will be emitted from vehicles delivering goods to the site, the storage use itself will not regularly have vehicles running and causing odour issues for surrounding residents.

Visual amenity impacts of the proposal, loss of rural look, and the development is out of character with the surrounding area

Refer to the above officer comments regarding visual amenity.

Close proximity of the proposal to residential areas

The site is located in an area that is considered to represent a logical expansion of light industrial land uses given the proximity to airport land, strategic industrial areas, and access to key freight routes. A light industrial uses, by its very nature, should be relatively innocuous and should be able to coexist adjacent to residential areas. While it is considered that there will be a substantial change in the appearance of the subject site, the storage use is not considered to unduly impact on the amenity of the area.

Security concerns

The use would not be expected to attract additional anti-social behaviour to the area. Notwithstanding, the application does appropriately incorporate security fencing and lighting to secure the site.

Additional heavy vehicle traffic on Stirling Crescent and Kalamunda Road

Kalamunda Road and Stirling Crescent are 'Network 1' roads under Main Roads' Restricted Access Vehicle (RAV) Network, which means that trucks with a length of 19m are generally permitted to use these roads, except where exemptions apply for 'low loader' vehicles. Conditions have been included in the officer recommendation which restrict the length and types of vehicles used at the property, except where specifically exempt under the Main Roads' RAV network.

Possible traffic congestion and safety impacts

Given the nature of the use will not attract high levels of traffic, it is not considered that it will generate congestion. In respect to safety, the Department of Planning have indicated that it has no objection to the use of an entry only crossover on Kalamunda Road. Furthermore, it is recommended that conditions be included in the officer recommendation which restrict the size of vehicles accessing the site so as reduce potential safety issues with oversized vehicles.

Impact of the development on the water table

A condition has been included in the officer recommendation which requires the applicant dispose of stormwater to the satisfaction of the Shire. In this regard, the applicant will be required prepare a drainage plan for the hardstand area proposed.

Visual impact of fencing and security lighting

The application currently proposes 1.8m chain link fencing and it is noted that lighting will be required to secure the premises.

The development would attract vermin and stray animals

There is no indication that the proposed use would attract additional levels of vermin and stray animals. Notwithstanding, the applicant/owner would be required to comply with the Shire's Animal Nuisance Local Law 2011.

68. In considering the invitation by SAT to reconsider the application, regard is again required to be given to Clause 27 (2) of the Regulations, which requires the Shire to assess whether:
- a) the proposed development or subdivision does not conflict with the principles of orderly and proper planning; and
 - b) the proposed development or subdivision would not prejudice the overall development potential of the area.

For the reasons provided above, the proposed temporary planning approval is not considered to conflict with the principles of orderly and proper planning and will not prejudice the development potential of the area in the long term. Accordingly, approval is recommended subject to appropriate conditions.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. Approves the application for a proposed hard stand and temporary storage at Lot 200 (584) Kalamunda Road, High Wycombe, subject to the following conditions:
 - a) The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
 - b) Pursuant to Clause 72 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the time for which this development approval is valid lapses five (5) years from the date of this approval. The use of the site for storage shall cease on or before 29 August 2021, unless otherwise approved by the Shire of Kalamunda.
 - c) Only those vehicles permitted to use the applicable Main Roads Western Australia Restricted Access Network for the portion of Kalamunda Road and Stirling Crescent contiguous to the subject site are permitted to access the site.
 - d) Prior to the commencement of any development, a wetland management plan is to be prepared and approved to ensure protection and management of the sites environmental assets with satisfactory arrangements being made for the implementation of the approved plan.
 - e) Stormwater shall be disposed of onsite to the specification and satisfaction of the Shire of Kalamunda.
 - f) Prior to the commencement of the storage use, crossovers shall be designed and constructed to the specification and satisfaction of the Shire of Kalamunda.
 - g) The hardstand areas indicated on the approved plan as 'Area A' and 'Area B' shall be suitably constructed, sealed and drained to the satisfaction of the Shire of Kalamunda, prior to the commencement of the storage use.

- h) Suitable signage and line markings shall be placed within the site to ensure that the crossovers are used as left-in only from Kalamunda Road and exit from Stirling Crescent.
- i) Any existing redundant septic sewer systems including all tanks, pipes and associated drainage systems (soakwells or leach drains) are to be decommissioned, removed, filled with clean sand and compacted. The applicant must provide a statutory declaration to the Shire of Kalamunda stating that the site has been inspected and all effluent disposal systems have been removed. A pro-forma for this declaration is available from the Shire of Kalamunda.
- j) A detailed landscaping and reticulation plan for the subject site shall be submitted to and approved by the Shire of Kalamunda, prior to the commencement of the storage use. For the purposes of this condition, landscaping is required to be an appropriate species, density and maturity to mitigate the visual impact of the storage use on the adjacent residential areas.

Landscaping shall be completed in accordance with the approved detailed landscape plan prior to the commencement of the storage use and thereafter maintained to the satisfaction of the Shire of Kalamunda.

- k) Any fencing adjoining Kalamunda Road and Stirling Crescent shall be 1800mm in height, of metal tubing framed vertical pale and horizontal rail fencing with powder coat finish. Further detail in compliance with this criteria shall be submitted as part of the proposed landscape and reticulation plan.
- l) Any external lighting shall be positioned and designed so as not to adversely affect the amenity of the locality, to the satisfaction of the Shire of Kalamunda. Further detail of any proposed lighting shall be submitted as part of the proposed landscape and reticulation plan.
- m) Only vegetation required to be removed to facilitate the construction of the hardstand and storage area is permitted to be removed by this approval. All other trees and other vegetation shall be retained unless otherwise approved by the Shire of Kalamunda.

Moved:

Seconded:

Vote: **LAPSED**

*The Presiding Person sought a mover and seconder for the Officer Recommendation.
The Recommendation lapsed for want of a mover.
The Presiding Person moved an alternative motion, which was seconded.
The mover and seconder spoke on the item and questions from several Councillors were clarified before the vote was taken.*

Voting Requirements: Simple Majority

RESOLVED SCM 149/2016

MOTION

That Council:

1. Refuse the application for the proposed hardstand and temporary storage at Lot 200 (584) Kalamunda Road, High Wycombe for the following reasons:
 - a. The frequency of traffic movements to and from the site is likely to have a detrimental impact on the amenity of residents located on Kalamunda Road and Stirling Crescent.
 - b. Council has yet to consider public submissions to Scheme amendment 80 to Local Planning Scheme No.3 and therefore the proposal is still considered to pre-empt the approval of the amendment and the light industrial land use outcome for the area.

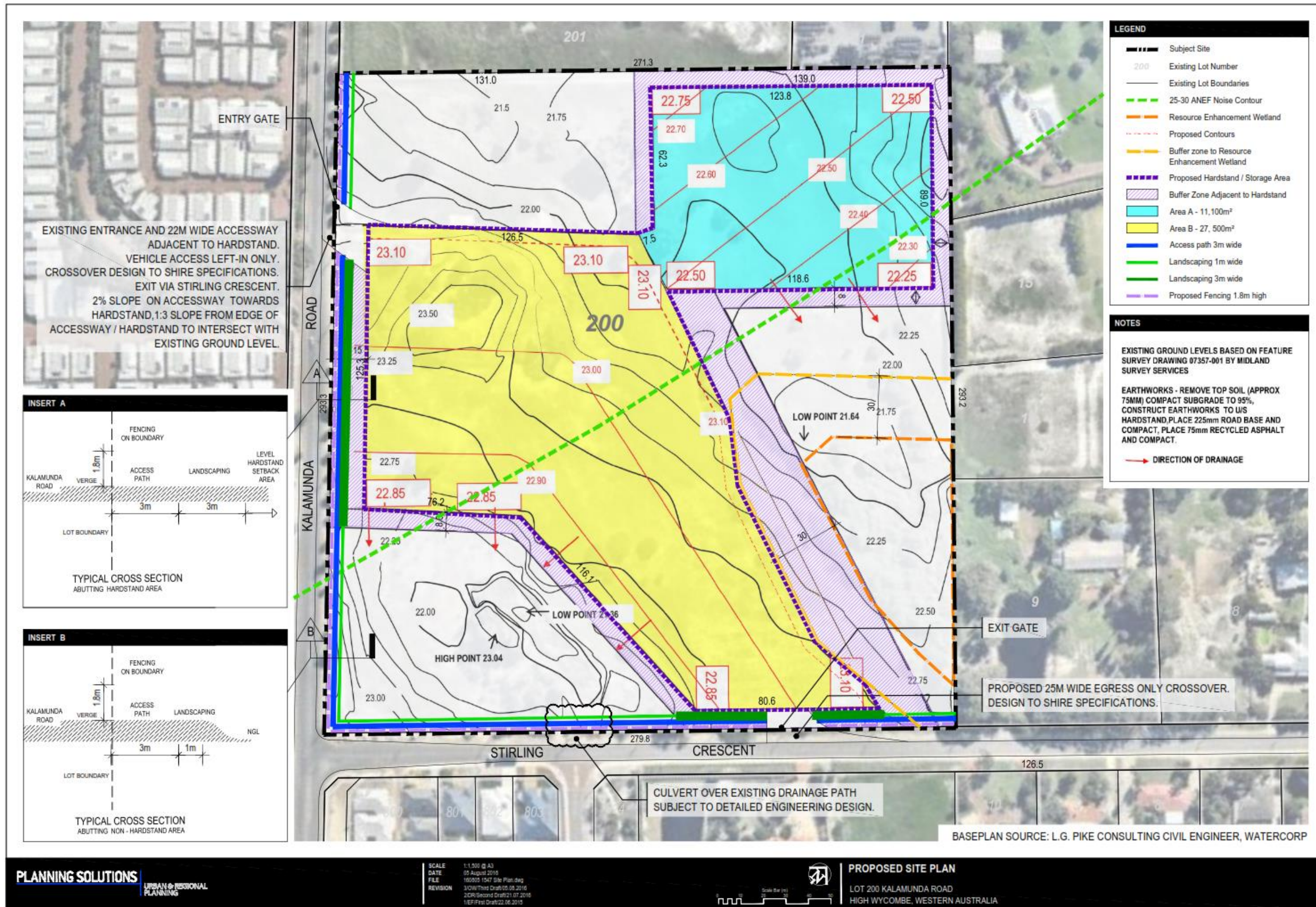
Moved: **Cr Andrew Waddell**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (7/0)**

Attachment 1

Reconsideration of Proposed Hardstand and Temporary Storage - Lot 200 (584) Kalamunda Road, High Wycombe Amended Site Plan



Attachment 2

Reconsideration of Proposed Hardstand and Temporary Storage – Lot 200 (584) Kalamunda Road, High Wycombe

Applicant's response to Grounds for Refusal

SAT ref: DR 186 of 2016
Shire's ref: DA15/660
PSA ref: 1547

25 July 2016

Chief Executive Officer
Shire of Kalamunda
PO Box 42
Kalamunda WA 6926



Attention: Chris Lodge, Acting Manager Development Services

Dear Madam,

SAT MATTER: DR 186/2016
LOT 200 (584) KALAMUNDA ROAD, KALAMUNDA - S 31(1) RECONSIDERATION REQUEST

We refer to the Tribunal's Orders dated 13 July 2016 in relation to the above matter (Matter No: DR 186/2016). In accordance with Order 1 of the Tribunal's Orders, amended plans have been prepared in response to the matters discussed at mediation on 13 July 2016.

Please find enclosed three copies of the amended plans and swept path modelling for the proposed development. In response to the Shire's grounds for refusal we provide the following additional information for the Shire's reconsideration of its decision under section 31(1) of the SAT Act.

SHIRES GROUNDS FOR REFUSAL

1. The Application was considered by the Council of the Shire on 23 May 2015 and was refused on the following grounds.
 - a) *The application is inconsistent with the principles of orderly and proper planning for the following reasons:*
 - i. *A structure plan has not been prepared over the subject land to appropriately co-ordinate development.*
 - ii. *The use is not consistent with the objectives of the Urban Development zone.*
 - iii. *The proposal pre-empt's the approval of Amendment 80 to Local Planning Scheme No. 3, which has not progress to a point where it is able to be 'seriously entertained'.*

(Ground 1)
 - b) *The proposed development will prejudice the overall development potential of the area and the ongoing consideration of Amendment 80 to Local Planning Scheme No. 3.*

(Ground 2)
 - c) *The proposed buffer distances to the resource enhancement wetland is not considered sufficient to protect and manage the environmental value of the wetland.*

(Ground 3)
 - d) *The applicant has not demonstrated appropriate consideration of environmental, traffic and amenity impacts of the proposal, to the satisfaction of the Shire of Kalamunda.*

(Ground 4)

APPLICANTS RESPONSE TO GROUNDS FOR REFUSAL

2. As a result of mediation the applicant has undertaken to provide additional information to the respondent with respect to ground 3 and 4. With respect to ground 1 and 2 the applicant's position remains unchanged from that outlined in the application for review lodged with the SAT. For completeness we have included these reasons in this submission.

Ground 3 – Buffer distance to wetland

3. The Shire raised concerns that the proposed buffer distance to the resource enhancement wetland is not sufficient to protect and manage the environmental value of the wetland. In response the applicant has increased the minimum setback distance between the hardstand and the wetland to 30m. The amended plans now incorporate a buffer/hardstand setback distance ranging from 30m to 68m.

Ground 4 – Consideration of environmental, traffic and amenity impacts

Environmental

4. The proposed development adequately responds to the environmental considerations associated with the site. In support of this we provided the Shire's officers with the following documents on 13 July 2016:
 - (a) Review of the flora, vegetation and Wetland values of Lot 200 Kalamunda Road, High Wycombe (Mattiske Consulting, February 2009)
 - (b) Lot 200 Kalamunda Road High Wycombe. Proposal to modify the Geomorphic Wetlands Dataset (Mattiske Consulting, March 2010)
 - (c) Correspondence modifying wetland UFI 9113, 9115 and 9117 (Department of Environment and Conservation, 9 August 2010)
5. The Shire confirmed in writing on 20 July 2016 that the "...information satisfies the Shire's request for additional information regarding the environmental impacts of the proposal".

Traffic

6. With respect to matters relating to traffic, the applicant has undertaken to provide the following additional information requested by the Shire as follows:
 - (a) Vehicle swept paths for trucks delivering equipment to be stored in the site; and
 - (b) Confirmation of maximum vehicle numbers accessing the site during the peak hour.
7. The applicant has received specialist advice from KCTT, Civil and Traffic Engineering consultants which confirms the ability of trucks to access the subject site. The swept path diagrams are enclosed with this correspondence for your consideration. The amended development plans have been updated to incorporate revised crossover details to accommodate truck access. Crossovers will be constructed in accordance with the Shire's specifications.
8. With respect to vehicle movements to and from the subject site we confirm vehicles and equipment will be transported to the site for long-term storage purposes only. The site will not be used as a depot for receiving vehicles on a regular basis.
9. Given the nature of the use the Applicant has advised the proposed development will not generate more than 10 vehicle trips in the peak hour. In accordance with the Western Australian Planning Commission's Transport Assessment Guidelines for individual developments an industrial use of this type is classified as having a low impact. A low impact development is not subject to an assessment. The use will not generate any significant traffic beyond the capacity of the current road network.

Amenity

10. To address the Shire's concerns regarding amenity relating to visual amenity and safety/security the development plans have been amended to incorporate the following:
 - (a) Hardstand storage areas fronting the primary street (Kalamunda Road) will be setback 15 metres in accordance with the setback for Light and General Industry of Table 2 of LPS3. The 15 metre setback to storage will ensure equipment or goods are not stored within the setback area.
 - (b) Filling 4.0m to the lot boundary fronting Kalamunda Road and Stirling Crescent to accommodate fencing, landscaping and perimeter access.

- (c) The addition of a 1.0m wide landscape strip along the Kalamunda Road and Stirling Crescent frontage to enhance the visual amenity of the proposed development. The landscaping will be planted and maintained to ensure the site remains visible from the public realm.
- (d) The installation of a chain link mesh fence (plastic coated) to the perimeter of the site to secure the property. This will restrict unauthorised access to the subject site and ensure the site remains visible from the public realm, thereby increasing passive the surveillance of the site.

Ground 1 – ‘Orderly and proper planning’

- 11. The subject site is capable of temporary development, for a time limited period of 5 years without prejudicing the future co-ordination of development that may be facilitated by the current or future (light Industry) planning framework. It is our opinion that 5 years is a reasonable timeframe to accommodate short-term planning and associated implementation measures such as a structure plan under the current zoning of Urban Development or the gazettal of a Light Industry zoning over the subject site.
- 12. The ANEF contours over the subject site make it difficult for any Residential objectives to be achieved on the subject site. Given the aircraft noise constraints, the use of the site for Light Industrial purposes is considered to meet the objective of land uses “for commercial and ***other uses*** normally associated with residential development” [emphasis added].
- 13. The proposed use is capable of approval under the current planning framework and is a permitted use under the Shire’s proposed Light Industry zoning. On that basis it does not pre-empt the outcome of Amendment 80. The proposed use is for a temporary 5-year approval which is required to cease if the future planning framework does not support the ongoing use. Given the aircraft noise constraints on the subject site it would be difficult to accept the temporary use would pre-empt future planning.

Ground 2 – Amendment 80

- 14. The Light Industry zoning proposed by Amendment 80 does not require a structure plan and will permit the development of individual sites. The proposed use is permitted under a Light Industry zone.
- 15. The temporary approval for 5 years will ensure that the development will not prejudice the development of the wider area should a structure plan be required, which it is not in a Light Industry zoning under LPS3.

CONCLUSION

The amended plans and information provided appropriately addresses the matters raised at mediation and reasons for refusal, as outlined in the Shire’s determination dated 10 December 2015. We look forward to the reconsideration of the application by the Shire.

Should you have any queries or require further clarification in regard to the above matter, please do not hesitate to contact the writer on 9227 7970.

Yours faithfully,


TAYNE EVERSHED
DIRECTOR

Encl: Amended plans
Swept path analysis

160722 1547 Letter to Respondent - Amended Plans

Attachment 3

Reconsideration of Proposed Hardstand and Temporary Storage – Lot 200 (584) Kalamunda Road, High Wycombe

Submission Table

Details		Comment	Staff Comment
1.	Sandra Dunne 39 Wem Mews High Wycombe WA 6057	<p>Objection</p> <p>a) Excess noise.</p> <p>b) Traffic impacts.</p> <p>c) Object to dust impacts.</p> <p>d) Odour impacts from heavy machinery.</p> <p>e) Kalamunda Road is the entry statement through High Wycombe and will look unsightly.</p> <p>f) The proposal is too close to residential areas.</p>	<p>a) Noise from traffic using the road system is exempt from the requirements of the <i>Environmental Protection (Noise) Regulations 1997</i>. In regard to noise within the site, it is expected that this would be limited to placing vehicles in a location for long term storage and would not result in ongoing, prolonged noise emissions.</p> <p>b) Given the nature of the use will not attract high levels of traffic, it is not considered that it will generate congestion.</p> <p>c) While it is noted that the initial site preparation and earth works will involve some dust, the ongoing use of the site should not result in undue levels of dust emissions. A condition has been included in the officer recommendation which requires the hardstand area to be sealed to the satisfaction of the Shire.</p> <p>d) Given the proposal is for storage, the site will not operate as a transport depot. While it is appreciated that vehicle fumes will be emitted from vehicles delivering goods to the site, the storage use itself will not regularly have vehicles running and causing odour issues for surrounding residents.</p> <p>e) Refer to the above officer comments regarding visual amenity.</p> <p>f) The site is located in an area that is considered to represent a logical expansion of light industrial land uses</p>

			given the proximity to airport land, strategic industrial areas, and access to key freight routes. A light industrial uses, by its very nature, should be relatively innocuous and should be able to coexist adjacent to residential areas. While it is considered that there will be a substantial change in the appearance of the subject site, the storage use is not considered to unduly impact on the amenity of the area.
2.	Louie Eric Carnicehhi 26 Hatch Court High Wycombe WA 6057	Non-Objection a) Where machinery is parked or moved the area should be sealed and dust suppressed. b) Suitable security fencing should be put in place.	a) This will be included as a condition in the event that the application is approved. b) This will be included as a condition in the event that the application is approved
3.	Peter Babarskas 37 Stirling Cres High Wycombe WA 6057	Objection a) There is already enough heavy traffic on Stirling Cres and Kalamunda Road. b) Close proximity to residential areas.	a) Kalamunda Road and Stirling Crescent are 'Network 1' roads under Main Roads' Restricted Access Vehicle (RAV) Network, which means that trucks with a length of 19m are generally permitted to use these roads, except where exemptions apply for 'low loader' vehicles. Conditions have been included in the officer recommendation which restrict the length and types of vehicles used at the property, except where specifically exempt under the Main Roads' RAV network. b) The site is located in an area that is considered to represent a logical expansion of light industrial land uses given the proximity to airport land, strategic industrial areas, and access to key freight routes. A light industrial uses, by its very nature, should be relatively innocuous and should be able to coexist adjacent to residential areas. While it is considered that there will be a

			substantial change in the appearance of the subject site, the storage use is not considered to unduly impact on the amenity of the area.
4.	Noel Hunt Unit 87/597 Kalamunda Road High Wycombe WA 6057	<p>Objection</p> <p>a) Development is out of character with surrounding area.</p> <p>b) Impact on visual amenity; Loss of rural look.</p> <p>c) Kalamunda Road is not capable of handling the extra movement of heavy mining equipment. Development would cause traffic congestion.</p> <p>d) Object to smell and noise pollution.</p> <p>e) Development would cause vermin and stray animals to come into area.</p>	<p>a) Refer to the above officer comments regarding visual amenity.</p> <p>b) Refer to the above officer comments regarding visual amenity.</p> <p>c) Kalamunda Road and Stirling Crescent are 'Network 1' roads under Main Roads' Restricted Access Vehicle (RAV) Network, which means that trucks with a length of 19m are generally permitted to use these roads, except where exemptions apply for 'low loader' vehicles. Conditions have been included in the officer recommendation which restrict the length and types of vehicles used at the property, except where specifically exempt under the Main Roads' RAV network.</p> <p>d) Given the proposal is for storage, the site will not operate as a transport depot. While it is appreciated that vehicle fumes will be emitted from vehicles delivering goods to the site, the storage use itself will not regularly have vehicles running and causing odour issues for surrounding residents. Noise from traffic using the road system is exempt from the requirements of the <i>Environmental Protection (Noise) Regulations 1997</i>. In regard to noise within the site, it is expected that this would be limited to placing vehicles in a location for long term storage and would not result in ongoing, prolonged noise emissions.</p> <p>e) There is no indication that the proposed use would attract additional levels of vermin and stray animals. Notwithstanding, the applicant/owner would be</p>

		f) Fencing and security lighting would detract from amenity of area.	required to comply with the Shire's Animal Nuisance Local Law 2011. f) Conditions are recommended to address this matter in the event that the application is approved.
5.	Tony Ovenell 37 Wem Mews High Wycombe WA 6057	Objection	Noted
6.	Dianne & Graeme Jackson 37/597 Kalamunda Road High Wycombe WA 6057	Objection a) Concerned with safety; Kalamunda Road is a busy Road and more vehicles would affect traffic in area. b) Unsightly vehicles would be a visual impact on the area. c) Further development will be detrimental to the water table.	a) Kalamunda Road and Stirling Crescent are 'Network 1' roads under Main Roads' Restricted Access Vehicle (RAV) Network, which means that trucks with a length of 19m are generally permitted to use these roads, except where exemptions apply for 'low loader' vehicles. Given the nature of the use will not attract high levels of traffic, it is not considered that it will generate congestion or undue safety impacts. b) Refer to the above officer comments regarding visual amenity. c) A condition has been included in the officer recommendation which requires the applicant dispose of stormwater to the satisfaction of the Shire. In this regard, the applicant will be required prepare a drainage plan for the hardstand area proposed.
7.	Mel & Alison Quinn 228/597 Kalamunda Road High Wycombe WA 6057	Objection a) Development would cause traffic congestion. b) The development will have an impact on the local water table.	a) Given the nature of the use will not attract high levels of traffic, it is not considered that it will generate congestion. b) A condition has been included in the officer recommendation which requires the applicant dispose of stormwater to the satisfaction of the Shire. In this

		<ul style="list-style-type: none"> c) There will be added noise and the possibility of large security lights impacting on the area. d) Impact of heavy vehicles on the wetlands in the area. 	<p>regard, the applicant will be required prepare a drainage plan for the hardstand area proposed.</p> <ul style="list-style-type: none"> c) Conditions are recommended to address this matter in the event that the application is approved. d) If this concern refers to run-off from the proposed hardstand, the applicant will be required to dispose of stormwater to the satisfaction of the Shire. In this regard, the applicant will be required prepare a drainage plan for the hardstand area proposed.
8.	Roslyn Savory & Adrian Magennis 222/597 Kalamunda Road High Wycombe WA 6057	<p>Objection</p> <ul style="list-style-type: none"> a) The development is out of character with lifestyle homes in the area. b) Increase of traffic coming and going on Kalamunda Road. c) Amenity of the lifestyle village will be affected by security lights. 	<ul style="list-style-type: none"> a) Refer to the above officer comments regarding visual amenity. b) Kalamunda Road and Stirling Crescent are 'Network 1' roads under Main Roads' Restricted Access Vehicle (RAV) Network, which means that trucks with a length of 19m are generally permitted to use these roads, except where exemptions apply for 'low loader' vehicles. Given the nature of the use will not attract high levels of traffic, it is not considered that it will generate congestion or undue safety impacts. c) Conditions are recommended to address this matter in the event that the application is approved.
9.	Carmela Izzard Address withheld	<p>Objection</p> <ul style="list-style-type: none"> a) Potential hazardous traffic conditions. 	<ul style="list-style-type: none"> a) Given the nature of the use will not attract high levels of traffic, it is not considered that it will generate congestion. In respect to safety, the Department of Planning have indicated that it has no objection to the use of an entry only crossover on Kalamunda Road. Furthermore, it is recommended that conditions be included in the officer recommendation which restrict

		<ul style="list-style-type: none"> b) The development will cause environmental pollution, visual pollution and noise pollution. c) The ingress and egress from the National Lifestyle Village will be compromised. 	<p>the size of vehicles accessing the site so as reduce potential safety issues with oversized vehicles.</p> <ul style="list-style-type: none"> b) Refer to the officer comment section of the report regarding these matters. c) The Department of Planning have indicated that it has no objection to the use of an entry only crossover on Kalamunda Road.
10.	Kaye Harnett 183/597 Kalamunda Road High Wycombe WA 6057	<p>Objection</p> <ul style="list-style-type: none"> a) Concerned about traffic congestion. b) Increases noise levels. c) Concerns about security. 	<ul style="list-style-type: none"> a) Given the nature of the use will not attract high levels of traffic, it is not considered that it will generate congestion. b) Noise from traffic using the road system is exempt from the requirements of the <i>Environmental Protection (Noise) Regulations 1997</i>. In regard to noise within the site, it is expected that this would be limited to placing vehicles in a location for long term storage and would not result in ongoing, prolonged noise emissions. c) The use would not be expected to attract additional anti-social behaviour to the area. Notwithstanding, the application does appropriately incorporate security fencing and lighting to secure the site.
11.	Ms Jacque Vandersluys 6 Acton link High Wycombe WA 6057	<p>Objection</p> <ul style="list-style-type: none"> a) Object to the increase in traffic. b) Trucks will cause noise and dust. 	<ul style="list-style-type: none"> a) Given the nature of the use will not attract high levels of traffic, it is not considered that it will generate congestion. b) In regard to noise within the site, it is expected that this would be limited to placing vehicles in a location for long term storage and would not result in ongoing, prolonged noise emissions. While it is noted that the initial site preparation and earth works will involve some dust, the ongoing use of the site should not result in undue levels

			of dust emissions. A condition has been included in the officer recommendation which requires the hardstand area to be sealed to the satisfaction of the Shire.
12.	Ms Sue Horne 40 Stirling Cres High Wycombe WA 6057	<p>Objection</p> <p>a) Object to increase in the number of trucks. Stirling Crescent is a residential area and trucks turning into Stirling Cres to Kalamunda Road will be dangerous.</p> <p>b) Noise pollution.</p>	<p>a) Kalamunda Road and Stirling Crescent are 'Network 1' roads under Main Roads' Restricted Access Vehicle (RAV) Network, which means that trucks with a length of 19m are generally permitted to use these roads, except where exemptions apply for 'low loader' vehicles. Conditions have been included in the officer recommendation which restrict the length and types of vehicles used at the property, except where specifically exempt under the Main Roads' RAV network.</p> <p>b) Noise from traffic using the road system is exempt from the requirements of the <i>Environmental Protection (Noise) Regulations 1997</i>. In regard to noise within the site, it is expected that this would be limited to placing vehicles in a location for long term storage and would not result in ongoing, prolonged noise emissions.</p>
13.	Rowe Group Level 3, 369 Newcastle Street Northbridge WA 6003	<p>Non-objection</p> <p>a) Allows the temporary use of the land in a manner that is consistent with the future light industry zoning of the subject site and surrounds.</p> <p>b) Provides for local employment opportunities.</p> <p>c) The use is compatible with the surrounding development, in particular, the Hazelmere Industrial area to the north of the subject area.</p>	Noted.

14.	Mr Peter Garner Jones 11 Yalinda Drive Gelorup WA 6230	Non-objection	Noted.
15.	Ms Laura Maxwell 37 Wem Mews High Wycombe WA 6057	Non-objection	Noted.
16.	Tony Ovenall 37 Wem Mews High Wycombe WA 6057	Non-objection	Noted.
17.	Mr & Mrs David Norman & Anita Dzintra Jones 29 Stirling Cres High Wycombe WA 6057	Non-objection	Noted.
18.	Miss Bronwyn Lea Jones PO Box 41 Derby WA 6728	Non-objection	Noted.
19.	V & G Pileggi 20 Stirling Crescent High Wycombe WA 6057	<p>Objection</p> <p>a) High quantities of diesel fumes from heavy equipment.</p> <p>b) Impact on residential area.</p>	<p>a) Given the proposal is for storage, the site will not operate as a transport depot. While it is appreciated that vehicle fumes will be emitted from vehicles delivering goods to the site, the storage use itself will not regularly have vehicles running and causing odour issues for surrounding residents.</p> <p>b) The site is located in an area that is considered to represent a logical expansion of light industrial land uses given the proximity to airport land, strategic industrial areas, and access to key freight routes. A light industrial uses, by its very nature, should be relatively innocuous</p>

		<ul style="list-style-type: none"> c) Visual impact of the proposal. d) Traffic issues and delay for local residents on Stirling Crescent. e) The exit crossover will make it impossible to exit the property at 20 Stirling Crescent. f) There are more suitable locations for this type of development. 	<p>and should be able to coexist adjacent to residential areas. While it is considered that there will be a substantial change in the appearance of the subject site, the storage use is not considered to unduly impact on the amenity of the area.</p> <ul style="list-style-type: none"> c) Refer to the officer comments section of the report regarding visual amenity. d) Given the nature of the use will not attract high levels of traffic, it is not considered that it will generate congestion. e) It is not expected that the exit crossover will carry large volumes of traffic, given the nature of the use. Therefore it is not considered that it will unduly interfere with access to 20 Stirling Crescent. f) This is not a valid consideration. The Shire is required to consider whether the particular proposal is appropriate for the particular site, not the suitability of other sites.
20.	C Hunter 4 Acton Link High Wycombe WA 6057	<p>Objection</p> <ul style="list-style-type: none"> a) The proposal is inconsistent with the residential zoning of the land. b) Traffic concerns. c) Additional dust from the proposed storage site. 	<ul style="list-style-type: none"> a) Noted. The <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> sets a framework for considering proposals where a structure plan has not been prepared. Regard has been given to the current (Residential) and proposed (Light Industry) zoning of the land. b) Given the nature of the use will not attract high levels of traffic, it is not considered that it will generate congestion. c) While it is noted that the initial site preparation and earth works will involve some dust, the ongoing use of the site should not result in undue levels of dust emissions. A condition has been included in the officer

		<p>d) Noise impacts.</p> <p>e) Drainage problems due to fill requirements.</p>	<p>recommendation which requires the hardstand area to be sealed to the satisfaction of the Shire.</p> <p>d) Noise from traffic using the road system is exempt from the requirements of the <i>Environmental Protection (Noise) Regulations 1997</i>. In regard to noise within the site, it is expected that this would be limited to placing vehicles in a location for long term storage and would not result in ongoing, prolonged noise emissions.</p> <p>e) A condition has been included in the officer recommendation which requires the applicant dispose of stormwater to the satisfaction of the Shire. In this regard, the applicant will be required prepare a drainage plan for the hardstand area proposed.</p>
21.	<p>K Burden 182/597 Kalamunda Road High Wycombe WA 6057</p>	<p>Objection</p> <p>a) Traffic concerns.</p> <p>b) Noise impacts.</p> <p>c) Visual amenity impacts.</p> <p>d) The proposal will impact on property values in the area.</p> <p>e) The proposal will attract anti-social behaviour.</p>	<p>a) Given the nature of the use will not attract high levels of traffic, it is not considered that it will generate congestion or safety issues.</p> <p>b) Noise from traffic using the road system is exempt from the requirements of the <i>Environmental Protection (Noise) Regulations 1997</i>. In regard to noise within the site, it is expected that this would be limited to placing vehicles in a location for long term storage and would not result in ongoing, prolonged noise emissions.</p> <p>c) Refer to the officer comments section of the report regarding visual amenity.</p> <p>d) This is not a relevant land use planning consideration.</p> <p>e) The use would not be expected to attract additional anti-social behaviour to the area. Notwithstanding, the application does appropriately incorporate security fencing and lighting to secure the site.</p>

22.	Perth Airport PO Box 6 Cloverdale WA 6985	Non-objection a) Any items which are higher than 25m above ground level requires consideration by the Perth Airport.	a) Noted. In the event that the application is approved, a condition will be included which restricts the height of storage, and the Shire will advise the applicant that any future structures on the land which exceed 25m above ground level will need to be considered by the Perth Airport.
23.	National Lifestyle Villages PO Box 6423 East Perth WA 6892	Objection a) The proposed entry to the site increases the risk of accidents in this location. b) Impact on the drainage system and high water table. c) The proposal is incompatible with the surrounding residential area.	a) Kalamunda Road and Stirling Crescent are 'Network 1' roads under Main Roads' Restricted Access Vehicle (RAV) Network, which means that trucks with a length of 19m are generally permitted to use these roads, except where exemptions apply for 'low loader' vehicles. Given the nature of the use will not attract high levels of traffic, it is not considered that it will generate congestion or safety issues. b) A condition has been included in the officer recommendation which requires the applicant dispose of stormwater to the satisfaction of the Shire. In this regard, the applicant will be required prepare a drainage plan for the hardstand area proposed. c) The site is located in an area that is considered to represent a logical expansion of light industrial land uses given the proximity to airport land, strategic industrial areas, and access to key freight routes. A light industrial uses, by its very nature, should be relatively innocuous and should be able to coexist adjacent to residential areas. While it is considered that there will be a substantial change in the appearance of the subject site, the storage use is not considered to unduly impact on the amenity of the residential area.

24.	Elaine Fay Address withheld	Objection a) Noise from heavy equipment. b) Traffic congestion and safety.	a) Noise from traffic using the road system is exempt from the requirements of the <i>Environmental Protection (Noise) Regulations 1997</i> . In regard to noise within the site, it is expected that this would be limited to placing vehicles in a location for long term storage and would not result in ongoing, prolonged noise emissions. b) Given the nature of the use will not attract high levels of traffic, it is not considered that it will generate congestion or safety issues.
25.	R Sharp 34 Stirling Crescent High Wycombe WA 6057	Objection a) Traffic impacts. b) Impact on property values in the area.	a) Given the nature of the use will not attract high levels of traffic, it is not considered that it will generate congestion or safety issues. b) This is not a relevant land use planning consideration.

9.0 MEETING CLOSED TO THE PUBLIC

9.1 Nil.

10.0 CLOSURE

10.1 There being no further business, the Presiding Member declared the meeting closed at 7.17pm.

I confirm these Minutes to be a true and accurate record of the proceedings of this Council.

Signed: _____
Presiding Member

Dated this _____ day of _____ 2016